



March 1, 2021

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 2019-379-6 and CRTC 2019-379-7: Canadian Broadcasting Corporation/Société Radio-Canada – Licence Renewal – Additional process in regard to the licence renewal applications for the Corporation’s English- and French-language audio and audiovisual programming services

1. The Writers Guild of Canada (WGC) is the national association representing approximately 2,400 professional screenwriters working in English-language film, television, radio, and digital media production in Canada. We are pleased to provide our final written submissions in this proceeding. We confine our comments to the Canadian Broadcasting Corporation/Société Radio-Canada’s English-language services, and in particular its audiovisual services.

CROSS-PLATFORM REGULATION

The CBC’s exhibition-based cross-platform proposal remains inappropriate

2. Having followed the comments of the CBC and other intervenors at the public hearing, and having reviewed the undertakings filed by the CBC, the WGC remains of the view that the exhibition-based cross-platform proposal of the CBC is not the appropriate way to ensure that the public broadcaster’s programming best serves Canadians in the digital age. The CBC has described its proposal as a “bridge to the future”,¹ but we submit that the future will not consist of taking television-specific regulatory concepts, such as linear exhibition in prime time, and copy-pasting them onto a digital, on-demand reality. Rather, expenditure requirements remain a much better fit for this new, on-demand world.
3. To be clear, the WGC’s opposition to the CBC’s cross-platform proposal is *not* opposition to the CBC’s presence on digital. The WGC agrees that the future lies largely online, and the CBC should be there.

¹ Transcript, para. 56.

We submit, however, that the regulatory framework for the CBC does not need to be changed in the way the CBC proposes in order to do that, and this is effectively proven by the fact that the CBC *is in digital now*. The CBC has claimed that “the money follows the regulation”,² but this is a concerning statement from a public broadcaster, particularly one which also claims that its mandate guides its decisions as much as, if not more than, regulatory requirements.³

4. The WGC still fails to see how or why the CBC’s proposals are somehow necessary for it to make the appropriate investments in high-quality programs of national interest (PNI) for traditional television, or online, or both. The CBC does not have a “linear expenditure requirement”, and its current exhibition requirement for television PNI in prime time is *not* an original, first-run (OFR) requirement. It is unclear why the CBC could not, under the existing regulatory framework, commission “serialized binge-worthy shows that you might see on a Netflix or an HBO” of the kind it says it wants for its Gem platform,⁴ while at the same time meeting its 9-hour weekly prime time PNI obligation through a mix of first-run and reruns, as it does now. It is also unclear why a “Gem Original” couldn’t also find its way into the CBC’s television schedule on the main network and be counted there too under existing regulation.⁵ Even if the CBC believed that Gem was the best home of such a program, we’re aware of no reason why it couldn’t also put it on TV if PNI hours had to be met for regulatory reasons. There should be little-to-no incentive for the CBC to seek “Gem exclusives” because, as a public broadcaster, it should want to make its programming as widely available to Canadians as possible, including on television. Simply put, the CBC has not identified a regulatory problem in need of solution.
5. On the contrary, despite the comments of the CBC in this proceeding, the WGC is still deeply concerned about the public broadcaster, faced with continuing revenue challenges, pursuing a “Micro-Budget Strategy” for online by way of its cross-platform proposals, which would allow it to generate a significant amount of exhibition hours on Gem while spending less on shorter and/or cheaper programming for that platform. The CBC has frankly been inconsistent about whether it sees Gem to be competitive with the likes of Netflix⁶ or not,⁷ but it does seem clear that the CBC/Radio-Canada is considering short-form content for its streaming services,⁸ and such content may indeed be low- or micro-budgeted content. As we stated in our initial written submission, the WGC’s anecdotal experience has been that there is a preference for shorter-form, lower-budget programming on Gem, with larger-budget, half-hour and one-hour “prestige” programming more often provided on the CBC television network. The Canadian Media Producers Association (CMPA) made the same observation at the hearing.⁹ The CBC is in the position to dispel these concerns by providing the data, which they undoubtedly already have, on average budgets per hour for content on the CBC network versus that on Gem.¹⁰ They have chosen not to do so to date. Moreover, in response to Undertaking #58, it is stated

² Transcript, para. 13419.

³ E.g. Transcript, para. 149.

⁴ Transcript, para. 13610.

⁵ Also see our comments below regarding “double counting”.

⁶ Transcript, para. 13435.

