



May 14, 2010

FILED ELECTRONICALLY

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Hull, Québec J8X 4B1

Dear Mr. Morin:

Re: Broadcasting Notice of Consultation CRTC 2010-97, Call for comments on the reporting requirements for new media broadcasting undertakings – Reply Comments

Introduction

- 1) These reply comments are filed by the Writers Guild of Canada (“WGC”) in connection with the above-noted Public Notice. The WGC is the national association representing 2000 screenwriters working in English-language film, television, radio and digital media production in Canada.
- 2) The WGC finds it rather disingenuous of stakeholders to question why the Commission could be calling for the collecting of this data or even suggesting that the Commission’s ‘objectives and intended use of the information to be collected are unclear’¹. They attended the previous New Media hearings and have read the decision (Broadcasting Regulatory Policy 2009-329) and are well aware that while the Commission has declined to regulate at this time, it is had determined that monitoring the developments of the Canadian new media broadcasting system are

¹ Rogers Communications Submission on CRTC 2010-97 pg. 1
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an important part of its mandate. The Commission decided that broadcasting in new media needed to grow and develop outside of a regulated environment for now but “Broadcasting content data will provide the Commission with a more complete base from which to review and develop appropriate broadcasting policy in an evolving environment”². The purpose is clear. Only with appropriate data can the Commission determine, with the assistance of stakeholders, when and if regulatory support for Canadian new media broadcasting is required.

- 3) Further, we agree with Astral Media when it wrote “If the Commission is to determine whether new media affects the ability of traditional broadcasting to contribute to the goals of the *Act*, it must monitor the progress of new media.”³ It is the Commission’s job to look at the big picture of the Canadian broadcasting system and ask its licensees to provide it with the data that it needs in order to do so. As we have heard on many occasions lately, media has converged to such an extent that television broadcasting cannot be looked at in isolation from new media broadcasting. This data is essential to the day to day regulation of the Canadian broadcasting system.
- 4) The WGC also has difficulty with the argument of some stakeholders that they do not collect such data now, so to do so would be burdensome or would create an uneven playing field with the unregulated new media broadcasters. Canwest went so far as to say “we do not track what is made available or posted on new media platforms, or the originating nationality of the content”. We are very sceptical of this statement. As Canwest and all other broadcasters are actively trying to monetize their online platforms by selling ad time in and around their video players, we find it hard to believe that they cannot tell advertisers what programs are being associated with their ads. We suspect that their database records do track what material is loaded into the player. If not – they can go online and make a list on specified dates set by the Commission. These are not insurmountable problems.
- 5) As for nationality, as broadcasters have so few Canadian programs in their television libraries and even fewer in their online libraries, identifying the Canadian programs either through tagging the content or hand writing in the information in a form, would

² Broadcasting Regulatory Policy CRTC 2009-329 para 52

³ Astral Media Submission to CRTC 2010-97 para 4

not be difficult. For example, a quick review of the 26 series available on the Global TV video player on May 13, 2010 shows 6 well-known Canadian shows: “Currents”, “Da Kink in My Hair”, “ET Canada”, “The Guard”, “Howie Do It” and “Project Runway Canada”. This is not rocket science. This is not hard. Where there are difficulties they can be figured out.

- 6) We also find it very interesting that Corus Entertainment, which did not file comments on this proceeding, recently gave a presentation at the Canada 3.0 conference on their new building Corus Quay. This building will include a new workflow, new network and new tagging of all content that will make all content management easier and more efficient. Scott Dyer, Chief Technology Officer of Corus Entertainment, specifically said that one of the results of the new building and its infrastructure will be improved and more reliable reporting to the Commission. We find it hard to believe that if Corus is building such an improved content management system it will only manage traditional television and radio broadcasting and not new media broadcasting. We also find it hard to believe that Corus is the only broadcaster who is improving their content management systems so substantially. These improvements are necessary to reducing costs and improving commercialization of content. The Commission’s suggested data reporting would piggyback on what the broadcasters are already doing or must do.
- 7) The WGC does agree that there are differences in how broadcasters and other stakeholders report and that a working group would be useful in setting standards. However, we would only support such a working group if representatives of the talent, independent producers and new media funds were included in the working group. It is important that creators of the television and new media content that is being reported on are included in the discussions. They, along with the funders, have a great deal of knowledge which can be useful in the development of standards. We also feel that only with full participation of the industry will metrics be developed which truly represent activity in the digital space without being skewed towards the agenda of one sector or another.
- 8) It has also been pointed out that requiring reporting from affiliated new media broadcasting undertakings will not provide the Commission with a full picture of new media broadcasting available to Canadians nor their participation with the entire new

media broadcasting system. While this is true, that is why the WGC recommended that the Commission expand its Communications Monitoring third party research in order to capture more of the unaffiliated new media broadcasting environment. It is not enough to answer 'it's too hard' and walk away. We can and should make an effort together to solve these problems and get the best picture possible with the available technology and reporting, knowing that as the new media broadcasting industry develops, so too will the technology and reporting.

- 9) In fact, any reporting that the Commission determines is appropriate should itself be monitored and improved on a regular basis. This is again how a working group could be used effectively. However, in order for the working group to take the place of public hearings, which are not conducive to ongoing discussion, then all major stakeholders would need to participate in the working group.

- 6) Stakeholders have suggested that the Commission should continue to rely on third party reporting to provide the Commission with data. Third party reporting is clearly limited in what data it can communicate. It cannot provide data on what audio-visual material is available on Canadian new media broadcasters or how many visitors that material receives or how long visitors spend watching videos on those sites. By its nature third party data takes a much bigger picture of the entire sector. As we mentioned in our original comments, by example, one of the problems with the data that the Commission included in the last Communications Monitoring Report was that the graph on audience viewing of online video failed to track viewing of original professionally produced video and instead split the world into tv content and user-generated content. Licensed broadcasters and BDUs are in a better position than third party commercial data collection companies to provide the Commission with the specific information on affiliated new media broadcasting activities that the Commission needs to inform its deliberations.

- 7) Finally, the WGC objects to any attempt to avoid data reporting by repeating the statements of American media conglomerates like Google that there is plenty of Canadian content online so there is no need to monitor it and definitely no need to regulate it. The Commission has stated that it has no interest in regulating user-generated content. YouTube is primarily user-generated content. The volume of amateur video on sites like YouTube is not relevant to the question of whether there

is sufficient professionally produced Canadian audio-visual content on new media broadcasting platforms. The Commission must determine whether it needs to regulate in order to ensure that Canadians have the choice to watch a diversity of professionally produced Canadian programming on the entire Canadian broadcasting system, including new media platforms.

8) Thank you for the opportunity to file these comments in this proceeding.

Yours very truly,

A handwritten signature in black ink, appearing to read 'Maureen Parker', written in a cursive style.

Maureen Parker
Executive Director

c.c.: National Council, Writers Guild of Canada
Kelly Lynne Ashton, Director of Policy, Writers Guild of Canada

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