Writers Guild of Canada

June 23, 2025 **Filed Electronically**

Marc Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: Broadcasting Notice of Consultation CRTC 2024-288: The Path Forward – Defining "Canadian program" and supporting the creation and distribution of Canadian programming in the audio-visual sector – Final Written Comments

1. The Writers Guild of Canada (WGC) is pleased to provide final written comments in this proceeding.

<u>Our core views remain unchanged</u>

2. Subject to our comments below, the views of the WGC remain broadly unchanged from our initial written submissions and our statements at the public hearing in this proceeding. Fundamentally, it remains the case that screenwriters and showrunners sit at the creative heart of the "writers medium" that is series television, and are the Canadian authorial voice of episodic audiovisual programming. For that very reason, Canadian screenwriters and showrunners are also uniquely vulnerable to being replaced by American or other non-Canadian creatives, driven by pressure to appeal to global markets, and underpinned by a false but pervasive narrative that they are "not good enough"...until they leave Canada.

3. As such, we continue to wholeheartedly support the Commission's proposal to add "showrunner" to the key creative points system for the certification of Canadian programs and, critically, to make those points mandatory where the showrunner role exists. We continue to hold that the points for Canadian screenwriters should be mandatory as well, and we stand by our proposed definition of "showrunner," which we do not believe was meaningfully challenged in the proceeding. Finally, we continue to be deeply concerned by the proposal to eliminate the policy on programs of national interest (PNI), as it would create an enormous risk that such programming would greatly decline and diminish in the Canadian broadcasting system without a requirement—or a backstop—supporting it.

The WGC's definition of "showrunner," and/or that it is a writing role, has significant support

4. Multiple stakeholders in this proceeding have supported the WGC's proposed definition of "showrunner". They include BIPOC TV & Film,[1] Black Screen Office,[2] Directors Guild of Canada,[3] Disability Screen Office,[4] and Screen Composers Guild of Canada.[5]

5. Others have stated or acknowledged that a showrunner position is fundamentally a writing role. They include Irene Berkowitz,[6] Glenn Cockburn,[7] Motion Picture Association-Canada (MPA-Canada),[8] Paramount Global,[9] and Talent Agents and Managers Association of Canada (TAMAC).[10]

6. We are aware of no intervener who has successfully challenged the core components of our proposed definition through substantiated argument and evidence. As such, we submit that the Commission should adopt the WGC's proposed definition of "showrunner" verbatim. If, however, the Commission chooses to craft its own definition, we submit that it must ensure that the core components of our proposed definition are maintained including, crucially, that it is a screenwriting role that is held by a screenwriter.

There are enough Canadian showrunners to meet demand

7. Some interveners in this proceeding have stated that there is not a large enough pool of Canadian showrunners.[11] These interveners did not provide any data in support of their statements.

8. In the WGC's experience, stakeholders who oppose a requirement for Canadian showrunners on certified Canadian content have often argued that such a requirement is impractical because there are not enough qualified Canadian showrunners to meet the demand that it would induce. Such arguments have gone back decades. In our experience, they have tended not to present data in support of their argument either.

9. On the contrary, there are many qualified Canadian showrunners. Currently, there are 131 WGC member Canadian showrunners who have worked under our jurisdiction within the past five years. The WGC has identified these individuals as showrunners because they were identified as such in their writing contracts, through public media releases, or by the producer of a production. In addition, there are currently 161 Canadian WGC members who self-identify as showrunners in our Directory of Members. By either count, that's well over a hundred Canadian showrunners working in the English market, which is more than enough to show-run the number of Canadian programs that can reasonably be expected to be in production at any given time in English Canada pursuant to the Commission's regulatory framework.

10. There is no issue of not enough Canadian showrunners. The issue is not enough Canadian shows for them to run. Too many qualified Canadian showrunners are sitting idle awaiting opportunities that are currently

[1] Written intervention, paras. 16-18.
[2] Written intervention, para.16.
[3] Written intervention, para. 58. Absent the word "control".
[4] Written intervention, para. 12.
[5] Written intervention, para. 41.
[6] Written intervention, para. 2.
[7] Written intervention, response to Q4.
[8] Written intervention, para. 34.
[9] Written intervention, para. 31.
[10] Written intervention, pg. 2.
[11] E.g. MPA-Canada, responses to RFIs, para. 64; written intervention of BCE Inc., para. 60.

not being directed towards them. The Commission's proposal to make showrunner points mandatory where the role exists is precisely the solution to this problem.

MPA-Canada's comments on WGC's proposed definition of "showrunner"

11. In its response to the Commission's letter of 29 May 2025, "Requests for information regarding the proceeding initiated by *The Path Forward – Defining "Canadian program" and supporting the creation and distribution of Canadian programming in the audio-visual sector*, Broadcasting Notice of Consultation CRTC 2024-288, 15 November 2024" (the RFI Letter), the MPA-Canada makes several comments on the WGC's proposed definition of "showrunner" to which we would like to reply.

12. Firstly, the MPA-Canada states that the WGC's definition, "results in the double-counting of the writer position."[12] This is debateable on its face, given that the writer of an episode and the showrunner on the production will often be two different people doing two different albeit highly interrelated jobs. Regardless, the MPA-Canada says this as if "double-counting" is an inherently bad thing. It is not. As the WGC has stated repeatedly in this proceeding, writing is the creative foundation of the "writer's medium" of series television, and the authorial voice of the form. It is entirely fitting for the Commission to reflect that fact in the points system by effectively weighting writing roles more heavily. The current 10-point system already weights writers and directors more heavily by allocating them two points each, rather than one point for other roles. Is this also "double-counting", because they get two points instead of one? Whether it is or not is irrelevant, because "double-counting" is irrelevant. It is appropriate to allot more points to writing positions, as the Commission has proposed. The MPA-Canada implies that "double-counting" is a bad thing with no reference to the policy objectives that the Commission is reasonably pursuing, namely, to "recognize other key creative positions that have control over the production's look and feel, as well as its narrative direction," based on the rationale that, "having Canadians responsible for key creative decisions will enhance Canadian stories while introducing additional ways to ensure that a program is Canadian."[13] Those objectives and rationales are entirely appropriate in light of the *Broadcasting Act*, as is increased weighting in the points system for writing positions.