⁷ Transcript, para. 4899.

⁸ Transcript, para. 13436.

⁹ Transcript, paras. 12226, 12241.

¹⁰ Taking the total, aggregated budgets for programming targeted to Gem, and dividing that by the number of hours of that programming, would give a number for average costs per hour. The same exercise could be done for the programming targeted to the CBC network in prime time, and the two numbers could be compared against each other. This is data that the CBC is in the best position to provide.

that, “CBC/Radio-Canada would expect that the financial resources moving from the regulated system to the unregulated system would be up to 10% of its annual PNI budget on conventional television,” under its proposal.¹¹ While the interaction between (non-OFR) exhibition requirements and spending may be complex, it’s notable that up to 22% of its hours¹² moving from television to digital—or a total of up to 30% of hours being online¹³—results in only 10% or less of the money doing so according to the CBC. This, combined with everything we have seen and heard in this proceeding, including the additional data provided last summer,¹⁴ continues to suggest a worrying turn to low-budget content.

“Double counting” of cross-platform hours remains unclear

6. During the hearing, the CBC executives stated that the cross-platform exhibition proposal would not result in “double counting” of hours on both traditional television and online,¹⁵ and that this would “go both ways” as between the two platforms.¹⁶
7. The WGC did not share this understanding based on the specific conditions of licence and expectations that the CBC had proposed, and said so at the hearing. Commissioner Lafontaine very helpfully suggested that it may be set out in the summary of the CBC’s proposed conditions and expectations, under the definition of “broadcast”, as part of one of the proposed expectations. The WGC was pleased to take a second look at this, and understands it to be the following from the document titled, “Television Services – Conditions of Licence, As per CRTC 2013-263, Appendix 3”:

New

The Commission expects the licensee to broadcast at least 10 hours per week of PNI on either the network or on digital platforms owned and operated by the licensee.

The Commission expects the licensee to broadcast at least 80 hours of original programming for children and youth per year either on the network or on digital platforms owned and operated by the licensee. ...

For the purposes of the above expectations “broadcast” in respect of a digital platform means making a program available via that platform provided that the program is an original, first-run program in the case of PNI or children’s and youth programming and that, in the case of local programming, it is distinct from local programming broadcast by the station during that week.¹⁷

8. If this is the correct language to reference, then we’re afraid it still does not fully and accurately reflect the statements made at the public hearing. For one thing, the definition of “broadcast” above appears to *only* refer to “broadcast” *on a digital platform*. As such, if “original, first-run” in this expectation

¹¹ DM#3983745 - CBCSRC - Réponses aux Engagements - 8 février 2021, pg. 13.

¹² I.e. A reduction of weekly exhibition hours from 9 to 7 is a reduction of 2 hours, and 2 hours is 22% of 9 hours.

¹³ 3 hours is 30% of 10 hours.

¹⁴ See WGC’s written submission pursuant to Broadcasting Notice of Consultation CRTC 2019-379-3.

¹⁵ Transcript, paras. 255-256.

¹⁶ Transcript, para. 2910.

¹⁷ DM#3720741 - InfoSupp-AddInfo - 30 September 2019 - 2019-0282-5_APP_CBC-SRC_TV_Q100_List_of_COLs_etc_EN, pg. 16-17.

means that an hour of programming has not appeared on that platform before, then this clause *would* seem to prevent double-counting when a program first aired on CBC TV is placed on Gem, but would *not* seem to prevent double-counting for the *opposite* situation, in which a program first released on Gem is then aired on CBC TV, since the expectation refers to digital platforms only.

9. Secondly, and perhaps more importantly, “original, first-run” is not defined in this expectation, so it’s unclear if the above assumption is even correct in the first place. We are aware that the CBC has proposed the following, as a condition of licence, in the same summary document:

New

By 30 November of each year, the licensee shall provide a report, in a form acceptable to the Commission, reporting the number of hours of original, first-run Canadian programs broadcast by the network during the broadcast year.

For the purposes of this condition of licence, CBC/Radio-Canada may designate a Canadian program as “original, first-run” if the program has not previously been made available by any other Canadian broadcasting undertaking to the public anywhere in Canada either by means of a linear broadcast or on an on-demand basis, provided that if CBC/Radio-Canada contributed to a program’s production financing with third parties, it can be counted as “original, first-run” even if the third parties who contributed to its financing made it available on their platforms before it is made available on a CBC/Radio-Canada platform.

