



Writers Guild of Canada

October 13, 2004

Ms. Diane Rhéaume

Secretary General

Canadian Radio-television and Telecommunications Commission

Ottawa, Ontario

K1A 0N2

Via e-mail: procedure@crtc.gc.ca

Dear Ms. Rhéaume,

Re: Broadcasting Public Notice CRTC 2004-53 – Call for Comments on the Review of the approach to assessing requests to add non-Canadian third-language services to the lists of eligible satellite services for distribution on a digital basis

1. The Writer's Guild of Canada (WGC) is the national association representing over 1,700 screenwriters working in film, television, radio and multimedia production in Canada. Screenwriters are the primary creators of Canadian productions; they are the authors of Canadian stories. The WGC is committed to building a vibrant industry showcasing Canadian imagination and talent.
2. For over sixty years, the WGC and its predecessor has negotiated collective agreements setting out minimum rates and terms for screenwriters with independent producers and broadcasters. The WGC has negotiated separate Independent Production Agreements with the Canadian Film and Television Production Association (CFTPA) and the Association des producteurs de films et de télévision du Québec (APFTQ) representing English and French language independent producers in Canada. The WGC also has agreements with CBC Radio, CBC-TV, CTV, the NFB and TVOntario.

A Member of the International Affiliation of Writers Guilds

366 Adelaide Street West
Suite 401
Toronto, Ontario M5V 1R9

Tel 416 979-7907
1-800-567-9974
Fax 416 979-9273
info@wgc.ca
www.wgc.ca

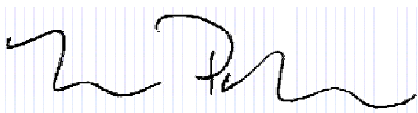
3. The CRTC is calling for comments to Public notice 2004-53 in response to requests for additions of non-Canadian third-language services (foreign third language services) to the digital lists. The CRTC is also seeking comments on how to improve access by Canadians to non-Canadian third-language programming, while continuing to foster Canadian third-language and other ethnic services, in accordance with the objectives set out in the *Broadcasting Act*.
4. While cultural diversity is important, the WGC believes that the wider issue of cultural sovereignty is the most pressing issue facing the CRTC at this time. By this we mean the pending CRTC policy process to support Canadian dramatic programming on television launched last year. The WGC urges the Commission to dedicate all resources to finalizing an effective policy to ensure that all Canadian broadcasters more fully support Canadian dramatic production in time for the next production year. We believe that the drama proceeding should take precedence over the CRTC Public Notice 2004-53 on non-Canadian third-language services. The Commission itself has stated that Canadian drama should be the cornerstone of our industry. Without a CRTC policy to support drama, we put our cultural identity in peril by risking the loss of our Canadian dramatic voice altogether.
5. The WGC supports cultural diverse projects created by Canadians for our audiences. While it is possible that the WGC will support the addition of non-Canadian third-language services to the lists of eligible satellite services for distribution on a digital basis, there are a lot of unanswered questions that we believe require further consideration.
6. Access to the Canadian broadcasting system can provide significant benefits to non-Canadian broadcasters, and in return, those broadcasters must support Canadian content and the wider Canadian broadcasting system. While most stakeholders and the CRTC will agree with this premise, the issue remains how to best devise a regulatory system that meets these goals.
7. It must be noted however that these services are different than non-Canadian English language services that may seek access to the Canadian market. The WGC thoroughly opposes any attempt to broaden this policy to allow a wider range of foreign services, such as HBO, Nickleodeon and the other US networks and specialty channels to gain access to Canadian audiences.
8. The WGC believes that the issue of access for non-Canadian third-language services is complex and deserves thorough deliberation facilitated by supporting data. For this reason we urge the CRTC to

- postpone any specific decisions on listing services until a regulatory framework for non-Canadian third language services is put in place.
9. The WGC calls on the CRTC to launch a public process to determine the most appropriate regulatory framework for these services. This should include stakeholder comments and detailed analysis regarding how non-Canadian third language services can best contribute to the promotion of cultural diversity and support Canadian content productions. Such a public process would provide the Commission with the necessary analysis and data to begin to formulate a regulatory framework that will promote cultural diversity and help strengthen the Canadian film and television production sector.
 10. The CRTC's public process on the regulatory framework for non-Canadian third-language services should include practical data to facilitate assessment of any proposed regulatory measures. The WGC asks that the CRTC provide data that includes, but is not limited, to:
 - examination of the impact of non-Canadian services on the broadcasting system and Canadian content,
 - financial and economic impact of the Lincoln Panels' recommendations,
 - analysis of market demand for third-language services,
 - the potential impact on the Canadian advertising market, and
 - the potential demand for Canadian content productions and impact on work opportunities for Canadian creators.
 11. The WGC has read the report of the Panel on Access to Third-Language Public Television Services¹ presented to Minister Frulla on September 27, 2004 and agrees in substance with its recommendations. The WGC specifically supports the Panel's recommendation that the Government of Canada adopts a policy for third language services which includes a regulatory framework for the broadcasting of third-language programs within Canada's broadcasting system. (Recommendation 1)
 12. The WGC also concurs with the panel that third-language services should make a contribution to the Canadian broadcasting system though conditions of licence on Canadian services such as those that regulate the Fairchild, ATN and Odyssey services. Where feasible, we also agree that the regulatory policy should give preference to non-Canadian services that enter into a partnership with Canadian broadcasters.
 13. Where such alliances are not feasible, and the CRTC is satisfied that the competition from a new service will not "cause some form of irreparable

¹ "Integration and Cultural Diversity: Report of the Panel on Access to Third-Language Public Television Services," presented to The Honourable Liza Frulla, Minister of Canadian Heritage by Clifford Lincoln, Roger Tasse and Anthony Ciabciotta, September 27, 2004.

- harm to an existing service,"² the WGC would support adding those services to the eligibility list, provided those services make a financial contribution to the Canadian broadcasting service.
14. However the WGC believes that third-language services that are added to the eligibility list should contribute at least a 30% of their revenues to a production fund. This contribution should be in addition to the existing requirements of the Canadian Television Fund.
 15. There is also a need to assess how any new service can best contribute to the development, production and broadcast of original Canadian drama. Third-language services may represent a growth opportunity for Canadian drama production but further data is needed to make this determination.
 16. The WGC appreciates the opportunity to comments in this process. We urge the Commission to hold a public process and a hearing to consider the full impact of these services and would be pleased to reply to any further questions raised by the Commission.
 17. All of which is respectfully submitted.

Sincerely,

A handwritten signature in black ink, appearing to read 'Maureen Parker', is written over a background of vertical blue lines.

Maureen Parker
Executive Director

cc. Rebecca Schechter, President, Writers Guild of Canada
Gail Martiri, Director of Policy, Writers Guild of Canada

² Ibid, page. 20.