13. Secondly, the MPA-Canada states that:

> Moreover, top showrunners typically guide a series' creative vision, but they may not have complete creative control. In many of the most prolific and successful series for which there is a "showrunner", creative control is distributed among various team members whose roles may change across projects and seasons. Therefore, the WGC's proposed definition is simply inapplicable for many series and the most prolific creators who are known as the industry's most famous "showrunners" would not qualify under the WGC definition, including: Dick Wolf for the *Law & Order* and *Chicago* franchises; Jerry Bruckheimer for *CSI* and its spin-offs; Shonda Rhimes for *Grey's Anatomy, Scandal* and *Bridgerton*; Ryan Murphy for *Nip/Tuck, Glee* and *American Horror Story* among others; and Greg Berlanti for numerous shows in the "Arrowverse" (i.e., various interconnected television series based on DC Comics).[14]

14. The MPA-Canada provides no rhyme or reason for this collection of names, nor any analytical details on why they *wouldn't* meet the WGC's definition or, just as importantly, why they *should* meet it. Jerry

[12] Para. 62.
[13] Broadcasting Notice of Consultation CRTC 2024-288, para. 13.
[14] Para. 63.

Bruckheimer, for example, is *not* actually known as a showrunner. He's known as a producer. It would be entirely correct for the WGC's definition to exclude him because he's not a showrunner.

15. Many of the other names that the MPA-Canada mentions started their careers as screenwriters and have acted as showrunners. There is a difference, however, between a person acting as a showrunner on one production, and that same person acting as a producer (or other, non-showrunner role) on another production. The MPA-Canada's comment implies that the showrunner definition will be applied to individuals, who will then carry that label with them on any/every production they work on, regardless of what they actually *do* on it. That's not how it works. The Commission's certification process will be applied on a season-by-season basis. To continue with Hollywood examples, as the MPA-Canada does: If Shonda Rhimes show-runs a production, as she did on the early seasons of *Grey's Anatomy*, she's a showrunner on that production. If Shonda Rhimes merely executive-produces a different production, such that "creative control is distributed among various team members whose roles [have] changed across projects and seasons," as she did on *Bridgerton* (with Chris Van Dusen as the showrunner of the first seasons), then Shonda Rhimes is *not* the showrunner on that, different production. It's the same if Steven Spielberg directs one production and executive-produces another. Steven Spielberg would not get assessed director points on a production he didn't direct simply because he's known as a director. The issue is the role *on the particular production that is subject to CRTC certification*, not the person's name or what they've done in the past on other productions.

16. Thirdly, the MPA-Canada states that the WGC, "recommended that the position of showrunner and screenwriter be subject to a Canadian residency requirement at all times and that such a requirement would be consistent with the Canadian Film or Video Production Tax Credit ("CPTC")."[15] To be clear, we did not say that. What we said was that, under the Commission's certification process, a "Canadian" (individual) is, "A person who is, at all relevant times, a Canadian citizen as defined in the *Citizenship Act* or a permanent resident as defined in the *Immigration and Refugee Protection Act* who has received a Permanent Residence Certificate," and that this approach to defining a "Canadian" (individual) is consistent with that of the Canadian Film or Video Production Tax Credit (CPTC).[16] We went on to propose that Canadian residency be added to this requirement, and that it be defined as it is for tax purposes.[17] The WGC is well aware of the "non-Canadian showrunner exception" in the CPTC, which we described in our written intervention as outdated and in need of dismantling.[18]

17. Finally, the WGC opposes the proposals of the MPA-Canada stated at paragraph 65 of their response to the RFI Letter.

<u>The involvement of a Canadian broadcaster is not a substitute for a Canadian showrunner</u>

18. In making its above-noted statement about the number of Canadian showrunners, BCE proposed that, "a program with a non-Canadian Showrunner could still be eligible for CanCon certification provided that a Canadian broadcaster is involved in the process."[19] This implies an equivalency between the involvement of a Canadian showrunner and that of a Canadian broadcaster, with BCE stating that the latter "know and understand the Canadian market," and that, "If a Canadian broadcasting undertaking is involved in a project, the origin of the Showrunner will not have as much influence on the project considering that

[15] Para. 64.
[16] Written intervention of the WGC, para. 13.
[17] Written intervention of the WGC, paras. 18-19.
[18] Written intervention of the WGC, para. 99.
[19] BCE Inc., para. 60.

Canadian broadcasters, as Canadian-owned and controlled entities, have a distinctly Canadian perspective on programming."[20] Similarly, Rogers stated that, "programming produced or commissioned by a Canadian broadcasting undertaking should automatically qualify as "Canadian".[21]

19. In reality, there is no equivalency between the involvement of a Canadian showrunner and a Canadian broadcaster. There is no equivalency between the work of an artist and that of the person who commissions them to create the work of art, whether or not that commissioner gives notes or approvals. A showrunner executes on a vision, and does so at almost every level of detail, from the overarching subjects and themes, to the smallest creative nuances. A content commissioner, such as a broadcaster, merely provides feedback and/or approvals. The two roles are light years apart, and conflating them is tantamount to conflating the artistic vision of Michaelangelo's paintings in the Sistine Chapel with the Catholic Church which commissioned them.

20. The involvement of a Canadian broadcaster is not a substitute for that of a Canadian showrunner, and programming produced or commissioned by a Canadian broadcasting undertaking should not automatically qualify as "Canadian" simply by virtue of that Canadian broadcasting undertaking's involvement.

<u>Writing is just as creatively foundational in animation as it is in live-action</u>

21. In its response to the RFI Letter, Question 4(a), the Canadian Media Producers Association (CMPA) stated:

> Animation writing is also distinct from scripted live-action drama; animation episodes are much shorter in duration whereas live action comedies and dramas are longer. Animation productions are not always script-driven, they can be storyboard-driven and/or based on character designs, visual concepts, and pre-existing toys or other intellectual property. Animation writers work from a visual concept and a relatively fixed format, especially for pre-school programming, where consistency and repetition reinforce simpler themes or learning objectives for children. Here, educational consultants often consult on scripts for their age-appropriateness and educational value. Animation writers are typically hired during production as part of the animation pipeline; they are not revising scripts on set for production contingencies, like their live-action counterparts, and they don't typically work in writers' rooms, though they may participate in story summits with other writers and story editors to shape narratives.[22]