In the event a program is made available by CBC/Radio-Canada on both a network and one or more of its digital platforms, CBC/Radio-Canada may choose which broadcast to designate as the “original, first-run” broadcast.¹⁸

10. Firstly, this definition of “original, first-run” expressly applies “for the purposes of this condition of licence,” which is about a reporting obligation, and therefore presumably does *not* apply for any other condition of licence or expectation, including exhibition obligations. On its face, then, this definition does not apply to the CBC’s 10-hour cross-platform PNI expectation, and 80-hour cross-platform children’s & youth expectation, and therefore does not clearly speak to the “double counting” issue.
11. Moreover, as described separately below, the CBC’s proposed OFR definition states that, “CBC/Radio-Canada may designate a Canadian program as ‘original, first-run’ if the program has not previously been made available by any other Canadian broadcasting undertaking.” Any *other* Canadian broadcasting undertaking presumably means other than the CBC itself. The definition therefore appears to mean that the CBC’s own programming, whether presented on multiple CBC platforms or not, always counts as “original, first-run”.
12. This may not be the actual intention of the CBC, given the final quoted paragraph from the CBC’s proposed condition of licence, which says the CBC may choose which broadcast to designate as OFR when a program is made available on both TV and digital, as well as the CBC’s statements at the hearing. The wording the CBC proposes form part of its broadcast licence, however, if it is to form any part of the new licence (which, again, we do not support), appears in need of clarification.

¹⁸ #3720741 - InfoSupp-AddInfo - 30 September 2019 - 2019-0282-5_APP_CBC-SRC_TV_Q100_List_of_COLs_etc_EN, pg. 1-2.

The CBC's definition of "original, first-run" is problematic

13. As noted above, and separate and apart from the issue of "double counting" across platforms, the CBC's proposed definition of "original, first-run" is problematic because it only excludes programs first aired by *other* broadcasters, and therefore presumably includes reruns of programs originally aired by the CBC itself. This is not consistent with any commonly accepted definition of OFR, and can be contrasted with the definition of "original Canadian programming" in condition of licence #20 currently applicable to the CBC's English-language conventional television [emphasis added]:

...For the purposes of this condition, "original Canadian programming" means:

(i) a Canadian program that, at the time of its broadcast by the licensee, has not been previously broadcast by the licensee or by any other licensee; or...¹⁹

14. In addition, we note that the CBC's proposed condition of licence is confusingly worded, because it says it "may designate a Canadian program as 'original, first-run' if the program has not previously been made available...", when it is not really *programs* that are OFR or not, but *airings* or *broadcasts* that are. A program airing is OFR the first time that program is aired. That very same program is no longer OFR the next time—the next time, it is a rerun. It is therefore confusing to refer to designating "programs" as one or the other in this context (though we recognize the legitimate use of the word "program" generally in relation to exhibition—here it is the context that makes it confusing).

15. Finally, we note in passing that at the hearing, Ms. Williams suggested that PNI is original, first-run "by definition", and "it's all first-run," even while also acknowledging that CBC does repeat PNI.²⁰ For clarity, all PNI is not OFR, by definition or otherwise. Only the first airing is OFR, and neither the CBC's current nor proposed PNI exhibition requirements are OFR requirements.

Oppose CBC proposal for cross-platform expenditure requirements

16. In its February 3, 2021 response to undertakings, the CBC proposed a cross-platform expenditure requirement at the request of the Commission, which included two elements: new concepts and definitions for a cross-platform Canadian programming expenditure (XCPE) and programs contributing to shared national consciousness (PCSNC); and, that the relevant spending be measured as a percentage of total programming expenditures (TPE) of CBC and Radio-Canada, respectively.²¹

17. On the former, there is no need to create entirely new concepts to replace Canadian programming expenditures (CPE) or PNI. With respect to "XCPE", this appears to combine both audio and audio-visual programming together, and is objectionable on this basis alone fails to deal with the specific nature and issues that relate to the two types of programming. Television and radio have markedly different regulatory frameworks now, for good reason, and the CBC does not explain how or why both programming types should be combined now. "PCSNC" is even less clear to us, and the CBC provides no definition beyond the words making up the label. Critically, if "XCPE" and/or "PCSNC" are meant

¹⁹ Appendix 3 to Broadcasting Decision CRTC 2013-263.

²⁰ Transcript, paras. 3017-3019.

