



November 13, 2012

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

Submitted via E-Pass

Dear Mr. Traversy,

**Re: Broadcasting Notice of Consultation 2012-560 – Application 2012-1233-1
Corus Entertainment Inc. (Corus) on behalf of OWN Inc. (OWN)**

1. The Writers Guild of Canada (the WGC) is the national association representing over 2000 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.
2. The WGC wishes to oppose Corus's proposals, as set out in the subject application, to bring OWN into compliance with its nature of service description. In our opinion, they push OWN further away from the educational genre it was licensed to serve and closer towards the lifestyle genre, where it looks more like its sister station, W Network, than other educational services. In doing so, OWN undermines the genre exclusivity policy and its two objectives: to provide Canadians with a diverse range of programming and to ensure the maximum contribution to the creation of Canadian programming. The WGC is concerned that OWN's non-compliance is part of a growing trend among programming services and urges the Commission to continue its efforts to enforce the policy.
3. Corus's continued insistence that OWN is in compliance cannot be squared with the fact that OWN's programming reflects its view that informal educational content mixed with entertainment is the most effective way to reach audiences.¹ With a schedule packed with home design, food and shopping programs, Corus has essentially abandoned its mission to provide formal educational content through a wide range of programming. And as the Commission points out, programs such as *The Cupcake Girls*, *The Judds* and *Don't Tell the Bride*

¹ DM#1681321 - 2012-1233-1 Appendix 1 OWN Supplementary Brief, p. 5.

indicate that OWN is more dedicated to the “enhancement programming” portion of its nature of service than to the educational component.²

4. In the WGC’s opinion, Corus’s proposed amendments to OWN would establish a number of precedents that would not only weaken the genre exclusivity policy but also those obligations to Canadian content which stem from its Category A designation. First of all, Corus eliminated from OWN’s narrative description, the requirement to offer a wide range of programming linked with adult education courses. Second, Corus removed the condition that at least 55% of programming during the broadcast day must be drawn from category 5(a) Formal Education and Pre-school. Third, Corus added category 7 Drama as well as the ability to draw up to 20% per broadcast year from this category, although the standard limitation is only 10% per broadcast month. These amendments would not only narrow and reduce the educational focus significantly, they would continue to morph the service until it is practically indistinguishable from a fully-fledged lifestyle service, such as W Network.
5. Furthermore, the WGC strongly opposes Corus’s plan to re-designate OWN as a Category B service rather than apply for a Category C licence as the Commission has recommended. The WGC believes that this would set a precedent whereby popular and profitable Category A services would simply apply en masse for re-designation as a Category B. This would enable them to avoid the more stringent Canadian programming obligations associated with a Category A licence while most likely enjoying the same levels of carriage. This is clearly Corus’s objective, as Corus is confident that the strength of the OWN brand would ensure its success.³ Consistent with this re-designation plan, Corus reduced exhibition levels to 35% of the broadcast year and evening from the existing 60% of the broadcast day and 50% of the broadcast evening. Corus also dropped Canadian programming expenditures to 16% from the existing 31%.
6. Also in adding category 7 Drama to its line-up, we strongly object to Corus using its educational status to do an end-run around the rule denying Category B services the ability to draw from all programming categories. Specifically, Corus argues that OWN would place Drama in an educational context, unlike other services.⁴ The combination of a lower commitment to Canadian content along with this requested increase in Drama would surely result in the airing of cheap US “educational” reruns such as *Hellcats*, for instance. When the Commission extended this condition to Category A services through Broadcasting Decision CRTC 2008-100, it was meant to provide them with added flexibility, albeit with

² CRTC Letter, June 22, 2012, para 4.

³ DM#1681321 – 2012-1233-1 Appendix 1 OWN Supplementary Brief, p. 2.

⁴ DM#1681321 – 2012-1233-1 Appendix 1 OWN Supplementary Brief, p. 9.

limitations that would ensure that they would maintain their distinctiveness⁵. The Commission was explicit in excluding Category B services from this new approach.

7. Corus clearly wants OWN to enjoy the lower obligations of a Category B licence along with the built-in subscriber-base and wide carriage it has gained from its Category A status. While the WGC wants services to be successful so that they can create more Canadian programming, we feel that the genre diversity policy would be better served if OWN either kept its Category A status as is or applied for a new Category C licence as the Commission originally requested.
8. If OWN is approved for a Category B licence, the WGC urges the Commission to consider that any service with more than 1 million subscribers that wishes to move from Category A to B should maintain its Canadian programming obligations. We are concerned that a slew of popular and profitable services that are confident of gaining wide carriage would run, not walk, over to a Category B designation which would significantly impact the creation of Canadian programming.
9. We thank you for this opportunity to provide you with our comments. We do not wish to appear at the public hearing scheduled to commence on December 11, 2012.

Yours very truly,



Kelly Lynne Ashton
Director of Policy

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⁵ Broadcasting Decision CRTC 2008-100, paras 278 and 280.