

PBC21: Public Broadcasting for Canada in the 21st Century

DPC21: Diffusion publique au Canada pour le 21^è siècle

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PART 2: Issues and Observations Related to Renewal of the Licences of CBC/Radio-Canada

This submission is a supplement to Part 1, listed as intervention #3103 and posted on the Commission's website on January 14, 2020.

1. The participants in Public Broadcasting for Canada in the 21st Century (PBC21) are a loosely affiliated group of concerned Canadians who care deeply about the CBC/Radio-Canada - its past, present and especially its future. Each of us has a history with the Corporation 'on air' or in production, administration or management from east to west coasts and in the Arctic or through the regulatory process. While we share similar views, each of us speaks as an individual. None of us is currently employed by or contractually committed to the Corporation or any related agency. Furthermore, we understand that the clock cannot be turned back and that nostalgia for a 'golden age' is not a helpful tool for thinking constructively about the future.
2. Since our 2011 decision to become actively involved in the policy and regulatory processes that underpin Canada's national broadcasting system, we have highlighted the need for government action to address evolving – and urgent – system and service anomalies. Rapid industrial convergence and consolidation amid unprecedented technological change have tested the logic underlying various regulatory assumptions in a broadcasting environment totally constrained by moth-eaten legislation.
3. Each institution has its own life span. We welcome the willingness of the current Government to address the challenge of enabling this country's many constituencies – including the complex broadcasting and audiovisual sectors – to partner in design of the foundation of a vigorous domestic and global media presence for Canada. Key to this exercise will be re-invention of a national public service capable of addressing the **contemporary** information and entertainment needs of Canadians, to which this hearing and its outcome will be key.
4. The Canadian Broadcasting Corporation/Radio-Canada (CBC/R-C) is currently fixated on a set of content and distribution priorities it is pursuing at the cost of delivery of its core, legislated mandate: the provision of essential information and cultural content as a public service to all citizens. Its resources are stretched beyond a sustainable level while Canada's domestic commercial broadcasting, daily and weekly

newspapers, are on the brink of collapse. For a nation such as ours, such synchronicity is toxic.

5. The timely publication of the Report of the Broadcasting and Legislative Review panel (BTLR)¹ has confirmed that, if it is to have a future, the CBC/R-C must be revitalised, enabled to again focus on its core mandate and share content with other media, such as local and regional newspapers, audio and video services. We note that the provision of a vibrant national public media service will require the employment – rather than the laying-off – of people (producers, researchers, writers, reporters, etc.) whose functions cannot be supplanted by AI-generated images. And skilled people deserve to be appropriately remunerated.
6. As things now stand, there are few options available with respect to the future the CBC/R-C. The Federal Government could decide to:
 - (i) significantly increase the annual parliamentary appropriation (tripling the current amount would provide the Corporation with no more than the *average* now granted by the world's developed nations to their public service broadcasters; or
 - (ii) redesign the mandate and focus CBC/R-C's activities on the creation and distribution of a more limited range of higher quality, domestic information and cultural content, locally, regionally and nationally - programming that both supports active citizenship and celebrates the dynamic and diverse talents of Canadians. However, this too will require an increase in human and financial resources.
7. Surveys continue to demonstrate that Canadians continue to watch and listen to CBC/R-C on 'traditional' platforms (radio and television). Recent data provided by Barry Kiefl of Canadian Media Research Inc. indicates that some 150,000 people are tuned in the average minute of the year to each of the main English and French TV services, another 100,000 or so to CBC-NN and RDI, roughly 350,000 to English radio and just under 150,000 to French radio services and a far fewer use CBC digital. By comparison, in the average minute of the day only a total of about 150,000 people are using the 500 or so Canadian and international news and information web sites (combined), as measured by Comscore.
8. Yet CBC/R-C seems wedded to driving its audiences to web-based and centralised services. Why? One assumes that the Corporation hopes to find savings in shuttering its transmitters and reducing staff complements in local and regional stations outside major centres. While this plan may seem driven by the long-view of fiscal and structural imperatives, in fact it is dangerously short-sighted and ignores or downplays key elements of its legislated mandate:

¹ Canada's Communications Future: Time to Act, January 2020, found at [https://www.ic.gc.ca/eic/site/110.nsf/vwapi/BTLR_Eng-V3.pdf/\\$file/BTLR_Eng-V3.pdf](https://www.ic.gc.ca/eic/site/110.nsf/vwapi/BTLR_Eng-V3.pdf/$file/BTLR_Eng-V3.pdf)

- (i) The principle of universal access and its requirement to reach and serve all Canadians;
- (ii) The flexibility afforded by OTA distribution at local and regional levels; and
- (iii) The risk involved in reliance on a cyber (digital) distribution system that has inherent and severe vulnerabilities to human and environmental interference (e.g., hacking, cyber attacks, solar radiation).

Eventually, the future for mass media may be largely digital but terrestrial distribution will continue to have both purpose and utility.

9. The evidence is clear that the race to achieve the stated objective of the Corporation's 2020 plan (to be an industry leader in inhabiting digital platforms) has stretched its diminishing resources across a wide and thin set of content providers. Creation of content for Canada's legacy regional and national radio and television services in two official and several indigenous languages is sufficiently challenging, even if only amended by duplication of that core content on digital platforms. But to attempt to add to that the creation of distinctive content for new digital offering such as 'Gem' or 'Listen' – and the servicing of audience outreach on blogs, Twitter and Facebook, web pages and specialty music services ... the result is a chaos of resource allocation, 'robbing Peter to pay Paul' (i.e., raiding the budgets of mandated, regulated services to pay for unregulated digital activities). Add to that a demonstrable toll on staff morale and energy, especially in news, current affairs and regional services that lie at the heart of the Corporation's raison d'être and it becomes obvious that CBC-R-C is moving too quickly into a future based on the false assumption that it will find compensatory advertising revenue on the web and/or that it will be able to compete in content/promotion/budget with international streaming services like Netflix, Amazon, Disney, etc. **That will not happen.**
10. The attempt to secure advertising revenue to augment annual federal appropriations is proving inadequate on any of the Corporation's platforms. In part, this is the result of advertisers' shift from traditional to digital media. But it is also because CBC/R-C cannot and will never command audiences large enough to compete in the modern digital media universe. The proliferation of platforms and especially the advent of streaming audio and video have so fragmented the market that CBC's share of global commercial revenues is likely to remain insufficient to meet its needs.
11. In the near future, Canadians are likely to find themselves with few and fewer sources of domestic print, broadcast and web-based sources of reliable news and information. Rather than positioning itself to fill that void, CBC/R-C continues to chip away at the very core of its national public services: local, regional, national and international bureaus and reporters. It has focused instead on (lower cost) entertainment programming funded by a combination of private and public

partnerships (often aimed at global distribution) rather than the more costly but essential in-house provision of news, current affairs and cultural programming.

12. In a nation the size of Canada, local and regional bureaus are the essential strength of the national public broadcaster. The value of national public media is that they allow a population to share ... to see, hear and understand the voices, ideas, values and culture of their fellows. Even as they become more diverse, instead of being strengthened and reinvigorated, local and regional CBC/R-C outlets are dissolving and diminishing as management focuses its ever-reduced resources on centralized initiatives in an effort to meet fiscal challenges. We submit that reducing these core resources further will only erode the level of service and diminish Canadians' willingness to support them.
13. CBC/R-C may be Canada's last hope for retaining its cultural sovereignty. For decades, we have mischaracterized our public broadcaster: **it is not a typical business operation but rather a public trust.** Certainly, it should operate efficiently. Canadians should get good value for the dollars they invest in their national public broadcaster. But it is folly to measure its success primarily in market terms, by counting ratings, hits, and advertising revenue. Such measures run contrary to its mission to nurture our culture and help to *continue the Canadian experiment*. The public broadcaster is a tool of nationhood, not a device to capture audiences to sell to advertisers. This said, it is imperative that, being a public service to be used by all Canadians, it must be available to all of them on its various platforms and through the latest available technologies.
14. There is a fundamental injustice in requiring that all Canadians must underwrite the cost of the national public broadcaster if only a few of its services are accessible to them without additional payment. The decision to require a shift to digital TV transmission has effectively 'disenfranchised' residents in parts of New Brunswick and Saskatchewan and intervenors in this process have detailed how even Radio One has vanished in areas of Ontario. Moreover, the fact that some CBC radio programs are made available to international audiences digitally or on Sirius 169 before they can be heard on Canadian radio is simply perverse.
15. PBC21 is convinced that all programming produced by or for the CBC/R-C should be platform-agnostic and that its first release should be on the Corporation's legacy services to preserve the critical universal access principle. As noted in Part#1 of our submission, we recommend the decommercialization of all CBC services. It is understood that different market imperatives may apply to Radio-Canada at present

