



February 1, 2010

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

Dear Mr. Morin,

**Re: *Review of community television policy framework, Broadcasting Notice of Consultation CRTC 2009-661 (Ottawa, 22 October 2009)***

## Introduction

- 1 The Canadian Conference of the Arts (CCA) is the oldest and most widely based umbrella organization representing the full spectrum of the arts and culture sector in Canada, both English and French. Its mission is to be the national forum for the arts and cultural community in Canada; to provide research, analysis and consultations on public policies affecting the arts and the Canadian cultural institutions and industries; to foster informed public debate on policy issues and seek to advance the cultural rights of Canadians.
- 2 Because it is in the *Broadcasting Act* that one finds the most complete expression of cultural policy ever adopted by the Canadian Parliament, the CCA has participated actively in CRTC processes for decades and, most particularly, on several occasions over the past four years, as the Commission's agenda dealt with issues that go to the core of the *Act*.
- 3 More specifically, the CCA has intervened in the *Diversity of Voices* hearing, in the *New Media* hearing and in the *Over-The-Air Television* licensing processes, all of which involved principles and issues germane to the current revision of the policy framework for community television.
- 4 The CCA is therefore pleased to intervene in the current process and to give its general support to the positions and proposals put forward by the Canadian Association of Community Television Users and Stations (CACTUS) and the Fédération des télévisions communautaires autonomes du Québec (FTCAQ).

- 5 In this brief, the CCA will insist more specifically on the importance of the democratic aspects of the CACTUS proposal, on its significance for Canadian citizens and on the crucial need for real community-based programming to provide a better reflection of our local populations and of the diversity of our local cultural expressions.
- 6 CCA wishes to appear at the public hearing scheduled to commence on April 26, 2010 to elaborate on the views expressed in this written intervention.

### **The importance of the current policy review**

- 7 The CCA notes with interest the following points raised in the Commission's Notice of Consultation:

"In light of the Act's objectives, the Commission announced the following overall objectives for its 2002 community TV framework:

- to ensure the creation and exhibition of more locally-produced, locally-reflective community programming; and
- to foster a greater diversity of voices and alternative choices by facilitating the entrance of new participants at the local level.

(...) In the Diversity of Voices Policy, the Commission made several observations regarding the state of community-based television services. It noted that although campus and community radio, in both official languages, is reasonably widespread, community-based television operations do not yet occupy a significant place in the system. Cable community channels remain an important component of the system but, *increasingly, they have a regional rather than a local focus.* (our emphasis)

The Commission also observed that despite the declining cost of television production equipment and the cost-effectiveness of new technologies for the distribution of community programming, stable funding to allow for the production of quality community programming remains a significant issue."

- 8 The CCA agrees fully with the objectives included in the Commission's 2002 community TV framework: In fact, the rapidly evolving media environment make those objectives even more important than they were eight years ago
- 9 The CCA also agrees with the diagnostic the Commission makes, which is confirmed both by CACTUS and by the FTCAQ, particularly concerning the fact that "community" stations are for the most disconnected from the communities they are meant to serve. We also agree on the on-going lack of appropriate resources for real community programming to be offered to Canadians.

### **Further and further away from the initial objectives**

- 10 Both CACTUS and FTCAQ demonstrate quite clearly in their respective briefs that the vast majority of so-called community stations are no longer based on the communities themselves. They have become more and more regionalized and professionalized stations which the highly concentrated cable industry has turned

into an instrument of differentiation in its marketing efforts to fend off Direct to Home satellite providers (DTH).

- 11 As the FTCAQ explains in details, a convincing case can be made that the Commission itself is partly if not largely responsible for the regionalization and professionalization of cable community stations, contrary to the very objectives it established in 2002 for its community television policy.
- 12 As recently as August 31, 2009, in its constant drive towards de-regulation, the Commission seems to have failed to note that it was *de facto* taking away the funding necessary for truly community-based stations to operate in accordance with the official policy. With *Broadcasting Order CRTC 2009-544* and the decision to exempt BDUs serving less than 20,000 subscribers from any licensing requirements, the Commission has indeed taken away an important source of funding for the production of some form of local programming in communities which have access to none.
- 13 In this latest case, it is particularly grating that the Commission did not think it fit to draw the attention of Canadians to the fact that its intention to stop licensing small BDUs would result in their not having to contribute financially to the production of Canadian or local programming. Based on the assumption that this was the result of an honest oversight, the CCA strongly supports the FTCAQ's demand that the Commission suspend the application of CRTC 2009-544 until such time as the review of the community TV policy framework is completed. This would allow the Commission to take a comprehensive view of the issues under review and of the constructive proposals it has received from CACTUS and FTCAQ.
- 14 The current reality is that overall, the actual number of "community channels" has declined since the 1990s (by more than 2/3 according to CACTUS) and so has the number of locally produced and locally reflective productions on those channels as more and more "BDU-community channels" repurpose programming among their channels. Cable companies have continued to consolidate and have lost the local focus that was once the norm: they want to stream-line their production and distribution systems to serve regions rather than individual communities.
- 15 So, with some notable exceptions, most BDUs now control the content on their channels, whereas the initial concept of community stations was that BDUs would *facilitate* the public to produce content for itself. This professionalization of the channels has excluded the diversity of voices previously present on these channels and reduced the volume and variety of genres and programming produced.
- 16 Moreover, as CACTUS points out, the declining number of Canadians who rely on cable operators to access television programming means that the worthy democratic objectives of the *Act* are in any case available to only 60 % of Canadians (and this does not take into consideration the loss to smaller communities created by *Order CRTC 2009-544*).

