



May 14, 2019

Filed Electronically

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

Dear Mr. Doucet:

**Re: Broadcasting Notice of Consultation CRTC 2019-90: *Call for comments on a new, annual digital media survey***

1. The Writers Guild of Canada (WGC) is the national association representing approximately 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.
2. The WGC supports the implementation of a new, annual digital media survey to be administered to all licensed Canadian broadcasting undertakings as part of the Commission's fall 2019 Annual Broadcasting Survey, and we applaud the Commission for taking this important step. The WGC agrees with the purpose of this survey, namely, to gather basic financial information on the digital media broadcasting activities of such undertakings that is necessary in order to gain a better understanding of those activities and of how they are changing in an increasingly digital environment.
3. As we have expressed in other proceedings,<sup>1</sup> regulatory tools like minimum obligations on Canadian programming expenditures (CPE) and programs of national interest (PNI) are essential to the support of Canadian programming, both within the traditional broadcasting sector and online. As the Commission itself noted in its report, *Harnessing Change: The Future of Programming Distribution in Canada*,<sup>2</sup> distribution and consumption is moving from traditional, regulated broadcast platforms to digital, online ones. It is a near-certainty that this move will continue over the short-to-medium term, with the great likelihood that a very significant portion—likely the majority, and perhaps the entirety—of programming distribution and consumption in Canada will exist primarily or solely on online platforms over the course of the next decade. Regulatory support of Canadian content must evolve with this reality. In this regard, the information that the Commission seeks in the new annual digital media survey will be critical.

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<sup>1</sup> E.g. Broadcasting Notice of Consultation CRTC 2017-359: *Call for comments on the Governor in Council's request for a report on future programming distribution models* (<https://www.wgc.ca/sites/default/files/resource/2019-01/WGCSBNC17.pdf>).

<sup>2</sup> <https://crtc.gc.ca/eng/publications/s15/>

4. The WGC supports the collection of the information to be sought by the Commission as set out in the Appendix to the Notice of Consultation: “Proposed Digital Media Survey Form”. Our primary proposal with respect to the form and content of the annual digital media survey is that “Canadian programming expenses” be further broken down to separately record spending on PNI, at the very least, and preferably by each programming category as set out in the Appendix to Broadcasting Regulatory Policy CRTC 2010-808.
5. Existing Commission policies recognize that different types of Canadian programming are and should be treated differently. PNI has been recognized insofar as there is “a continuing need for regulatory support for key genres of Canadian programming”.<sup>3</sup> Similarly, the Commission’s group-based licensing approach itself excludes national news and sports services from English-language “designated groups”, since those services do not require the same type of regulatory intervention.<sup>4</sup> These concerns are likely to extend to online platforms, since it is generally the nature of the programming itself that gives rise to them, and not the nature of the platform, necessarily. Canadian drama programming will remain expensive, risky, and difficult to finance whether it’s on a traditional broadcast platform or an online platform; national sports programming will likely remain lucrative whether it’s on a BDU-carried sports channel or an OTT sports platform like DAZN.<sup>5</sup> These distinctions should be reflected in the annual digital media survey, preferably by requiring expenses for Canadian programming to be broken out by programming category.
6. The WGC would also support expanding this survey to all digital media broadcasting undertakings that serve a significant number of Canadians and/or derive significant revenues from the Canadian market, whether they are associated with a licensed broadcasting undertakings or not. The Commission already has the authority to request such information pursuant to Broadcasting Order CRTC 2012-409: *Amendments to the Exemption order for new media broadcasting undertakings*, known as the *Exemption order for digital media broadcasting undertakings*. Information with respect to services like Netflix, Amazon Prime, CBS All Access, and others, are also crucial to understanding the contemporary broadcasting system in Canada.
7. The WGC is pleased to provide comments in this proceeding, and we thank the Commission for the opportunity to do so.

Yours very truly,



Maureen Parker  
Executive Director

c.c.: Council, WGC

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<sup>3</sup> Broadcasting Regulatory Policy CRTC 2010-167: *A group-based approach to the licensing of private television services*, para. 71.

<sup>4</sup> Broadcasting Regulatory Policy CRTC 2010-167: *A group-based approach to the licensing of private television services*, paras. 120-121.

<sup>5</sup> <https://watch.dazn.com/en-CA/sports/>

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