but a gradual reduction in advertising on its TV and digital services should also be pursued.

16. The pages that follow provide responses to certain of the Commission's questions itemized in the Notice of Public Consultation 2019-379. If a question has not been addressed, it is because it dealt with Radio-Canada rather than CBC's English Services or because we deemed it to require specialized knowledge beyond our collective expertise.

Q1. Comment on the types, range and quality of the programming offered on the Corporation's English-language platforms and services.

Many intervenors in this hearing process have already made note of the decline in quality of service provided by CBC-TV and CBC-NN and the degree to which they are now distanced from the legislative requirements imposed by section 3(l):

the programming provided by the Canadian broadcasting system should

- **(i)** be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,
- **(ii)** be drawn from local, regional, national and international sources,
- **(iii)** include educational and community programs,
- **(iv)** provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and
- **(v)** include a significant contribution from the Canadian independent production sector;

The distinctive programming – and lack of commercials - on CBC Radio One and Two continues to appeal to significant audiences, despite the inevitable decline in the quality of local service caused by staff reductions. The high program repeat factor has become an irritant, as has the recent craze for repeating portions of one program inside another, presumably to reduce the need for original content. Also causing concern is the trend to 'virtual' foreign reports where an international story is covered not by a correspondent on site, but by a reporter no closer to the action than the listeners. There is no substitute for actual journalism and this points to the urgent need for CBC to rebuild its network of foreign news bureaus as, indeed, "Time to Act" cited above has recommended.

On CBC-TV, information programs like *Marketplace*, *The Fifth Estate* and *The Nature of Things* have retained a loyal and appreciative audience but, of its entertainment

programs, only *Murdoch Mysteries* now draws sufficient viewers to regularly reach the Numeris Top 30 list. In fact, it has become clear that, in the new world of globalized media, CBC's television programming strategy is failing. Audiences for most of its local evening news programs are now derisory and its recently 'tweaked' flagship, *The National*, ranks well below the competition on CTV or Global.

While the practice of buying the rights to make Canadian versions of American and British programs such as "Family Feud" (*Family Feud Canada*), "Ice Road Truckers" (High Arctic Haulers), "Hello Goodbye" (*Hello Goodbye Canada*), etc. may be a cost effective way to create 'low cost' CanCon that fills airtime – and in some cases with somewhat popular results - we do not believe that such programming is an effective way to encourage the development of original domestic entertainment programming for Canadians.

Clearly, revitalization of CBC's television service is required, if we are not to continue pouring good money into a crumbling sinkhole. It's time to learn from the radio experience, and, as the BTLR Panel has proposed, remove commercials from CBC television, and substantially rebuild its ability to deliver local, regional, national and international news and information, current affairs, documentary and coverage of significant national events including sports.

Q3. The English- and French-language viewing and listening markets in Canada have different dynamics and realities, both of which can affect the programming needs of the various communities within these markets. Is the Corporation addressing the distinct needs and interests of each linguistic market in the best ways possible? What improvements could be made to ensure that the Corporation's programming meets those needs and interests?