22. The WGC strenuously and fundamentally disagrees with this characterization of writing in animation.

23. Firstly, shorter episode duration plays no meaningful role in determining the importance of writing or the work and talent that goes into it. Whether it's a three-minute episode or a 60-minute one, the script is the blueprint that every other production department uses to produce a show, both in live-action and animation. Without a script—of any length—there is nothing for any department to work from. Writing a shorter, "simpler" script with repetition and learning objectives does *not* make the writing easier—in fact, it makes it harder. An episode that is three minutes long is not faster or easier to write than an 11-minute episode. Oftentimes, it takes longer because writers don't have the running time to include all the necessary story elements, so they must find ways to do so in a much shorter amount of time. A runtime or

[20] BCE Inc., para. 61.
[21] Rogers Communications Inc., para. 21.
[22] Page 2.

a page count does not even come close to a proper indication as to the amount of work a writer has to do to get it to that runtime or page count. As the quotation often attributed to Mark Twain goes, "I didn't have time to write a short letter, so I wrote a long one instead." Every writer knows that the shorter the document, the harder it often is to write.

24. Secondly, contrary to the CMPA's claim, animation productions *are* script-driven. The use or existence of storyboards, pre-existing character designs, visual concepts, toys, or other intellectual property does not displace the fundamental significance of the script, in animation or otherwise. It is nonsensical, for example, to suggest that the live-action *Transformers* movies were made based on the foundation of a screenplay, but animated series based on the same toys somehow were not. The existence of a toy does not spontaneously generate dialogue, story arcs, themes, or characterizations. And it certainly doesn't do so for animation but not live-action, somehow. The same is true for concepts and character designs, visual concepts, or other intellectual property. As for "fixed formats", there are formats and formulas at play in many genres, but they in no way diminish the role of writing in working within those formats to create programming that nevertheless is fresh, new, and relevant. For example, the U.S. version of *The Office* remains its own, unique series, distinct from the U.K. version, with great writing at its core, and nothing about it being live-action or "based on a format" changes that.

25. With respect to storyboards, some animation programs may use them, sometimes "punching up" the action or comedy. However, board artists still need something to work off of to generate those storyboards. That is the script. Simply put, no one gives a toy to a storyboard artist and in return gets a fully formed story or episode out of it. That is what the writer does.

26. The involvement of educational consultants in children's programming in no way diminishes the role of screenwriting on that programming. Educational consultants consult. They do not craft story or write dialogue. Sometimes a consultant's notes are taken; other times they aren't. But at no time does having a consultant negate the writing or lessen the work a writer does.

27. The CMPA's reference to hiring writers "as part of the animation pipeline" misleadingly compares them (and other key creatives) to segments of pipe in an industrial process, rather than the foundational creative roles that they are. Animation writers are typically hired *at the start of*, or even *before,* production. As in live-action, in animation there is simply *no* production without a script. It would not be feasible otherwise. How could a character designer craft a character if they have no idea how that character is going to move throughout a story? What background would a layout artist design if they have no idea what locations are in the story? Without a script, no other department, including the director, can do anything.

28. Animation writers *do* revise scripts throughout the entire production process, it's simply the story editors (animation showrunners) who do the revisions, not the individual writer of the episode. In the experience of a senior WGC animation writer working as Executive Story Editor on a major Canadian animated children's program, scripts that were treated as "polished" still went through multiple rounds of revisions at their hands. Scripts were revised: after cast read-throughs; after voice recordings; after animatics went out for review; and, when the animation department couldn't make certain things work, among other things. Their job did not end at the script polish stage. Just like in live action, scripts were being worked on from concept through to post-production.

29. Finally, a "story summit" in animation *is* functionally a writing room, albeit in a somewhat shorter form. From a screenwriting perspective, there is no difference between the work done in a live-action writing room and an animation story summit. It is functionally the same process, and if it winds up being shorter

or more truncated than a live-action writing room, that is almost certainly because of an attempt to save money in the production budget, and usually an ill-advised one at that. Animation productions do benefit, and would benefit more, by having longer, more robust writing rooms that can solve problems earlier in the process rather than later in production, when they are typically much more expensive to fix.

30. For further clarity, all of the comments that the WGC has made in this proceeding with respect to the critical and foundational role of screenwriting apply just as much to animation as live-action. In particular, the WGC's proposal to make screenwriting points mandatory in certified Canadian programs applies to both live-action and animation screenwriters.

The WGC would support the requirement for the writer, director, and lead performers to be Canadian

31. A number of interveners proposed that the Commission's definition of "Canadian program" include mandatory points for the writer and director, and, in some cases, lead performers. In other words, they proposed that some or all these roles must be filled by Canadians. These interveners included the Directors Guild of Canada,[23] Friends of Canadian Media,[24] BIPOC TV & Film,[25] l'Association québécoise de la production médiatique,[26] and the Screen Composers Guild of Canada.[27]

32. The WGC supports such proposals that are inclusive of screenwriters and maximize the role of Canadian key creatives on Canadian programs.

33. With respect to the points for the writer position, the WGC has already proposed that these points be mandatory, in support of Canadian creative control of Canadian programming and the central role of screenwriting in that regard. Further to this, while the WGC wholeheartedly supports the Commission's proposal to make the showrunner a mandatory Canadian position where the role exists, the same requirement for writer points would actually better protect Canadian screenwriting.[28] For one thing, it would ensure that the full writing room would be Canadian. For another, it would include the showrunner as well, since the showrunner, properly defined, will always also be a screenwriter. Indeed, if the WGC were required to choose between a requirement that the showrunner points be mandatory, or a requirement that all the writer points be mandatory, we would choose the latter, as a stronger and more encompassing approach to safeguarding Canadian screenwriting and, ultimately, Canadian creative control.

34. With respect to the other roles, as we stated at the hearing, the WGC takes a maximalist approach to Canadian involvement in the Canadian broadcasting system. While we maintain that the "writer's medium" of series television puts writing roles in a unique position, other key creative collaborators remain vitally important components of the system, including the director and lead performers. The WGC supports an approach that maximizes Canadians in key creative roles in the broadcasting system.

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[23] Written intervention of the Directors Guild of Canada, para. 8.
[24] Hearing transcript, para. 6707.
[25] Written intervention of BIPOC TV & Film, para. 12.
[26] Written intervention of l'Association québécoise de la production médiatique, English summary, para. 8.
[27] Written intervention of the Screen Composers Guild of Canada, para. 56.
[28] Absent the Commission's "80% proposal" set out at paragraph 25 in the Notice of Consultation to this proceeding, which the WGC has opposed and continues to oppose.

