

October 19, 2020

Filed via Intervention / Comment / Answer Form

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

Dear Mr. Doucet:

Re: BROADCASTING NOTICE OF CONSULTATION CRTC 2020-336:

Call for comments on an application by the Canadian Association of Broadcasters requesting regulatory relief for Canadian broadcasters in regard to the COVID-19 pandemic – Intervention from the Documentary Organization of Canada

1. The Documentary Organization of Canada/ Documentaristes du Canada (DOC) is pleased to submit the following comments with respect to Broadcasting Notice of Consultation CRTC 2020-336.
2. DOC is the collective voice of independent documentary creators across Canada, a national non-profit arts service organization representing more than 800 directors, producers and craftspeople from all provinces and regions of the country working in the documentary genre. DOC advocates on behalf of its members to foster an environment conducive to documentary production and to strengthen the genre within the broader screen sector. In so doing, DOC seeks to ensure that domestic and international audiences continue to have access to high

quality, original documentary programming reflective of Canadian perspectives, lives and experiences.

3. Data from DOC's 2019 Getting Real report shows that in 2016-17, the documentary sector generated 6,000 direct and spin-off jobs across Canada, contributing \$324 million to Gross Domestic Product based on direct spending of \$220M.¹ This activity represented 341 unique projects and 864 hours of PNI content.
4. While recognizing the wide-ranging impacts of the pandemic on the Canadian economy, including the broadcast sector, DOC opposes the application submitted by the Canadian Association of Broadcasters (CAB) requesting "...that the Commission deem broadcasting licensees, absent any bad faith on their part, to have met their conditions of licence and the regulations relating to spending for the 2019-2020 broadcast year (i.e., 1 September 2019 to 31 August 2020)."
5. The CAB application fails to acknowledge the impacts of the regulatory relief being sought on other stakeholders including creators and producers. As the Commission points out, "many of the financial requirements that are the subject of the flexibilities sought by the CAB represent important elements of funding for Canadian audio and audio-visual programming. Such funding directly benefits Canada's creative and artistic communities, which have themselves also experienced deep negative impacts from the pandemic." Smaller producers working primarily in PNI genres such as documentary would experience particularly adverse effects.
6. The CAB application also fails to acknowledge that relief for declining revenues is already factored into broadcasters' regulatory obligations. Required spending on Canadian programming, programs of national interest (PNI), and independently-produced programming are based on a broadcaster's gross revenues from the previous year. Decreased revenues in the 2019-2020 broadcast year will result in a decrease in required spending on Canadian

¹ [Getting Real: A Profile of Documentary Production in Canada 2012 – 2017](#). Figure 2. p. 17.

programming, PNI, and independently produced programming in the 2020-2021 broadcast year.

7. **DOC recommends** that instead of enacting a deeming provision, the Commission provide flexibility by granting private broadcasters additional time to meet COLs and other regulatory obligations relating to spending for the 2019-2020 broadcast year.
8. **DOC further recommends**, in accordance with the Commission's guidance "that any flexibility granted should be subject to transparency and oversight", that any broadcasters who opt to take advantage of new flexibility measures relating to required spending for the 2019-2020 broadcast year be required to report to the Commission on the type and amount of non-compliance. Such reporting should be updated, on an annual basis, until compliance with the 2019-2020 broadcast year has been achieved. This reporting should be made publicly available on the CRTC website to ensure transparency, accountability and predictability for other stakeholders including producers of PNI genres like documentary.
9. DOC has read the CMPA application in respect to Broadcasting Notice of Consultation CRTC 2020-336 and is entirely in agreement with the specific recommendations made by the CMPA. DOC encourages the Commission to adopt the CMPA's specific recommendations in this intervention.
10. DOC appreciates the opportunity to share our comments with respect to the Commission's consultation on the CAB application for regulatory relief for broadcasters due to the impacts of the COVID-19 pandemic.
11. Should the Commission require any additional information regarding this intervention, please do not hesitate to contact me directly.

Sincerely,
[Filed Electronically]

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