



February 27, 2013

Filed Electronically

Mr. John Traversy  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario  
K1A 0N2

Dear Mr. Traversy:

**Re: Broadcasting Notice of Consultation CRTC 2013-19-1 and 2013-19, Item #13 and 30 – Application by ZoomerMedia Limited for an order for mandatory distribution of VisionTV on the digital basic service pursuant to section 9(1)(h) of the *Broadcasting Act* (Application 2012-0712-6) and application to renew the broadcasting licence for the national English-language specialty programming undertaking VisionTV (Application 2012-1190-4)**

### **Introduction**

1. The Writers Guild of Canada (the WGC) is the national association representing more than 2,200 professional screenwriters working in English-language film, television, radio, and digital media production in Canada. The WGC is actively involved in advocating for a strong and vibrant Canadian broadcasting system containing high-quality Canadian programming. While the WGC's mandate is to represent our members, in advocating a strong Canadian broadcasting system that offers Canadians a variety of programming, we also play a role in balancing competing interests in the broadcasting system.
2. The WGC conditionally supports the above-referenced applications, subject to the comments in this intervention. The WGC wishes to appear at the public hearing scheduled to commence on April 23, 2013 in order to further elaborate on the following issues from the perspective of English-language screenwriters.

### **VisionTV Makes a Significant and Unique Contribution to the Canadian Broadcasting System**

3. The WGC submits that VisionTV makes a significant and unique contribution to the Canadian broadcasting system that warrants renewal of its licence for a seven-year term and an order granting it mandatory distribution on the digital basic service pursuant to section 9(1)(h) of the *Broadcasting Act*.

4. We applaud VisionTV's efforts during the current licence term to support diverse screenwriters and diverse Canadian production. For example, in 2005-2006 VisionTV's Diverse TV Writing Competition and Training Program provided training and development for six screenwriters from across Canada, including two Aboriginal screenwriters. The WGC encourages VisionTV to continue to build on its past efforts to support diversity in screenwriting and Canadian production.
5. In addition to the leadership role VisionTV plays in promoting cultural diversity and providing diverse programming in the Canadian broadcasting system, in the 2010-2011 broadcast year the specialty TV channel spent \$13 million on Canadian programming, representing 110% of its annual subscriber revenue. This represents a significant contribution from a small independent broadcaster.
6. Should its applications be approved as filed, ZoomerMedia projects that about 75% of VisionTV's annual Canadian programming expenditures (CPE) in the new licence term will be directed to the acquisition and creation of programs of national interest, representing about \$9 million to \$11 million per year.
7. ZoomerMedia initially proposed a CPE level for VisionTV of 47% for the new licence term, which it called a status quo proposal. The WGC notes, however, that VisionTV's current CPE level is actually slightly higher than 47% (although the exact percentage is not clear to us) since specific amounts of the wholesale rate increase it received as part of its last licence renewal must go towards topping up its base 47% CPE level.
8. In response to a deficiency question from CRTC staff asking whether ZoomerMedia was seeking to adjust VisionTV's current CPE level downward to reflect the fact that Canada Media Fund top-up funding no longer counts towards a broadcaster's eligible CPE, ZoomerMedia proposed a revised CPE level for VisionTV of 39% of its previous year's gross revenue.
9. The WGC does not support the proposed lower CPE level. An order for mandatory distribution on the digital basic service pursuant to section 9(1)(h) of the *Broadcasting Act* is a privilege reserved for licensed Canadian programming services that make an exceptional contribution to the objectives of the Act, including the exhibition and creation of high levels of Canadian programming. In our view, a CPE level of 39% would hardly represent an exceptional contribution to the Canadian broadcasting system.
10. As a matter of principle, the WGC suggests that programming services seeking an order for mandatory distribution on the digital basic service pursuant to section 9(1)(h) of the Act should have a CPE level by condition of licence of no less than 50%. Accordingly, our support for ZoomerMedia's applications related to VisionTV are contingent on this requirement.

### **Conclusion**

11. The WGC supports the renewal of VisionTV's licence for a seven-year term and the broadcaster's request for an order for mandatory distribution on the digital basic service pursuant to section 9(1)(h) of the *Broadcasting Act*. VisionTV has

made, and continues to make, significant contributions to the Canadian broadcasting system that warrant approval of its applications, subject to our comments above related to VisionTV's required CPE level.

12. We thank the Commission for the opportunity to provide our comments related to VisionTV's applications, and look forward to elaborating on them at the public hearing.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Maureen Parker', with a stylized, cursive script.

Maureen Parker  
Executive Director

c.c.: National Council, WGC  
Monique Lafontaine, General Counsel & Vice-President Regulatory and Business  
Affairs, ZoomerMedia Limited

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