The Commission cannot rely on incentives or a "sliding scale"

35. During this proceeding, the Commission asked a number of interveners about incentives and, in particular, a "sliding scale" in the definition of Canadian programming. As the Commission put it in the RFI Letter:

> Given the realities of global financing and international partnerships, are there public policy benefits to a more flexible approach - such as implementing a sliding scale that links the number of Canadian content points to the level of credit toward CPE?[29]

36. The WGC would like to emphatically restate its comments on this subject made at the hearing. Any proposed incentive, if it is to be effective, must be big enough to actually incentivize the behaviour it is seeking in relation to the size of the entity it is seeking the behaviour from. In the context of foreign online undertakings, these entities are enormous, with hundreds of billions of dollars in market capitalization. Faced with any incentive, including a "sliding scale" approach to CPE, these undertakings will fundamentally ask themselves what the value of that incentive is to them versus the value of being able to do what they want by forgoing that incentive. When it comes to the ability to fill key creative roles—and especially key writing roles—with non-Canadians, on multi-million-dollar productions that they can then monetize on a global scale, there is no doubt to us that streamers will happily forgo a few hundred thousand to a few million dollars in incentives in order to obtain the flexibility that they keep hammering on, and will have the full and complete financial capability of doing so. This capability will far exceed any ability to attempt the same that traditional Canadian broadcasters have ever had.

37. Fundamentally, the Commission must ask itself, firstly, "How much does the bottom end of a 'sliding scale' look like foreign location service production (FLS) now?" If the answer is "about the same" or "pretty close"—or, frankly, anything other than "not at all"—then the Commission will effectively be offering the streamers the ability to do FLS or FLS-like production while getting regulatory credit for it. The next question the Commission must ask itself is, "How likely are foreign streamers to prefer to keep plowing roughly $5-6 billion into FLS or FLS-like production (as they are now), while suddenly getting, for example, 50% 'regulatory credit' for that (compared to the 0% they are getting now)?" The answer, to us, is clear: Very, very likely. If all the foreign streamers have to do is move a few minor pieces around to get "partial credit" for CPE, which they can then use to meet their CPE obligations based on sheer volume of all those "50% CanCon" productions, they will do it, and they will be ecstatic about it. The end result will be the failure to achieve the objectives of the *Broadcasting Act,* and the abject failure of the *Online Streaming Act* to deliver on its purpose for existing in the first place.

38. Finally, with respect to a "sliding scale," we should remember that such a scale already exists in the larger audiovisual production ecosystem, and has long existed. It is represented by the varying eligibility criteria of different funding and regulatory obligations. Today, if you can only meet 6-out-10 CAVCO points, you can get the Canadian Film or Video Production Tax Credit (CPTC), but not 10-out-of-10 Canada Media Fund (CMF) funding. If you move up the scale to 10-out-of-10, you can get both the CPTC and the CMF. That's your sliding scale. The scale will add new notches if the Commission adds a mandatory two points for Canadian showrunner where the role exists, but others don't.

[29] Question 27.

39. A scale need not, does not, and will not exist entirely within the Commission's regulatory framework. The entire Canadian audiovisual policy framework represents the scale.

International content certification models may not be applicable to, or effective in, Canada

40. A number of interveners pointed to definitions of national content in other countries as models that they argued the Commission should look at in defining Canadian programming. Many of these interveners characterized these other models as being better than the model currently proposed by the Commission, suggesting that they were more flexible and/or took into account more factors, including cultural factors (while seemingly assuming that "flexible" = "better" as a matter of course, when this is, in fact, a highly debateable proposition).[30]

41. The reality is that, like most things, context matters, and what is done in one country or jurisdiction is not necessarily applicable to, or would be effective in, another. The WGC finds casual comparisons between Canada and other jurisdictions to be deeply problematic, and submits that the Commission should take great care in such comparisons, if it does so at all.

42. One issue overlaps with the question of "cultural elements". Some interveners have argued that because some other jurisdictions include expressly identified cultural elements in their definition, Canada is remiss in not doing so as well. This argument, however, ignores a great deal of context. One is the role of language. In many definitions of national content, the original language of production is considered a "cultural" component. These include the definitions used in France, Germany, Italy, The Netherlands, Norway, and Spain.[31] Yet Canada has not done the same, for reasons that are likely obvious in the English market. English Canada shares a language—and, typically, a spoken accent—with the very cultural hegemon that the *Broadcasting Act* exists to protect us against, namely, the United States of America. As such, awarding points, or some other recognition, to a Canadian program because it is in English does nothing to distinguish that program as "culturally Canadian." This is fundamentally unlike many other countries that don't use English as their primary language. The English language simply doesn't have the same "cultural" role in English Canada that Danish has in Denmark or Dutch has in The Netherlands.[32]

43. Languages other than English also relate to the identity of the key creatives on a production and, therefore, "protects" them from being replaced with American creatives, beyond citizenship or similar requirements. For example, if the definition of a "Dutch program" includes that the original language of production be Dutch, then there will obviously be a powerful incentive—if not an outright requirement—that the writer, director, performers, and many other key creatives speak Dutch. This, in turn, will be a powerful incentive—if not an outright requirement—that such individuals actually *be* Dutch, as citizens or permanent residents. In such a case, working in a language other than English does much of the heavy lifting that citizenship/permanent residency requirements would otherwise do. This allows for other jurisdictions to have greater flexibility "on paper" while not having the actual, real-world flexibility—and taking on the actual, real-world risks to their creative talent pool—that would exist in English Canada if we did the same thing here.

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[30] E.g. MPA-Canada and The International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE).

[31] See Véronique Guèvremont, *Defining National Content: A comparative study of the approaches developed in a sample of countries*, November 2023, https://telefilm.ca/en/etudes/defining-national-content-a-comparative-study-of-the-approaches-developed-in-a-sample-of-countries, pg. 39.

[32] English Canada is also very unlike the United Kingdom, the cultural hegemon that historically preceded the United States, with a vastly larger cultural sector and public support system for that sector.

