



September 13, 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 2021-281: Notice of hearing re: application by Rogers Communications Inc. (Rogers), on behalf of Shaw Communications Inc. (Shaw), for Rogers to acquire all of the issued and outstanding shares of Shaw and the authority for Rogers to operate various licensed broadcasting distribution undertakings (BDUs) currently owned by Shaw in British Columbia, Alberta, Saskatchewan and Manitoba, the national direct-to-home (DTH) satellite distribution undertaking Shaw Direct, the national satellite relay distribution undertaking (SRDU) Shaw Broadcast Services, and the DTH programming service known as Shaw Pay-Per-View**

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. The WGC is actively involved in advocating for a strong and vibrant Canadian broadcasting system containing high-quality Canadian programming.
2. Due to the nature of our membership, the WGC is limiting its comments to the following subjects.

**Certified independent production funds (CIPFs)**

3. As stated in the Notice of Consultation for this proceeding:

Should the transaction be approved, the Commission may wish to consider the impact of the contributions currently made by Shaw to the Shaw Rocket Fund, as well as those contributions made by Rogers to CIPFs. The Commission may also wish to discuss the impact of Rogers's proposal that the contributions it would continue to make to the Shaw Rocket Fund, on the one hand, and to the Rogers funds, on the other, would be combined, with the amount of the contributions being split evenly between the two sets of funds, which would include support for Canadian programming directed at children and youth.

4. Canadian programming for children and youth is amongst the most important programming categories in the Canadian broadcasting system. This programming presents and imparts Canadian social and democratic values to our youngest citizens, provides educational opportunities, and has historically been amongst Canada's strongest audio-visual exports. The Commission itself has recognized the importance of this programming. In the "Let's Talk TV: Create" decision, the Commission stated:

The Commission considers children's and youth programming to be an integral part of the broadcasting system. During all phases of the Let's Talk TV consultation, individual Canadians and other interveners wrote and spoke about the value of children's programming and the importance of Canadian children watching Canadian programming.<sup>1</sup>

5. In its 2018 report, *Harnessing Change: The Future of Programming Distribution in Canada*, the Commission considered that the loss of Canadian children's programming, among others, "would limit the capacity of the broadcasting system to enrich, strengthen and reflect Canadian culture, identity and society."<sup>2</sup>
6. The WGC agrees. Yet despite its importance, Canadian children's and youth production has dropped precipitously recently. According to *Profile 2020*, production volume for English-language Canadian children's and youth television fell by over 32%, from \$437 million in 2018/19, to \$296 million in 2019/20.<sup>3</sup>
7. Given this decline, we submit that financial support for children's and youth programming is more important now than ever. As such, we further submit that the Commission should ensure that this transaction does not result in any further drop in funding to such programming. We note that Rogers has proposed that the contributions it would continue to make to the Shaw Rocket Fund, on the one hand, and to the Rogers funds, on the other, would be combined, with the amount of the contributions being split evenly between the two sets of funds, which would include support for Canadian programming directed at children and youth. Given the importance of this issue to the production of children's and youth programming, we propose that the Commission codify this arrangement by making it a condition of its approval of the transaction.

### **Tangible benefits**

8. As stated in the Notice of Consultation for this proceeding, Rogers is proposing a tangible benefits package totaling \$5,746,000, which is equivalent to 10% of the proposed applicable value of the transaction, consistent with the Tangible Benefits Policy. As such, the WGC submits that the Commission should require Rogers to file tangible benefits reports annually, and the Commission

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<sup>1</sup> Broadcasting Regulatory Policy CRTC 2015-86, Let's Talk TV: The way forward - Creating compelling and diverse Canadian programming, para. 298.

<sup>2</sup> <https://crtc.gc.ca/eng/publications/s15/eval.htm#r1>

<sup>3</sup> *Profile 2020: Economic Report on the Screen-Based Media Production Industry in Canada*, Published by the Canadian Media Producers Association in collaboration with the Department of Canadian Heritage, Telefilm Canada and Association québécoise de la production médiatique, [https://cmpa.ca/wp-content/uploads/2021/05/PROFILE-2020\\_EN.pdf](https://cmpa.ca/wp-content/uploads/2021/05/PROFILE-2020_EN.pdf), Exhibit 3-8.

should publish those reports on its website, so that both the Commission and the public can monitor and track this benefits spending. We have observed over the years that if the Commission does not expressly require such reporting as a condition of approval of a transfer of ownership and control of television broadcasting assets, it can be extremely difficult for it to do so after the fact. In the WGC's view, transparency regarding benefits spending (i.e., public annual reporting) should be a minimum condition of any change of ownership and control transaction, regardless of the parties involved or the size or nature of the transaction, and we believe it should be a condition of approval of this transaction as well.

9. As also stated in the Notice of Consultation for this proceeding:

Rogers is requesting the flexibility to contribute the discretionary portion of the tangible benefits package over a shorter period of time than the standard seven years set out in the Tangible Benefits Policy, in order to support recipients who may be in need of an infusion of new funding to help them recover from the COVID-19 pandemic.

10. The WGC agrees that in the present circumstances, disbursement of tangible benefits over a shorter period of time may be appropriate. We also agree that all tangible benefits contributions should be expended within a seven-year timeframe.

11. We trust that the Commission has conducted, or will conduct, a detailed and thorough analyses of the value of transaction for the purpose of assessing the appropriate quantum of tangible benefits. Such analysis has in the past resulted in higher valuations than those proposed by the applicants. We are confident that this diligence has been, or will be, applied in this instance as well.

## Conclusion

12. We thank the Commission for the opportunity to participate in this proceeding, and we look forward to providing further comments as may be appropriate.

Yours very truly,



Maureen Parker  
Executive Director

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Council, WGC

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