



Writers Guild of Canada



September 12, 2005

Ms. Diane Rhéaume

Secretary General

Canadian Radio-television and Telecommunications Commission

Gatineau, Quebec

K1A 0N2

Dear Ms. Rhéaume,

Re: Application by the Ontario Educational Communications Authority (TV Ontario) to amend the licence of the English-language television programming undertaking CICA-TV Toronto, Broadcasting Public Notice CTRC 2005-80.

A. Introduction

1. The Directors Guild of Canada (DGC) and the Writers Guild of Canada (WGC) are writing to oppose the application by the Ontario Educational Communications Authority (TV Ontario) for a licence amendment reducing the minimum overall level of Canadian programming that it is required to broadcast each day on its English-language undertaking.
2. The Writers Guild of Canada is the national association representing 1,800 screenwriters working in English-language film, television, radio and new media production in Canada. The DGC is the national labour organisation representing key creative and logistical personnel in the film and television industries. Its membership includes over 3,800 individuals drawn from 47 different craft and occupational categories covering all areas of direction, production, editing and design of film and television programming in Canada. The following are our comments with respect to TV Ontario's application to reduce its Canadian programming obligations.
3. TV Ontario (TVO) plays an important role in the Canadian broadcasting system and has a challenging mandate that includes support for the education and training objectives of the Ontario government. As such, TVO provides educational programming that other broadcasters may not air for commercial reasons.
4. The Government of Ontario has established TVO as part of its Ministry of Training, Colleges and Universities, indicating that it is an important component of its education and



workforce development strategies. The Ontario government has acknowledged the need to foster life-long learning among its citizens in response to the challenges of competition in the global knowledge economy. It has also required TVO to provide programming in support of its school curriculum. The WGC and DGC believe that the broadcaster should be providing Canadian content educational programming to fulfil this mandate.

5. At the same time the government has reduced funding for its educational broadcaster, resulting in inadequate operational budgets for the network. This means that TVO must seek subscriber support and other sources of oversubscribed private funding to fulfil its CRTC conditions of licence and its mandate as an educational broadcaster.
6. This is the second time in less than five years that TVO has requested that the CRTC reduce its Canadian programming obligations. In its 2001 licence renewal application, TVO requested a reduced Canadian content obligation, from 70% to 65%, arguing this would allow the network greater flexibility in its programming budget, which would result in improved service quality. TVO stated that a reduced Canadian content requirement was also necessary for the network to remain operational in an increasingly competitive marketplace and to invest more in Canadian productions. The CRTC granted TVO the proposed reduction to its Canadian programming obligations in Decision CRTC 2001-38.
7. In this proceeding, the educational broadcaster has tabled the same arguments it advanced in its 2001 licence renewal to seek a further reduction of its Canadian content programming level from 65% to 60%.
8. TVO claims that it cannot afford to make some of the children's educational programs that it is required to air, and cannot buy them because they are not currently produced either in Canada or internationally. In order to have the financing to make these children's educational programs, TVO is asking the CRTC to allow it to reduce its support for Canadian productions by making and broadcasting fewer of them. The WGC and DGC find it unacceptable that TVO is proposing that it air less Canadian content in an attempt to provide the educational programming required under its mandate.
9. Clearly, the CRTC's decision to reduce TVO's Canadian programming obligations in 2001 did not resolve TVO's financial difficulties in making the programming it is mandated to air. The WGC and DGC do not believe that a further reduction will do so either. Moreover, we cannot see how TVO, as a public broadcaster, can adhere to the spirit and letter of its mandate by making and airing an ever-decreasing level of Canadian content programming.
10. It seems that the only solution to TVO's challenge in fulfilling its mandate to air quality educational programming is for it to gain a higher government funding allocation. However, if TVO is successful in achieving CRTC approval for a further reduction in its



Canadian programming obligations, it may create the illusion that it can resolve its budgetary dilemma and provide quality educational programming without receiving the funding it needs. Such a situation will not resolve TVO's challenges in meeting its mandate, and will make it less likely that the Ontario government will be persuaded to allocate adequate additional funding to its educational broadcaster. This would result in a worse situation for TVO. Moreover, popular support for using taxpayer funds to support the public broadcaster will likely erode if TVO fails to meet the public's expectation that it will provide appropriate levels of quality Canadian programming.

11. Broadcasters, whether public or private, should not be permitted to reduce their Canadian content programming obligations as a strategy to improve their financial position.
12. Therefore, the WGC and DGC recommend that TVO's Canadian content programming obligations be maintained at 65% of all programming aired on a daily basis.
13. We further urge that the Ontario government allocate adequate funding to TVO to fulfil its mandate and CRTC conditions of licence in the upcoming provincial budget. This will enable TVO to return to its past level of support for quality Canadian programming, which have included *Tales from the Longhouse*, *Zoobamafoo*, *The Toy Castle*, *Wondrous World of Greenthumb's Garden*, and *renegadepress.com*. TVO provides an important public service by making and airing high quality educational and other Canadian programming. It is unacceptable that the broadcaster must rely so heavily on uncertain subscriber support and appeal to the CRTC for a change in its conditions of licence in a quest to fulfil its mandate.

Yours Truly,

Pamela Brand
National Executive Director & CEO
Directors Guild of Canada

Maureen Parker
Executive Director
Writers Guild of Canada