44. We must also remember that definitions in the European Union exist in a particular context. The EU is fundamentally a free-trade alliance whose project is to reduce or eliminate national protectionist policies. As explained by Professor Véronique Guèvremont:

> According to Article 107.1 of the TFEU, public aid is incompatible with the internal market of the European Union, insofar as it affects trade between member states. Such aid is granted by a member state or through state resources in any form whatsoever. Article 107.3 does, however, list certain categories of aid that may be considered compatible with the internal market, notably "aid to promote culture and heritage conservation where such aid does not affect trading conditions and competition in the Union to an extent that is contrary to the common interest" (paragraph d).
>
> Given this exception to the general rule governing state aid, it is to the advantage of European Union members to emphasize the cultural dimension of the content targeted by their aid, so that it can be considered compatible with European legislation.[33]

45. This creates incentives for EU member countries to label support measures for their audiovisual sectors as "cultural" in order to ensure they meet the requirements of European legislation, irrespective of the strength of the argument for how "cultural" those elements truly are. Canada does not have this context.

46. The fact is that many things can be considered "cultural" (or "industrial" or both), and the subject must be approached with nuance and thoughtfulness. Is language cultural or not? Is language cultural for some languages, but not other languages? On what basis? How cultural is setting, given that many Hollywood productions involve American characters visiting non-American settings as little more than a colourful backdrop to quintessentially American stories? How cultural are characters? The Marvel comic book character, Wolverine, is canonically Canadian, born in Alberta near Cold Lake. Does that make any Hollywood film featuring him Canadian content? And what is the role of source material, given that its adaptation to audiovisual media is profoundly transformative of that material? Is Martin Scorsese's *The Departed* an American film set in Boston, or a Chinese film, because it is based on the Hong Kong action thriller, *Infernal Affairs*? We accept that the book, *The Handmaid's Tale*, is a Canadian novel, because it was written by a Canadian, despite it being set in a future dystopian United States, and involving primarily American characters, yet some argue that the TV series is also Canadian, despite the production itself being written by Americans. Why?

47. These questions are part of a larger discussion about the nature of culture, part of which the WGC has engaged with in our initial written submission. What is important here is that the debate about national content definitions, including "cultural elements", is deeply informed and affected by context, and the context of Europe and other non-Canadian jurisdictions is significantly different than the context of Canada. As such, we submit that a copy-paste approach other countries' policies, as seems to be urged by some interveners in this proceeding—including interveners with an obvious interest in taking advantage of the "flexibility" that would result from it—is not an approach that the Commission should follow.

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[33] Véronique Guèvremont, *Defining National Content: A comparative study of the approaches developed in a sample of countries*, November 2023, https://telefilm.ca/en/etudes/defining-national-content-a-comparative-study-of-the-approaches-developed-in-a-sample-of-countries, pg. 9.

48. Finally, in all of the comments we've seen from interveners proposing that Canada follow one or another international example, no analysis was provided on whether that example is *working well to achieve positive outcomes in that jurisdiction*. The WGC is part of the International Affiliation of Writers Guilds (IAWG), whose members include a number of the countries cited with approval by interveners seeking greater flexibility. Many of those writers' guilds do not believe their own systems are working well at all to support their screenwriters and creatives voices.

49. At bottom, we cannot simply copy-paste other countries' cultural policy provisions into our own, merely because they exist elsewhere. And we *certainly* shouldn't do so at the urging of non-Canadian entities whose commitment to our culture is unclear at best, and/or who are seeking to improve their own access to our market and minimize their obligations toward it.

"Bifurcated standard" and the interpretation of sections 3(1)(f) and 3(1)(f.1) of the *Broadcasting Act*

50. Some interveners in this proceeding have invoked the dual or "bifurcated" standard indicated by sections 3(1)(f) and 3(1)(f.1) of the *Broadcasting Act* to suggest that foreign streaming services should have materially lower obligations with respect to Canadian programming expenditures (CPE), with respect to the applicable definition of "Canadian program", or both. In particular, the Motion Picture Association – Canada (MPA-Canada) stated:

> Parliament deliberately adopted a lower standard that requires foreign online undertakings only make the "greatest practicable use" of Canadian "creative and other human resources" in the production of Canadian programs.
>
> The contribution standard applied to Canadian broadcasters is much greater and reflects their existing obligations to "make maximum use, and in no case less than predominant use." This difference was intentional, as Parliament rejected calls to impose the same standard because "it is just not realistic" to expect foreign online undertakings operating in a global market to contribute in the same way as Canadian broadcasters.
>
> To be consistent with the text, context, and purpose of the Act, the framework of the obligations to support Canadian programs applied to global streaming services should reflect four basic conditions. First, it should not impose any mandatory position, function, or element of a Canadian program, as doing so conflicts with the express statutory language of the "greatest practicable use."[34]

51. The WGC vociferously disagrees with the MPA-Canada's characterization of sections 3(1)(f) and 3(1)(f.1). Indeed, we submit that comments like these seriously misread not only these sections, but their context in the *Broadcasting Act* as a whole, and the comments made during the passage of Bill C-11, the *Online Streaming Act*.

52. Firstly, at the level of the wording of sections 3(1)(f) and 3(1)(f.1), the MPA-Canada routinely either omits or misstates what it is that the "greatest practicable use" standard applies to. In the above-quoted excerpt, the MPA-Canada states that Parliament adopted a standard for foreign online undertakings that they, "only make the 'greatest practicable use' of Canadian 'creative and other human resources' in the production of

[34] Hearing transcript, paras. 2518- 2520.

Canadian programs."[35] This, however, is not what the section actually says. Below are sections 3(1)(f) and 3(1)(f.1) in full:

> **(f)** each Canadian broadcasting undertaking shall employ and make maximum use, and in no case less than predominant use, of Canadian creative and other human resources in the creation, production and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;
>
> **(f.1)** each foreign online undertaking shall make the greatest practicable use of Canadian creative and other human resources, and shall contribute in an equitable manner to strongly support the creation, production and presentation of Canadian programming, taking into account the linguistic duality of the market they serve;

53. Section 3(1)(f.1) states, "each foreign online undertaking shall make the greatest practicable use of Canadian creative and other human resources," but, unlike (f), it does *not* go on to apply this standard to "the production of Canadian programs" as the MPA-Canada incorrectly says. It does not specify *any* particular object of the "greatest practicable use" standard. Rather, 3(1)(f.1) simply states the standard, broadly applicable to each foreign online undertaking in general, and then moves on to discuss an "equable manner to strongly support" standard for the creation, production, and presentation of Canadian programming.

