

March 11, 2025

**Filed Electronically**

Marc Morin  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Gatineau, Quebec  
K1A 0N2

Dear Mr. Morin:

**Re: Reply Comments in Broadcasting Notice of Consultation CRTC 2025-2: The Path Forward – Working towards a sustainable Canadian broadcasting system**

1. The Writers Guild of Canada (WGC) is the national association representing approximately 2,500 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 and Indigenous programming.
2. The WGC is pleased to participate in the written reply phase of this proceeding. Given the nature of the WGC and its membership, our reply comments will be brief.
3. It is worth noting—and rejecting—the cyber-utopianism that suffuses a number of submissions from online undertakings in this proceeding. Such comments are characterized by the breathless use of vague phrases like, “New technologies have revolutionized and democratized broadcasting,”<sup>1</sup> and the mind-numbing repetition of words like “open” to describe online activities, and “closed” to describe the traditional broadcasting system.<sup>2</sup> Such comments rhetorically conflate services and platforms offered *on* the Internet with the Internet *itself*, as if the freedom of anybody to launch their own website also means that anybody has the same freedom to launch their own channel on Amazon Prime Video or Apple TV. They don’t—the Internet and platforms/services on the Internet are two very different things.

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<sup>1</sup> Apple Canada Inc., para. 22.

<sup>2</sup> Amazon Canada.

4. Cyber-utopianism—or web-utopianism, or digital utopianism, or utopian internet—is a belief structure that was arguably defensible twenty years ago, when the potential for permissionless innovation on the Internet itself could be compared with financial, structural, or other barriers that have existed in areas like traditional broadcasting. In the two decades since, however, we have not seen the continuation or expansion of such “open” systems but, rather, the opposite. Where technological limitations may have created access and distribution barriers in the traditional broadcasting system in the past, new barriers have arisen in the Internet-based system of the present. Those new barriers are based on largely non-technological factors, most notably the concentration of money and power in an oligopoly of dominant platforms, and the network effects that help support that concentration. In a world in which a few tech giants control enormous market power, empty rhetoric about “democratization” and the “open Internet” in the context of dominant platforms should stay in 2005, where it belongs. In 2025, it is accurate to describe online platforms like Amazon Prime Video or Apple TV as “similar to a distribution undertaking” in the meaning of section 9.1(1)(i) of the *Broadcasting Act*, and to assess the impacts of market dynamics and market dominance accordingly.
5. At the same time, while online undertakings in this proceeding are arguing that vague utopian forces should exempt them from the regulation of their obvious dominant market power, traditional broadcasting undertakings are generally seeking to shed important regulatory obligations, often by pointing to the inequitable treatment of traditional and online services that the Commission is now in the very process of addressing. We submit that the Commission should reject these calls for a rush to deregulation, and instead continue its careful assessment of leveling the playing field by bringing appropriate obligations to the online space, not blindly eliminating what it has carefully built in the traditional one.
6. As we stated in our comments to Broadcasting Notice of Consultation 2023-138, the Commission should be seeking the *growth* for the Canadian domestic audiovisual sector. We should not entrench the declines of the recent past. The promise of the *Online Streaming Act* was always growth. It was never “make whole” for Canadian creators while traditional broadcasters bowed out. When the predecessor bill to the *Online Streaming Act*, Bill C-10, was before Parliament, the Government touted an estimate of \$830 million annually in contributions by online broadcasters to Canadian content and creators.<sup>3</sup> This was *from online undertakings alone*, and not a combined level from both online undertakings and traditional Canadian broadcasters. For C-11, speaking a year later, then-Minister Pablo Rodriguez had revised the estimate *upwards*, to around \$1 billion.<sup>4</sup>

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<sup>3</sup> <https://www.canada.ca/en/canadian-heritage/corporate/transparency/open-government/standing-committee/guilbeault-bill-c10-consequential-amendments-broadcasting-acts/clause-analysis.html>

<sup>4</sup> <https://globalnews.ca/news/8901527/canadian-programming-will-see-at-least-1-b-a-year-from-online-streaming-bill-minister/>

This was the promise of the *Online Streaming Act*, and we respectfully submit that the Commission must uphold this goal.