In previous submissions, PBC21 has expressed its ongoing concern about the Corporation's failure to encourage more collaboration between its French and English media. Canadian audiences are becoming more comfortable with dubbed and subtitled content as HBO, Hulu and Netflix are increasing public access to foreign language features and series. An opportunity surely exists for CBC and Radio-Canada to build bridges between the silos in Toronto and in Montreal and commit as a condition of licence to an appropriate level of joint program development. At the very least, efforts should be made to make available translated newscasts or sections thereof that would inform unilingual Canadians of what is "making news" in our other national culture.

Q5. Does the programming offered on all of the Corporation's platforms and services reflect the diversity of Canadians? Are the following groups adequately and appropriately reflected?

- a. women
- b. Indigenous groups
- c. ethnic and multicultural groups

- d. OLMCs
- e. children and youth
- f. Canadians with disabilities
- g. LGBTQ2 Canadians

Reflection of diversity can never be exact but the Corporation's commitment to the principle is clear. In fact, on CBC Radio One it is now possible to listen for several hours without hearing a male host, news reader or 'expert' guest, the result (one assumes) of efforts to achieve on-air gender balance. Indigenous participation in CBC Radio programming has also expanded considerably in recent years, as has that of other ethnic minorities. Again, however, at the network level, English radio and TV do little to provide a window on life in Quebec or in OLM communities.

CBC should be acknowledged for introducing *CBC Kids News* on YouTube. We wonder, however, if it is not also possible to create an effective children's space on Radio One, for instance. This was done successfully in the 1970s with "*Anybody Home?*" and it remains a mystery why a short bedtime slot has never been made available for the reading of stories to help kids wind down at the end of their day. Surely, there is room in the heavily repeated Radio One schedule for some spoken word programming designed for young Canadians at times when they would be able to tune in. And, doubtless, for adults too: it is no mystery why "Book at Bedtime" has remained a popular fixture of BBC's Radio 4 since 1949.

With respect to Canadians with disabilities, there is also a useful innovation from Australia's community radio sector where regular reading of compelling press reports on multiple subjects was first provided as a service to print-disabled listeners but is now appreciated by a much larger audience.

Q7. What could the Corporation do to ensure that its programming remains reflective of Canada's regions while serving the special needs and interests of those regions, including Indigenous peoples in different parts of Canada, on all of its platforms and services?

Bluntly, the public resources allotted to the CBC/R-C – now and over the past several decades – are, and have long been, inadequate to meet the demands placed on the organization by the changing needs of its audiences, the evolving media environment and the CBC's interpretation of its service mandate. As noted earlier, the legislation under which the organization operates, conceived some three-and-a-half decades ago and only marginally amended since, has left the CBC/R-C on its own to develop its programming --- to reach out to digital audiences and, at the same time, attempt to maintain the legacy services still relied on by most listeners and viewers.

The result, unfortunately, has been the impoverishment of the old to feed the new and, even more damaging, relentless attempts to increase TV commercial revenues in a

declining ad market by creating programming designed to serve advertisers, not the principles of a national public broadcasting service.

We note that the mandate letter provided to the Minister of Canadian Heritage includes an instruction to “Strengthen the regional mandate of CBC/Radio-Canada to broadcast more local news and require CBC/Radio-Canada to open up its digital platform.” There is no mention, however, of providing funds to enable these developments and while imposing additional responsibilities might be aspirationally justifiable, they may not be fiscally sustainable.

Equally disturbing is the fact that in this renewal application CBC is requesting permission to **reduce** local television hours as well as Canadian programming in prime time because they are doing more online. We reject the implication that online content is an effective alternative to OTA local/regional programming; audience data do not support that claim. CBC audiences continue to prefer legacy media for their local news and information, to hear the fellow citizens speak to matters of the day. Requiring them to change listening and viewing habits and to pay an ISP to access the public broadcaster they already fund through their taxes defies the principles of universal access and discoverability. Moreover, regional reflection is such a fundamental component of the national service that placing it beyond the monitoring and regulatory control of the Commission would be unwise.

To achieve this objective, as “Time to Act” has emphasized, CBC must be resourced (with both dollars and people) to rebuild its local/regional presence throughout Canada and rejuvenate its role as the contemporary national public media service that Canadians deserve.