54. Again, in the quotation from Assistant Deputy Minister Owen Ripley, which was read aloud by the MPA-Canada at the hearing, Mr. Ripley is quoted as saying that:

> The current drafting that is in the bill was the ultimate balance that parliamentarians who looked at Bill C-10 decided this achieved the appropriate balance in terms of that issue, a recognition that there are many stakeholders who believe the maximum use standard is...important, but at the same time recognizing that when it comes to these global streaming services, there has indeed been concern expressed about the impact...[this would have] on [their] business models.[36]

55. Once again, this passage does not specify *to what* the "greatest practicable use" standard applies. Mr. Ripley does *not* state that is applies to the key creative points components of the definition of "Canadian program". Mr. Ripley does *not* state that it applies to CPE levels. Neither Mr. Ripley, nor the text of section 3(1)(f.1) specifies those things.

56. So, what *do* sections 3(1)(f) and 3(1)(f.1) reasonably refer to? We submit that, properly read in the context of the Act, they refer broadly and generally, to the totality of a broadcasting undertaking's activities in Canada, subject only to the any greater specificity as stated in those sections. They describe overarching objectives applicable to the overall operations of broadcasting undertakings, within which there is significant scope for specific policies that need not, themselves, meet the tests in the two sections. Because the "greatest practicable use" test applies broadly to each foreign online undertaking, and not specifically to every Commission policy that is applicable to each foreign online undertaking.

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[35] Emphasis added.

[36] Hearing transcript, para. 2545.

57. In understanding this, it is useful to consider section 3(1)(f) in the predecessor legislation, namely, the *Broadcasting Act* of 1991. That section stated:

> (f) each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;

58. In the context of 1991, "programming" could be read to effectively mean, "Canadian programming," because, at the time, section 3(1)(a) stated that, "the Canadian broadcasting system shall be effectively owned and controlled by Canadians." As such, subject to limited exceptions, "each broadcasting undertaking" in 3(1)(f) effectively meant "each *Canadian* broadcasting undertaking" and each Canadian broadcasting undertaking could be expected to only be engaged in the creation and presentation of *Canadian* programming. Canadian broadcasters of the pre-streaming era fundamentally did not engage in FLS production (nor do they engage in FLS now).

59. It is clear, therefore, why section 3(1)(f) of the 1991 *Broadcasting Act* needed amendment through the *Online Streaming Act*. The formal inclusion of foreign online undertakings within the Canadian broadcasting system meant that there would now be "broadcasting undertakings" in Canada whose overall activities in Canada included a significant amount FLS production. It very arguably would be counterproductive to apply section 3(1)(f) of the 1991 Act to foreign online undertakings' FLS production, as it would force what is fundamentally *not* Canadian content production to meet standards envisioned for Canadian programming. This is the "business model" that Mr. Ripley was almost certainly referring to above. The *Broadcasting Act* was moving from regulating Canadian domestic broadcasters only, which were involved only in the creation and presentation of Canadian programming,[37] to regulating both Canadian domestic broadcasters *and* foreign online undertakings, the latter of which were involved in FLS production in Canada. A dual standard was created to accommodate this reality.

60. Another reasonable application of sections 3(1)(f) and 3(1)(f.1) is with respect to exhibition requirements. Indeed, the Commission has applied section 3(1)(f) in the 1991 Act in this very way. In Broadcasting Public Notice CRTC 2005-61, dealing with the licensing of new satellite and terrestrial subscription radio undertakings, the Commission expressly applied the maximum-but-no-less-than-predominant standard in section 3(1)(f) to consider the introduction of satellite subscription radio into Canada.[38] By analogy, foreign online audiovisual streaming services generally offer large catalogues of programming that is overwhelmingly non-Canadian. Canadian traditional broadcasters may be reasonably subjected to exhibition obligations that state, for example, that 55% of their broadcast schedules must be Canadian programming. But no comparable requirement would likely be reasonable for the catalogues of Netflix or Disney+, for example. Here, again, are differences in "business models" that Mr. Ripley was likely referring to in the above-cited quote, which the dual standard was created to accommodate.

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[37] Traditional Canadian broadcasters historically also acquired foreign, mostly American programming to exhibit on their services, but they played no role in the *creation* of that programming, and therefore s. 3(1)(f) of the 1991 Act could not reasonably be interpreted as applying to the production of that acquired foreign programming.

[38] https://crtc.gc.ca/eng/archive/2005/pb2005-61.htm

61. It is entirely coherent for Parliament to have intended the dual standard in sections 3(1)(f) and 3(1)(f.1) to reflect the above-noted differences in business models, but *not* that the dual standard apply specifically to the definition of "Canadian program", the key creative points elements within that definition, and/or CPE obligation levels. And indeed, that's what the text of the two sections accomplishes.

62. This leads to our next point. Intervenors like the MPA-Canada act as if section 3(1)(f.1) is the only applicable section in the entire *Broadcasting Act*. They act as if the Commission need only—or can only—look to that one section, in comparison to 3(1)(f), to guide itself on how "Canadian program" is defined, or what CPE levels should be, for foreign online undertakings. This is, of course, untrue. As implied in Question #15 of the RFI Letter, the Commission can and must implement a number of provisions, including: the totality of section 3(1), including sections 3(1)(a.1), 3(1)(b), and 3(1)(d) of the *Broadcasting Act*; sections 5(2)(a.1), 5(2)(a.2), and 10(1.1)(b) of the *Broadcasting Act*; and Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework): SOR/2023-239 (the Policy Direction), including sections 4, 9, and 13(b) thereof. Read together, these sections paint a larger picture of multi-part broadcasting policy for Canada, in which foreign online undertakings are expressly included and expected to contribute to in an equitable manner.

63. Finally, even if sections 3(1)(f) and 3(1)(f.1) truly were the sole determinants of the definition(s) of "Canadian program" and/or CPE levels, neither the MPA-Canada, nor any of the organizations that have endorsed the MPA-Canada's position on this issue, meaningfully engage with key terms in section 3(1)(f.1), such as "greatest practicable" and "equitable".