7. In particular, BCE Inc. (BCE) has proposed that the Commission create a fund for 9.1(1)(h) services that is financially supported by BDUs and online undertakings, and that the amount to be paid to this fund:

would be subtracted from existing contribution requirements “off of the top”, meaning that it would be paid before any other contribution requirement (i.e., the 5% contribution to Canadian programming required by both traditional BDUs and foreign online undertakings);<sup>5</sup>

8. In a similar vein, Rogers Communications Inc. (Rogers) proposed to:

establish a mechanism for Canadian BDUs subject to 9.1(1)(h) orders to count wholesale rate payments as a credit towards Canadian contribution requirements, reducing the quantum of financial contributions payable to third-party funds.<sup>6</sup>

9. Such proposals would obviously reduce the funding currently provided to Canadian programming through the 5% contribution to recipients like the Canada Media Fund (CMF) and Certified Independent Production Funds (CIPFs), while also reducing BDU’s overall contribution to the objectives of the *Broadcasting Act*. As such, the WGC opposes these proposals. BDUs should continue to be required to carry 9.1(1)(h) services and make 5% contributions to Canadian programming, as separate and distinct mechanisms, as has long been the case in the Canadian broadcasting system.

10. In addition to the above, BCE reiterates proposals made to Broadcasting Notice of Consultation 2024-288 to eliminate all program exhibition requirements, eliminate Program of National Interest (PNI) requirements, permit BDUs to use a greater portion of their Canadian content contributions for local news programming, and exempt online undertakings affiliated with traditional broadcasters from contribution requirements.<sup>7</sup> It is unclear to us why BCE has chosen to import proposals from a separate proceeding into this one, given the distinct nature and scope of the two proceedings. Regardless, the WGC opposes these proposals. We made detailed arguments on the importance of PNI in our comments to Broadcasting Notice of Consultation 2024-288.<sup>8</sup>

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<sup>5</sup> BCE, para. 58.

<sup>6</sup> Rogers, para. 121.

<sup>7</sup> BCE, para. 38.

<sup>8</sup> [https://www.wgc.ca/sites/default/files/resource/2025-01/2025\\_01\\_20-WGC%20Written%20Submission\\_BNC%202024-288\\_Canadian%20program\\_FINAL.pdf](https://www.wgc.ca/sites/default/files/resource/2025-01/2025_01_20-WGC%20Written%20Submission_BNC%202024-288_Canadian%20program_FINAL.pdf), paras. 57-77.

11. Finally, Rogers speaks to, “considerable differences between the reporting and disclosure requirements applicable to the various players in the Canadian broadcasting system,” and argues that, “All commercial broadcasting undertakings should be able to preserve the confidentiality of their data, unless there is an overriding public interest requiring disclosure or sharing.”<sup>9</sup>

12. In the WGC’s view, the Commission should consider questions of reporting and disclosure from a pro-transparency perspective, which puts public disclosure as the default, and not corporate secrecy first. Questions of asymmetry and equity amongst traditional and online undertakings are in the process of being addressed by the Commission, as is appropriate. But we submit that the Commission’s overall orientation should be to bring reporting obligations of online undertakings *up*, to the levels currently met by traditional broadcasters, if not higher. And *not* to *lower* those obligations for traditional players simply because online services have been exempt from such requirement until now. Public transparency and accountability are fundamental elements of the *Broadcasting Act* and its implementation, and the Commission should maintain or expand such transparency, not shrink it.<sup>10</sup>

13. We thank the Commission for the opportunity to provide these reply comments.

Yours very truly,



Neal McDougall  
Assistant Executive Director, WGC

Cc: Victoria Shen, Executive Director, WGC  
Council, WGC

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<sup>9</sup> Rogers, para. 20.

<sup>10</sup> Also see the WGC’s comments on data and reporting in response to Broadcasting Notice of Consultation 2024-288 ([https://www.wgc.ca/sites/default/files/resource/2025-01/2025\\_01\\_20-WGC%20Written%20Submission\\_BNC%202024-288\\_Canadian%20program\\_FINAL.pdf](https://www.wgc.ca/sites/default/files/resource/2025-01/2025_01_20-WGC%20Written%20Submission_BNC%202024-288_Canadian%20program_FINAL.pdf)), paras. 78-90.

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