



May 14, 2010

Mr. Robert A. Morin  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Online: <http://support.crtc.gc.ca>

Dear Mr. Morin,

**CRTC Broadcasting Notice of Public Hearing CRTC 2010-97  
Call for comments on the reporting requirements for  
new media broadcasting undertakings –  
REPLY COMMENTS**

1. These are the reply comments of the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA) on the proposed amendments to the Exemption order for new media broadcasting undertakings. They are submitted on behalf of the 21,000 members of ACTRA who are professional performers in the English-language recorded media in television, sound recordings, radio and digital media and who live and work in every corner of the country. We also represent the ACTRA Recording Artists' Collecting Society which distributes neighbouring rights and private copying monies to musicians.

2. Technology has changed the way Canadians engage with media. What hasn't changed is that content is king. And the demand for content has never been higher. ACTRA members are excited by these opportunities we see before us as it gets easier for people around the globe to see and enjoy our work. We're already working in new and emerging media creating the content that Canadians want to enjoy on their computer screens, cell phones, iPods and sometimes even their TVs.

3. We are disappointed that several parties have contributed to this process by questioning its very existence. The Commission was clear in the basis for this process when it stated in the Notice of Consultation 2010-97: "it (is) essential to collect information relating to new media broadcasting content in Canada to ensure that it has an understanding of the new media broadcasting environment in Canada."

4. We remind all parties that the CRTC has a duty to serve the interests of the Canadian public, not just corporate entities. New Media Broadcasting Undertakings (NMBUs) got a free pass when the Commission decided to extend the New Media Exemption Order last year (Broadcasting Order 2009-660). NMBUs may have temporarily escaped regulation but

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they have not escaped their responsibilities to the Canadian broadcasting system and the public.

5. As stated in ACTRA's initial comment in this proceeding, we welcome the Commission's intent to require NMBUs to report information on their new media broadcasting activities. It seems every day another conventional broadcaster is making more of their conventionally distributed content available on their websites. Furthermore, the Canada Media Fund has created a new 'Experimental' stream committed to encouraging and facilitating the production of new and innovative broadcasting content for digital media distribution.

6. However, to date, the amount and kind of content being broadcast online has largely been anecdotal. We don't know in what area, or by how much. Who are the 'NMBUs'? What are they airing? How many Canadians are watching content online? How many webisodes are being produced and broadcast? How many episodes of Canadian dramatic series are being rebroadcast online? These aren't random questions generated out of curiosity. They are critical questions and the answers are necessary to ensure that this new form of broadcasting is contributing to the objectives of the *Broadcasting Act*. Specifically, we need to measure the availability of original, professionally-produced Canadian content. We can't 'hope' that Canadian content is finding its way online, we need to be sure. We can't 'assume' Canadians are watching web video-on-demand. We can't 'guess' how much is being invested in creating original content for digital broadcast. If Canada is going to be a leader in creating content, and if our \$85 billion cultural industries are to survive, let alone thrive, in the coming years, these are things we need to 'know'.

7. ACTRA finds it dubious that conventional broadcasters have no idea what they are making available online. Canwest states: "We do not classify content into existing "television-style" programming genres, or the length of time a clip or program is made available online. There is no distinct 'points system' content analysis."

8. If that is indeed true, then our broadcasting system is perhaps in even more trouble than conventional private broadcasters claim, and it's no wonder. How do they pitch value to potential advertisers? How do they track rights and use agreements? If they actually aren't logging this information, they had better start, if only for their own benefit.

9. Canwest's suggestion that "overlaying a traditional broadcasting reporting framework on new media operations would require the development and implementation of a completely new and different workflow" makes no sense. How is overlaying something the same as 'completely new and different'?

10. Yes, reporting for new media broadcasting will impose a 'new' requirement that may require new resources. This should neither be a surprise nor a burden. New business pursuits require new resources – it's the cost of growth.

11. ACTRA is not wholly convinced that the establishment of a "New Media Reporting Working Group" as proposed by CTVglobemedia and Canwest is necessary. However, should the Commission determine that such a Working Group would be useful it would have our full support on the condition that independent producers, stakeholders such as the CMF and creator groups such as ACTRA are included in the process. We do see the merit in having an open forum in which to work through some of the common challenges and agree

on common standards of reporting. That said, in order for any such Working Group to be effective, it must be inclusive, open and transparent.

12. ACTRA stands by our original submission and urges the Commission to exercise its rights to require and facilitate comprehensive reporting on NMBU activities and to make those findings public and accessible to the fullest extent possible.

13. ACTRA appreciates the opportunity that has been provided to comment on this critically important matter.

Thank you.

A handwritten signature in black ink, appearing to read "Stephen A. Waddell", written over a light gray rectangular background.

Stephen A. Waddell,  
National Executive Director

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