64. "Practicable" means, "able to be done or put into action."[39] The MPA-Canada makes no reasonable argument why engaging a Canadian showrunner on certified Canadian programming is not able to be done. The MPA-Canada makes no reasonable argument as to why CPE obligations for their members that are in line with those of traditional Canadian broadcasters are not able to be put into action. The MPA-Canada makes no reasonable argument about the meaning of the word "equitable" or how that meaning results in anything other than regulatory obligations to support Canadian creators and Canadian programming at levels that are comparable with Canadian broadcasters and/or the parameters set out in the Notice of Consultation in this proceeding.

65. The MPA-Canada is similarly evasive on the meaning of "equitable", preferring to just keep pointing to the dual standard, as if its mere existence washes away every other word in the section.

66. The MPA-Canada doesn't even meaningfully engage in analysis of its own proffered legislative language. It just keeps repeating that there is a dual standard and then misleadingly argues that that dual standard must be applied anywhere and everywhere, willy nilly, to whatever component of the regulatory framework there is, in ways that just happen to benefit the MPA-Canada's members. This is not serious analysis of a serious issue.

67. Given that, and all of the above, we submit that the MPA-Canada's interpretation of section 3(1)(f) and 3(1)(f.1) holds no water, and should be treated as such.

[39] https://dictionary.cambridge.org/dictionary/english/practicable

Regulatory support for PNI remains critical

68. Notwithstanding what some interveners have suggested,[40] the Government of Canada did not abandon the genres of Canadian programming that currently make up PNI in the *Online Streaming Act* or the Policy Direction, and the Commission should not do so either. The *Broadcasting Act*, as amended by the *Online Streaming Act*, refers to the "cultural…fabric of Canada,"[41] Canadian "values and artistic creativity,"[42] and grants the Commission the power to impose conditions of service respecting, "the proportion of programs to be broadcast that shall be devoted to specific genres, in order to ensure the diversity of programming".[43] The Commission has previously and corrected stated that, "Drama programs and documentary programs are expensive and difficult to produce, yet are central vehicles for communicating Canadian stories and values,"[44] forging a clear link between PNI and those elements of the *Broadcasting Act*. Simply because the Government did not specifically use terms like "drama" and "documentary" in the Act or Policy Direction does not imply any intention to neglect those genres. The totality of the language of both instruments supports precisely the opposite conclusion.

69. Imposing PNI obligations on broadcasting undertakings—including traditional Canadian broadcasters who argue that they shouldn't have to contribute to Canadian dramas and documentaries because of their "audiences" and "business models", while at the same time they spend lavishly on *foreign* dramas and documentaries for those same audiences and within those same business models—is not an undue burden and does not rob them of "flexibility". On the contrary, a PNI obligation of 5% or 10% or even 20% would still mean that 80% or 90% or 95% of revenues could be used "flexibly" on anything else.

70. The WGC continues to strongly support a PNI policy as an essential support for these genres, to ensure diversity of programming in the broadcasting system, to support Canadian values and artistic creativity, and to offset the high risk that such programming will simply not be produced to a meaningful degree without it.

Key creatives from equity-deserving groups and diverse backgrounds

71. Some interveners representing diverse and equity-deserving groups proposed increased flexibility with respect to key creative positions for Canadians. In particular, the Racial Equity Media Collective (REMC) stated in its written intervention:

> Racialized and ethnocultural communities in Canada often lack "bankable" actors or writers with sufficiently prominent profiles to attract broadcasters, equity investors, and sales companies. …Without flexibility to hire for these positions internationally, racialized creators face obstacles to producing culturally authentic programs that are marketable to global audiences.[45]

72. REMC does not propose similar flexibility for producers, stating that it, "encourages the Commission to maintain the requirement that key producer roles be filled by Canadians," as having Canadians in these positions, "ensures that productions remain rooted in Canadian creative priorities and financial

[40] For example, Corus Entertainment Inc., Transcript, para. 1969.
[41] Section 3(1)(d)(i).
[42] Section 3(1)(d)(ii).
[43] Section 9.1(1)(d).
[44] Broadcasting Regulatory Policy CRTC 2010-167, para. 71.
[45] REMC, para. 10, pg. 5.

accountability, safeguarding the authenticity of Canadian narratives, especially in BIPOC-led and diaspora-focused stories."[46]

73. The WGC fully supports the principles of equity, diversity, and inclusion, including that the Commission's policies support Indigenous content and content created by and for equity-deserving groups and Canadians of diverse backgrounds.

74. We submit, however, that these objectives will not be furthered by replicating a producer-centric model, in which racialized Canadian producers are treated as essential to achieving equity, diversity, and inclusion goals, but racialized Canadian key creatives are viewed as "optional", to be exchanged for allegedly "bankable" non-Canadians.

75. As of December 31, 2023, the WGC counted over 150 of its members as People of Colour, over 80 as Black, and nearly 50 as Indigenous. They represent hundreds of racialized *Canadian* screenwriters whose perspectives should be supported and prioritized in the Canadian broadcasting system. The "authenticity of Canadian narratives…in BIPOC-led and diaspora-focused stories," does not come solely—or even, we would argue, primarily—from racialized Canadian producers, but from the racialized Canadian writers and other key creatives who have lived those narratives just as much any anybody else in the system.

76. Indeed, the WGC's comments about the role and primacy of writing remain just as applicable in the context of Canadian equity, diversity, and inclusion. As such, we oppose "flexibility" to engage non-Canadian key creatives under that heading, as we do under any other.

Expenditures on training

77. Some interveners argued that broadcasting undertakings should be able to satisfy CPE requirements through expenditures on training, internships and/or other professional support for Canadian creatives, or that contributions in the system should otherwise go to training programs.[47]

78. The WGC cannot support such proposals. While training in itself has value, on-the-job experience can be even more valuable, and it is not lack of training that is at a crisis point in the Canadian broadcasting system today, it is lack of work opportunities. Simply put, all the training in the world serves no purpose if there are no jobs for those trainees to move into once their training is complete. Scarce resources should be prioritized to production of Canadian programming.

79. Some broadcasting undertakings have historically preferred to direct financial obligations towards training and education rather than production of Canadian programming, requiring the Commission to have to expressly limit such contributions in the context of the Tangible Benefits Policy.[48] For foreign online undertakings in particular, they may have an incentive to prefer to direct expenditures to training and education programs because the talent developed will be free to exit the Canadian system and move to the American industry. The U.S. streamers may well prefer to invest in Canadian talent for the benefit of Hollywood, rather than invest in Canadian programming for the benefit of Canadians.