Q8. What, if any, improvements could be made to ensure that the Corporation creates and broadcasts high-quality original Canadian productions?

CBC programming successes like *KIM’S CONVENIENCE*, *SCHITT’S CREEK*, *HEARTLAND* and *ANNE* and more recently *CORONER* and *BURDEN OF TRUTH* demonstrate once again that Canada has the production talent needed to reach both domestic and global audiences.

But is reaching a global audience really a fundamental role for the Corporation? PBC21 asserts that concern over international interest in its entertainment programming has become too important an imperative the latter achievement in programming decisions and partnerships created between the Corporation and independent Canadian producers. This is largely because of the structure of Canadian production financing that effectively requires that Independent Producers make international sales in order for a television series to be profitable.

Further, the resources required for the Corporation’s engagement in entertainment productions designed to reach the broadest possible audience (and to

populate its digital platforms with unique programming) have too often been diverted from the its legacy media operations, as we have noted earlier in this submission.

For example, CBC recently invested in scripts for Drew Hayden Taylor’s smart new drama series, "*The Res*" – then walked away. When it recently premiered the world-class, 90 minute documentary feature about one of the foremost authors in the world, Margaret Atwood - "*A Word After a Word After a Word is Power*" - it did so in an abbreviated 42-minute version shown only on its specialty Documentary Channel, riddled with commercials and making it unwatchable.

CTV, Global, Netflix and others are all now investing Canadian drama and comedy. If the Commission were to issue a short-term renewal of CBC’s TV licences, that could buy time for CBC to step back and re-think how it can best provide the unique and distinctive program roster of a kind that only a non-commercial, national public service broadcaster is able to offer.

Once again, we assert that CBC-RC was not constituted to be a competitive instrument in the domestic and international marketplace, but rather as a public trust designed to serve Canadians with content that expresses the distinctive cultures of the regions and languages of this nation.

Q9. How could the Corporation ensure that the programming provided across all of its platforms and services remains predominantly and distinctively Canadian?

The only rationale for continued public funding of the Corporation is that its programming should be so characterized. If financial, technical and human resources remain insufficient to permit “predominantly and distinctively Canadian” programming to be created on all platforms, then CBC-RC must focus on appropriate development of content for its legacy services, and primarily use its digital platforms as supplementary carriers of programming carried by those legacy services.

Q14. Taking into consideration the content that the Corporation has made available on multiple online platforms (for example, mobile applications and online streaming services), what could it do to continue to serve and meet the needs of Canadians who cannot or do not consume content via online platforms? In other words, how could the Corporation ensure that Canadians are well served regardless of the platform they use or to which they have access.

This objective is most easily achieved if all programming produced by the CBC/R-C is platform-agnostic and universal access is best achieved for the foreseeable future by its placement on radio and television, before its migration to less accessible digital outlets.

It has long been understood that the Corporation must be free to spend in a manner designed to meet its mandated commitments. Recently, however, it would appear that its legacy services – those utilized by those who cannot or do not access the internet - have been plundered to support the CBC’s ‘digital first’ priorities.

With the release of the BTLR Panel's report and the imminence of revised governing legislation, action must be taken to move from an annual appropriation to a five-year (renewable) Memorandum of Understanding with a built-in process of service evaluation to underpin more stable funding and provide sensitive direction as the Corporation evolves through the middle years of the 21st century.

Q15. Should the Commission take a different regulatory approach in regard to the Corporation's services, depending on the platform or service, to ensure that its programming continues to be available to Canadians across the country? If yes, how should such an approach differ on a per-platform basis? For example, are there certain types of programming that would best be offered through online platforms or through traditional television or radio services?

We recognize the unique qualities of the various media. To take the most obvious example, websites can readily be used to supplement information or deal with questions raised in broadcast programming and, of course, there are many ways the interactive capacity of digital can be harnessed to extend and enrich the overall service without necessarily being available to everyone, everywhere. At present, however, the Corporation's 'digital first' initiative has generated undemocratic results, further depriving those with the least access to high quality news and information.