²¹ DM#3981695 - CBCSRC - Responses to Undertakings-3 February 2021, paras. 11-15.

to replace PNI, such that there would be no PNI expenditure (or exhibition) requirements for the public broadcaster, then the WGC is especially concerned. PNI refers to specific types of programming that the Commission has long recognized as being expensive and difficult to produce, yet are central vehicles for communicating Canadian stories and values.²² It is the particular nature of these genres—drama and documentary, specifically—which gives PNI these characteristics. Drama and documentary continue to require targeted regulatory support, now more than ever, so PNI remains a crucial concept. It cannot be replaced by “programs contributing to shared national consciousness” which, as far as we can tell, could refer to a vast array of programming, potentially in every CRTC-recognized genre. Moreover, we see no need for the direct link to the Act that the CBC makes in creating these concepts—CPE and PNI already relate to those objectives, among others.

18. As stated previously, the WGC believes that expenditure requirements are the best way to provide regulatory benchmarks and support for Canadian content online, including for CBC, but applying them at this time may be premature given the recent introduction of Bill C-10. Just as importantly, however, we now find ourselves at our final opportunity to comment in this proceeding yet we still fundamentally lack the information upon which we could feel comfortable proposing substantive expenditure requirements. The notion of expenditures as a percentage of total programming expenditures (TPE) is a new one, first introduced by the CBC in the undertakings phase, and contrasts with CPE and PNI expenditure requirements for private broadcasters calculated on gross revenues.²³ In addition, the CBC has not provided any specific spending levels with respect to these proposals, nor any calculation methodology. We now lack both the information and the time necessary to feel comfortable making concrete expenditure proposals, and this is due in no small part to the actions of the CBC itself, which we submit has been less than candid and forthcoming in its responses to legitimate questions and requests by both intervenors and the Commission.
19. As such, we find ourselves in a position of being deeply frustrated with the CBC’s lack of candor in this proceeding, and all we feel we can do now with respect to specific cross-platform expenditure requirements is reiterate our statements at the public hearing that we should not be in this position in 3-5 years. We should not be at the CBC’s next licence renewal still seeking to understand the CBC’s activities online, in terms of data or otherwise. We submit that among the Commission’s top priorities at this point should be ensuring that the collection and reporting of such data going forward is robust, and our comments later in this submission will hopefully be helpful in that respect.

An ad-free CBC would be a double-edged sword, and should not be pursued without replacement revenues

20. Several intervenors argued in favour of the CBC being required to forgo advertising revenue in order to focus its efforts on true public-service broadcasting, and some used the precedent of CBC radio.²⁴
21. While the WGC agrees that an ad-free CBC would be ideal, to separate the public broadcaster from commercially-driven concerns, we cannot ignore the revenue loss that would mean. The CBC’s

²² Broadcasting Regulatory Policy CRTC 2010-167: *A group-based approach to the licensing of private television services*, para. 71.

²³ Broadcasting Decision CRTC 2011-441: *Group-based licence renewals for English-language television groups – Introductory decision*.

²⁴ Transcript, paras. 6177, 9101-9102.

English-language ad revenue on conventional television for 2020 was \$71.7 million, and total ad revenues for conventional and discretionary television, English and French combined, was \$201 million that year.²⁵ These are significant revenues. Moreover, the example of radio cannot be compared to television given, among other things, the vastly higher production costs of the latter. Television drama costs millions of dollars per hour to produce, which is many times higher than any radio programming we're aware of. An ad-free CBC would be great, but we should not seek to ignore the real financial impacts that would have, nor apply radio as a model for TV.

DATA, REPORTING, AND MEASUREMENT ISSUES

22. As we stated at the hearing, the WGC believes that the regulatory bridge to the future for the CBC will be built on good data, particularly with respect to its actual and potential activities online. To that end, we are pleased to provide our further thoughts on this subject. After some consideration, we have decided not to propose a complete set of data templates, partly due to the limitation of space, and partly because, as discussed in further detail below, we believe effective templates already exist, and the guiding principles of reporting may ultimately be more important at this stage.