## **Putting communities back into community stations**

- 17 While we note that FTCAQ stops short of asking that community stations be taken away from cable operators, the CCA supports the approach put forward by CACTUS which wants the Commission to put community programming back in the hands of communities.
- 18 In the context of high concentration of ownership and high competition for revenue, it is unrealistic to expect for-profit companies like BDUs to fulfill the ideals of democratization and participation which are at the root of community access or community driven television. The evolution of BDU-controlled community stations proves that eloquently.
- 19 The *Act* has set the ground for a very specific social and cultural mandate for community stations which can only be achieved by community-controlled entities and volunteer-based programming. Such programming can not only be complementary to whatever local programming may be available through traditional broadcasters but actually fill a real void, as more and more of the latter disengage from truly local programming. A quick review of the roles and objectives of a community station as spelled out in para. 21 of the Commission's notice is both a condemnation of the current state of affairs and a perfect description of what truly community-driven stations should and could be doing.
- 20 The need for communities to have platforms to express themselves culturally and to debate issues of local relevance is greater than ever in an environment of hyper media-concentration and globalization. While the Internet has a role to play in the new environment, it is not conducive to the same level of community involvement.
- 21 As was evident at the *Diversity of Voices* hearings in 2007, Canadians are more, not less concerned about the loss in diversity of voice due to continuing intense media concentration, both within the television sector, as well as cross-concentration and common ownership of multiple media sources including newspaper, Internet, television and radio. Local expression is a key part of diversity and it is quickly disappearing.
- 22 This is why the CCA opposes the idea that DTH operators be allowed to have their own "community channels". We share the fear expressed by others that such an initiative could only lead to more consolidation, regionalization and professionalization of such channels as cable operators would not miss seeing this development as a justification for further erosion of the basic purpose of a community service as originally envisioned by the Legislator and the Commission.
- 23 Accordingly, we support CACTUS' proposal that the responsibility for community stations be given back to community-controlled organizations and that such stations receive mandatory carriage on cable basic tier.

## **Advantages for the local arts and culture communities**

- 24 The CCA is aware that for the past 25 years, some of its member organizations have been at loggerhead with cable operators concerning the appropriate and legitimate

compensation to be given to artists and arts organizations whose performances may be broadcast on the BDU-operated community stations.

- 25 We are however confident that such issues could be negotiated in good faith by, and to the satisfaction of both parties should community stations be given back to community-controlled organizations. This should be facilitated by the role that artists and local culture professionals could play on democratically elected boards of community-controlled stations.
- 26 Moreover, CCA sees considerable potential advantages for local artists and cultural institutions, professional or amateurs, if real community-based television stations are put in place. Such programming would contribute significantly in positioning arts and culture in the daily lives of Canadians.
- 27 Many a successful comedian, film or television personality has started a career in community stations when these were truly local. The CCA sees real community-based stations as offering opportunities for individuals to hone their talents and eventually turn to a professional career. With the demise of local private and public television programming, such opportunities have all but disappeared.
- 28 We also welcome the multi-media approach included in the proposals in front of the Commission. We view this as a natural extension for community stations to enhance public access and participation and as recognition of the changing environment.

### **Funding the new system**

- 29 We note that there are important differences between the funding models put forward by CACTUS and FTCAQ, but that both agree on the creation of some form of a Community Access Media Fund which would administer the 2% contribution which BDUs currently dedicate to their “community channel”.
- 30 We support this idea and, in keeping with our previous interventions in other hearings, we support the idea that other distribution platforms such as DTH and ISPs be called upon to contribute to the Fund. At this moment, the CCA has no clear position regarding the governance model which would be most suitable to distribute the money amongst community-based stations.
- 31 We do however oppose any suggestion that the Local Programming Improvement Fund (LPIF) be used for funding community programming. While we have fully supported the creation of the LPIF by the Commission and have advocated that the BDUs’ contribution should be raised, this is money which is much needed to support local programming and news operations by traditional broadcasters. The criteria of accessibility to the LPIF do not address the mandate or the proper operations of community stations as we understand them.
- 32 Finally, we note a divergence of opinion between CACTUS and FTCAQ regarding whether it would be appropriate or not to grant access to advertising revenue. While we agree that commercial considerations should not dictate the type or format of programming produced by community stations, we see clear advantages in making such additional revenue available and in giving to the local business community

access to a form of publicity which they often cannot afford on traditional stations where those exist.

## **Conclusion**

33 In summary, the CCA supports the broad proposal put forward in CACTUS' submission for a return to truly community-controlled stations and for the creation of a Community Access Media Fund and would like to have the opportunity to appear in front of the Commission to expand on its reasons for doing so.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Alain Pineau". The signature is fluid and cursive, with the first name "Alain" and last name "Pineau" clearly distinguishable.

Alain Pineau  
National Director