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[46] REMC, para. 27.

[47] E.g. Intervention of International Alliance of Theatrical Stage Employees, Moving Picture Technicians, Artists and Allied Crafts of the United States, its Territories and Canada (IATSE), para. 70; Hearing transcript, paras. 994-1003, Canadian Film Centre, National Screen Institute & L'institut national de l'image et du son.

[48] https://crtc.gc.ca/eng/archive/2014/2014-459.htm.

80. As such, the WGC opposes diversion of Canadian programming expenditure requirements towards expenditures that are not on Canadian programming, including training. If, however, the Commission ultimately decides to allow some CPE to go to training and education, we submit that it must strictly limit the amount so directed, as it does with respect to tangible benefits.

Broadcasting "in-house" production should not be automatically certified

81. Corus Entertainment Inc. (Corus) stated in its intervention that, "programs produced solely in-house by licensed or exempt Canadian broadcasters must continue to be automatically deemed Canadian for regulatory purposes."[49]

82. The WGC opposes this proposal.

83. While this practice may in the past have been limited to Canadian news programming—indeed, this is the context that Corus mentions in its intervention—there is no guarantee that it will be so limited in the future. Historically, funding programs and/or tax credits may have incentivized programming in PNI genres to be produced by independent producers, effectively circumscribing broadcaster in-house production to news, current affairs, and talk shows. As the WGC has stated many times, however, foreign online undertakings with exponentially deeper financial pockets than Canadian broadcasters will be in the position to leave such incentives on the table. Nothing prevents the foreign streamers from doing any programming whatsoever on an "in-house" basis. The automatic certification of such in-house production would therefore represent a major loophole for such undertakings to avoid the standards and protections of the Commission's certification system.

84. We submit that the Commission should not present such a loophole.

Programming certified by CAVCO should not be automatically certified

85. The Canada Media Fund (CMF) stated in its intervention that:

> the Commission should maintain its current practice of automatically recognizing productions with CAVCO Part A or B certificate as "Canadian" as per the Commission's Canadian Program Certification Guide. As before, these productions should not need to be separately submitted to the CRTC for certification.[50]

86. The WGC opposes this proposal.

87. It is unknown whether the Canadian Audio-Visual Certification Office (CAVCO), which certifies productions for the Canadian Film or Video Production Tax Credit (CPTC), will amend its eligibility criteria to match those of the Commission for the definition of "Canadian program", including the addition of "showrunner" as a mandatory-Canadian creative role. In the event it does not, however, and if the Commission moves forward with the definition put forward as its preliminary view in Broadcasting Notice of Consultation CRTC 2024-288, the result will be that a vital support and protection for Canadian showrunners will exist in the Commission's definition that will not exist in CAVCO's certification process.

[49] Intervention of Corus, para. 12.
[50] Intervention of the CMF, para. 87.

88. The WGC has strongly supported the Commission's proposal to make the showrunner a mandatory position where it exists, for the reasons set out previously in this proceeding. Without such protection, Canadian showrunning—and Canadian writing—is at immense and existential risk in the face of enormous pressure to control the writing process through engagement of U.S. and U.S.-based showrunners. That's what makes the Commission's showrunner proposal such a potential game-changer for Canadian writers.

89. If, however, the Commission automatically certifies productions that have been certified by CAVCO, which does *not* have this protection, it will be creating an enormous loophole to allow foreign streamers and others to effectively avoid the mandatory showrunner points, simply by meeting CAVCO's criteria.

90. The Commission's criteria for defining Canadian programs are its own, based on its own mandate, and information gathered through its own comprehensive consultation process. Nothing requires the Commission to "align" or mirror or otherwise walk in lock-step with other elements of the Canadian audiovisual landscape. This includes the Policy Direction, which requires the Commission to, "consider" (not determine), "whether its determination of what constitutes a Canadian program complements" (i.e. helps make something or someone more complete or effective[51]—not "matches," "mirrors," or "copies") "other Canadian content policies that are applicable to the Canadian broadcasting system, including those pertaining to audio-visual tax credits or government funding."[52]

91. Any actual or perceived administrative "efficiency" or "simplification" potentially achieved by aligning the Commission and CAVCO definitions is more than offset by the policy implications of a lowest-common-denominator approach to certification. The Commission's definition of Canadian content has never strictly mirrored CAVCO's, and it needn't start now, especially when it contemplates such a vital protection for Canadian screenwriters that would be completely vitiated if the Commission turned around and allowed CAVCO's definition to effectively replace its own.

Public reporting and alleged commercial harm

92. The WGC continues to support robust collection, and the public reporting thereof, of key data from online undertakings, to at least the scope and level of detail as currently exists for traditional Canadian broadcasters.

93. A number of interveners, particularly foreign online undertakings themselves, have opposed robust data collection and reporting, claiming that doing so will result in commercial harm to those undertakings. In the WGC's view, such claims are not compelling. For example, in Question 6 of the RFI Letter, the Commission asked about this issue, and in its response, the MPA-Canada devoted seven paragraphs to simply relating the Commission's previous practices and statements on the issue back to the Commission.[53] We submit that this does not answer the questions posed, nor does it actually substantiate the claims of commercial harm themselves. Restating back to the Commission its own previous practices or statements does not assist the Commission in determining, or the Canadian public in commenting on, how to move forward into the future, when it is that very future that the Commission is now considering in this modernization project. It amounts to dodging the question.

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[51] https://dictionary.cambridge.org/dictionary/english/complement

[52] Section 13(g).

[53] Paras. 4-10

94. Similarly, in the RFI Letter, the Commission asked Netflix Services Canada ULC (Netflix) why it did not consider that releasing certain information in 2019 was harmful to its business in Canada then, but now allegedly would be. The WGC considers that this was an excellent question. We submit that Netflix, in its response, simply did not answer it.[54] In our view, this speaks volumes to the flimsy nature of these undertakings claims of "commercial harm". We submit that the public reporting of the information requested would not cause any such harm, that Canadian traditional broadcasters have been subject to such requirements for many years, and it is fully in the spirit of public transparency and accountability—i.e. in the public interest—for such requirements to be imposed on online undertakings now.

Conclusion

95. We thank the Commission for the opportunity to participate in this proceeding.

Yours very truly,

Neal McDougall
Assistant Executive Director, WGC

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

[54] Para. 86.

*** End of Document ***