Guiding Principles

23. As we stated at the hearing, the WGC believes that the following principles can help guide the Commission in setting reporting requirements for the CBC:

- **Disaggregation.** Data should generally be as disaggregated as possible, so that the public can meaningfully understand it in a detailed and nuanced manner. This should include the following, where applicable: Language of service/programming (English, French, Indigenous, and other languages); Programming versus non-programming expenses; Audio-visual versus audio-only programming; Canadian versus non-Canadian programming; Programming by programming category/genre; and, Exhibition platform (TV versus digital, digital-platform specifics, TV prime time versus non-prime time when relevant, and OFR versus non-OFR).
- **Don't tie reporting exclusively to regulatory compliance.** Contrary to what the CBC has at various times suggested,²⁶ data are valuable to the Canadian public regardless of whether or not it is used to measure the CBC's compliance with regulatory obligations. If certain data helps the public and/or the Commission better understand the CBC's activities, and/or identify where additional regulatory measures may be necessary, then the simple fact that there is no existing regulatory obligation in that respect should not be a bar to tracking and publicly reporting it.
- **Overlap/redundancy is okay.** It should not be problematic for the same piece of data to be presented by the CBC in multiple reports. It can be challenging for stakeholders to find relevant information when different data are found in different reports in different places. The resources spent by the CBC in reporting should primarily relate to *creation* of the data, and merely presenting that same data, once created, in multiple reports, should consume little-to-no additional, incremental resources, and therefore should not be an undue burden to the CBC. We do not mean to suggest that *all* data should be "everywhere", but rather that mere redundancy alone should not be an argument against providing data where it would otherwise be appropriate.

²⁵ Aggregate Annual Returns.

²⁶ E.g. DM#3981695 - CBCSRC - Responses to Undertakings-3 February 2021, paras. 19-20.

- **Commercial/competitive issues cannot override public accountability and transparency.** The national public broadcaster is fundamentally a public service with a unique mandate, whose competitiveness with private broadcasters is secondary, at best, to that mandate. Any claim of confidentiality for commercial/competitive reasons should bear a high burden of proof, with the onus squarely on the CBC to demonstrate. This should include detailed specifics about the alleged harm from disclosure. This burden should be higher than that applied to private entities.
- **Timeliness.** The CBC should report on relevant metrics regularly, and at least annually. Important data should not be available to the public only at licence renewal hearings, once every 5-7 years.

The Production Report

24. As we stated in our initial written submission to this proceeding, the WGC submits that the CBC should be required to complete and file the Production Report, as set out in Broadcasting Information Bulletin CRTC 2019-304. Further, as an added component to this report, we submit that the CBC should provide information on Canadians occupying the roles of: Producer (#), Director (#), Showrunner (#) (if applicable), Writer (#), Cinematographer (#), Editor (#), First Lead Performer (Y/N), and Second Lead Performer (Y/N). For clarity, this is the same information currently reported in the Production Report for “Women occupying the role of”, as set out in Appendix 6—we simply propose the same information also be provided for “Canadians occupying the role of”.

Measuring on-demand content by duration (hours) remains better than by title

25. The Commission asked the CBC to comment by way of undertaking on the imposition of a method for counting PNI on digital platforms that is similar to how the Commission measures requirements for licensed on-demand undertakings, by reference to program titles rather than hours.²⁷ The Commission also asked this question to some interveners and received a positive response.²⁸

26. The WGC disagrees with the notion of measuring PNI, or any other type of audio-visual programming on digital platforms, by reference to titles rather than hours. Program duration continues to be meaningful and relevant in the measurement of the quantity of programming. A title-based approach would presumably treat a 120-minute feature film and a 12-minute short as the same—i.e. as one single title. Yet the nature and value of the two types of programming would be markedly different. On-demand undertakings were initially licensed at a time when such services largely offered only feature films, as an analog to home video rental, at which point a reference to titles may have made sense. That is no longer the case, and given our concerns about short-form and micro-budget content, as expressed above, we do not believe a measurement framework that does not reflect program duration would be appropriate. We submit that counting hours of programming remains just as relevant to an on-demand environment, Internet-based or not, as it does to a linear one.

Canadian programming expenses online: Exclude platform costs

27. At the hearing, Commissioner Barin asked us for additional detail on, among other things, programming versus non-programming expenses on digital platforms.²⁹ In terms of programming

²⁷ Transcript, para. 13291.

²⁸ E.g. Transcript, paras. 6292-6293.