For that reason, unless consideration is being given to transitioning CBC/R-C's services to some form of 'user-pay', then the fact of the annual parliamentary appropriation dictates preservation of the principle of universal access to all programming of the national public media.

Q18. To what extent is the Corporation adequately serving, or not adequately serving, local, regional and national communities with news and information programming on all of its platforms and services? How has the Corporation increased use of online services affected its local programming as well as news and information content on its traditional platforms?

Most of the over 4,000 interventions received by the Commission as of February 5 make clear their dissatisfaction with the quality of CBC's news programming, and especially that on television. They note too that budget cuts to local radio and television operations have reduced both the journalistic complement available and the time allotted for coverage of local news on radio.

In light of the Corporation's request to diminish local access (despite longstanding commitments to the contrary) – and the steady withdrawal of private broadcasters from local programming, PBC21 believes that a serious and appropriately funded renaissance of CBC's local service is in order. That would necessarily demand a major shift in staffing and training on all platforms at the regional level and a likely return to the human resource 'ladder' concept.

Q20. In an era where false and misleading news is increasingly being shared on the Internet, what should the Corporation do to continue being a trusted, verified and non-biased source of news and information? What key role will the Corporation play in the future online world of trustworthy news and information?

The provision of accurate and balanced news and information must be the CBC/R-C's first responsibility. It is especially important when paired with the legislative exhortation to 'provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern'. In the current circumstances, enhancement of the editorial capacity will be required across all platforms to ensure that balance is maintained and any appearance of bias eliminated.

To achieve this and fulfill the vision articulated in "Time to Act", investment in people, training, content and reportage rather than development of new platforms and technologies will have to become the first order of business at CBC/R-C. Reporting that is not riddled with falsehoods is most likely to happen when reporters have the time to work on the content and details of their stories, rather than rushing to beat the alleged competition and/or file their reports in multiple versions for radio, TV and text platforms as quickly as possible. The rush to peak efficiency has opened the door to errors, omissions and the inability to double check, with the result that mistakes happen too often and are too easily replicated.

We further recommend that the reporting line of the French and English Ombudspersons should be to the Corporation's Board of Directors rather than to the President and that consideration be given to enhancing their role to provide ongoing interaction with the public.

Q21. The Corporation is expected to distribute emergency alerts to the public in both official languages when available, in accordance with the [National Public Alerting System Common Look and Feel Guidance, version 2.0](#). Provide details on the importance of emergency alerts on the Corporation's platforms and services across the country, especially in rural and remote regions where long-term evolution (LTE) technology may not be available.

The emergency alert system provided by the CBC/R-C is of critical importance to all Canadians and must be provided on all its platforms. In the event of major environmental disruptions or threats to national security, digital platforms and reception technology are the most vulnerable and radio the least (as witnessed in the extraordinary blizzard that struck Newfoundland in January 2020), emphasizing the importance of maintaining multiple messaging sources.

Q22. Would it be appropriate to regulate the programming activities of the Corporation in a manner that focuses solely on the provision of content via traditional television and radio services? If yes, elaborate on the reasons why.

No. Over time, this could create an opportunity for the Corporation to shift most – if not all – of its major program and service investment to what would become unregulated media, leaving its legacy media (and their users) orphaned. CBC/R-C is unique among Canada’s media operators and it is critical that services on all its platforms operate – and are seen to function – as a Public Trust, one that is - if not regulated in all of its aspects - at least overseen and held to its mandated purpose.

Q23. In regard to the Corporation’s proposal for a new flexible approach to content commitments, does this new approach continue to ensure that the Corporation is meeting its mandate and serving Canadians across the country? Are there new approaches the Commission should consider in this regard?

In its application the Corporation has failed to delineate how it proposes to engage with new (under-served) audiences while maintaining expected levels of service to its core public broadcasting audiences. Given its recent record of stripping resources from local radio and television service to support the new ‘digital forward’ stance, we find this request for more regulatory flexibility with respect to content commitments disturbing.

Moreover, the creation of Canadian “knock-offs” of American and British programmes cited earlier should not be considered “original Canadian programming” and in the event that CBC’s search for ‘flexibility’ is driven by the intent to increase derivative production, any regulatory changes that would enable it should be resisted.