²⁹ Transcript, para. 10782.

costs, we believe these to be fairly well-established and recognized under current reporting to the Commission, and reflected in the costs in the Telefilm Canada Standard Budget Template, which is standard in the industry.³⁰

28. In terms of non-programming costs, we believe they would include: computer programming/coding, interface design, search algorithm design, data/audience analytics, or other technical costs for the development and maintenance of websites and/or streaming platforms themselves; bandwidth costs related to the server, hosting, content delivery network (CDN) and traffic on their websites and/or platforms; software purchase or subscription costs; shares of corporate overhead shared with other, non-content-production activities; and, development and creation of interactive digital media (IDM), such as videogames or other applications. Some of these costs would be analogous to certain broadcasting costs that have never been considered legitimate Canadian programming expenditures. For example, costs related to a CDN, or hosting and maintaining a website or streaming platform, could be seen as analogous to maintaining over-the-air broadcast transmitters, or other transmission or distribution infrastructure, that is necessary to facilitate program transmission and distribution, but does not relate to program production itself.
29. We would further note that it is not hypothetical that broadcasters might seek to include such costs as “programming costs”. In Broadcasting Notice of Consultation CRTC 2019-91: *Call for comments on the Commission’s policy on Canadian programming expenditures*, Blue Ant Media Inc. expressly proposed that “digital programming expenditures should include the costs of developing and maintaining the relevant platforms.”³¹ As we said there, we disagree that such costs should be considered Canadian programming expenditures on digital platforms. In general, we believe that the comments in that proceeding on CPE on digital platforms are relevant and instructive in this one.

Measuring Canadian programming expenditures on digital platforms: Apply the Aggregate Annual Returns

30. As we have stated throughout this proceeding, expenditures on Canadian programming remain the best metric to measure—and, ultimately, to regulate—with respect to Canadian content on digital platforms, whether for the CBC or otherwise. To this end, we would propose that CBC Gem and ICI Tou.TV, as the CBC’s stated sole destinations for non-news audio-visual programming like PNI, be required to report using the Aggregate Annual Returns form currently applicable to the CBC’s conventional TV network, as well as other broadcasters, under Broadcasting Regulatory Policy CRTC 2009-560. This form already includes most, if not all, relevant expenditure and other financial information, including spending on Canadian versus non-Canadian programming, spending by programming category, and development spending. To be clear, such a return should be completed and filed for *each* of CBC Gem and ICI Tou.TV (so as not to combine English and French services). It may be necessary to tweak the template to be entirely applicable to online platforms, however the WGC believes that the majority of the form is relevant, and as with existing reporting, any genuinely inapplicable fields can simply be left blank.

³⁰ <https://cmf-fmc.ca/document/budget/>

³¹ Submission of Blue Ant Media Inc. to Broadcasting Notice of Consultation CRTC 2019-91, para. A5.

Exhibition of, and Audience Viewership to, Canadian programming

31. Even with the paramount importance of measuring and ultimately regulating expenditures on Canadian programming, having data on exhibition of such programming is also vital. Money spent on Canadian programming must ultimately result in content that is made available to Canadians, and Canadians should be able to understand how many hours those expenditures resulted in and on which platforms. As such, we submit that, independent of substantive regulation in this area, the Commission should require the CBC to report on hours commissioned by language and programming category, and on which platform(s) they were presented. This should include whether they were presented in prime time (if on TV), and which hours were OFR hours. If provided on demand, we should know the date they were added to the catalogue and for how long they are/were available. We should be able to understand how much money the CBC has expended *per hour* of programming, so as to be able to understand whether the CBC is spending large amounts on a few, “tentpole” productions, small amounts on many low-budget productions, or somewhere in between. And we should have audience data so we understand how many Canadians are actually viewing the content.

Script and concept development

32. The WGC provided its comments on the question of errors in the CBC’s (and other broadcasters’) Aggregate Annual Returns with respect to Script and Concept Development, at paragraphs 58-61 of our initial written submission in this proceeding.

33. With respect to the question of Commissioner Barin on whether the issue may be one of definitions,³² we don’t believe that to be the case. We believe that the notion of script and concept development should be well understood in the industry, as a stage that generally occurs before production and involves primarily, if not exclusively, writing work done by screenwriters. We are not aware of any definitional confusion in this respect, and certainly none that could reasonably result in the apparent omissions we have seen in the Aggregate Annual Returns.

Concluding Remarks

34. The WGC thanks the Commission for the opportunity to provide these written comments.

Yours very truly,



Maureen Parker
Executive Director

c.c.: Council, WGC
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³² Transcript, paras. 10781-10782.

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