We note, too, that audience consumption of programming draws popular genres of content into the market through "demand pull." But it is also the case that content providers like CBC can deliberately manipulate the market on the supply side simply by making some kinds of programming unavailable or unsatisfying, and demand dwindles to zero (e.g., local newscasts.) Alternatively, they can invest in fresh new content - and even entirely new genres - so compelling and relevant to the audience that demand soars.

24. Taking into account the entirety of the Corporation’s operations, how could including content on online platforms and services better allow the Commission to ensure that broadcasting policy objectives and outcomes are being achieved?

“Time to Act” contains detailed recommendations that, if adopted, will ensure that the Corporation and the Commission are subject to new – and differently worded – legislation but that all of the Corporation’s operations will continue to be undertaken in pursuit of the objectives of section 3 or its successor clause. Exempting its online platforms and services would necessarily breach such legislative intent.

Q25. In what way could the Corporation's online platforms and services and their content be incorporated into such an approach, and how should the existing regulatory tools be used?

Regulatory exemption of CBC/Radio-Canada's digital services should no longer be permitted. The case made for continued exemption by the Corporation fails to provide sufficient detail with respect to budgetary protections it would employ to ensure the continued health and program vitality of those legacy services that continue to be 'most used' by its audiences.

Q26. The activities of the Corporation are generally regulated through exhibition requirements. Would it be appropriate to consider expenditure requirements in regard to its traditional or online services as a way to ensure that the Corporation continues to meet its mandate under the Act while being regulated in a more adaptive manner?

This application by the Corporation makes clear its intent to reduce its programming commitments on regulable legacy media and begin shifting them beyond the reach of the current regulatory process. PBC21 understands CBC/R-C's need to move into the digital media space but we are not convinced that an 'all or nothing' roll of the dice is either timely or sensible. For that reason, we support a form of regulatory oversight that would ensure public reporting of both program exhibition and expenditures for all the Corporation's media services, whether online or broadcast. While it would be inappropriate for the Commission to attempt to regulate programming budgets, in the public interest it must be able to monitor the Corporation's use of appropriations to downplay legacy distribution, reduce content in the core mandate arena and attempt to shift content beyond regulatory oversight.

Q27. How could programming requirements (relating to expenditures or exhibition) normally imposed by condition of licence on a specific service take into account programming provided on a number of platforms by linear and/or on-demand services?

Given the paucity of information provided in this application, it is difficult to respond definitively. How does the CBC, for instance, currently account for the production cost of programs developed for radio or television but now enjoying a supplementary digital life as a podcast or shared with CBC's online services? Is a portion of the original production cost attributed to or reclaimed from its digital platforms?

How, indeed, are digital platforms budgeted? For example, do the Corporation's labour agreements (rates and conditions) apply equally to legacy and digital platforms? There is insufficient transparency in the Corporation's reporting to allow for an understanding of the expenditure ratio of its legacy to digital services.

We suggest it will be necessary for the Commission to examine current production and production budgeting practices with the Corporation as a necessary precursor to contemporization of this regulatory tool.

Q32. The Corporation's mandate requires that its programming be of equivalent quality in English and French. How should the Commission define the notion of quality as expressed in the Act and how can this be best measured on all platforms and services?

In fact, Section m(v) of the Broadcasting Act requires that the Corporation's services "strive to be of equivalent quality in English and in French", an implicit acknowledgement that quality is partly a subjective measure and can only be determined by some form of multi-dimensional assessment. It is further complicated by differences in tastes and norms and other social characteristics so that the definition of quality must be flexible enough to accommodate cultural distinctiveness. Whatever measurement tool is chosen, it is imperative that it be consistent across all media, eliminating any opportunity for hidden reporting bias.

So very little content is shared - in whole, in part or in versioning - between English and French services – that is only serves to exacerbate any sense of comparison. To our knowledge, there is still no established corporate forum for cooperative sharing of program resources/ideas and, as a result, the two linguistic arms of the Corporation operate from within their distinct silos and all Canadians lose as a result.

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