



13 July 2016

Danielle May-Cuconato
Secretary General
CRTC
Ottawa, ON K1A 0N2

Dear Secretary General,

Re: *Renewal of television licences held by large English- and French-language ownership groups, Broadcasting Notice of Consultation CRTC 2016-225 (Ottawa, 15 June 2016); Policy framework for local and community television, Broadcasting Regulatory Policy CRTC 2016-224 (Ottawa, 15 June 2016) – Request for clarification from CRTC*

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established to undertake research and policy analysis about communications, including broadcasting.
- 2 The Forum is preparing its intervention in the above-noted proceeding (BNC 2016-225) concerning the renewal of television licences granted to a number of broadcasters: namely, Bell Media Inc., Corus Entertainment Inc., Quebecor Média Inc., Group V Média inc., Rogers Media Inc., Shaw Communications Inc. and Telelatino Network Inc. (the groups).
- 3 BNoC 2016-225 states at paragraph 7 that the CRTC will be considering the groups' compliance with its new regulatory framework for local and community television programming, set out in Broadcasting Regulatory Policy CRTC 2016-224 (BRP 2016-224), also issued on 15 June 2016.
- 4 Bearing in mind the CRTC's 29 June 2016 response to broadcasters' questions seeking clarification concerning certain aspects of the new policy for local and community television,¹ the Forum seeks to clarify certain aspects of BRP 2016-224, so as not to misinterpret or misunderstand the Commission's approach to local programming in the context of its hearing of broadcasters' renewal applications.

¹ Rogers, Corus, Bell Media and Quebecor Media, *Re: Joint request for extension and clarification questions – Additional information in regard to the new Policy framework for local and community television (Applications 2016-0020=6, 2016-0021-1 2016-0017-2, 2016-0012-2, 2016-0015-6, 2016-0009-9)*, (20 June 2016); Senior Policy Analyst, French-language Television Applications & Manager, English-language Television Applications, CRTC, *Re: Joint request for extension and clarification questions – Additional information in regard to the new Policy framework for local and community television (Applications 2016-0020=6, 2016-0021-1 2016-0017-2, 2016-0012-2, 2016-0015-6, 2016-0009-9)*, *Broadcasting Commission Letter Addressed to Various Parties* (Ottawa, 29 June 2016).

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- 5 As Interventions in the 2016-225 proceeding are currently due on or before Monday 15 August 2016, we are hopeful the Commission will respond in a timely manner.
- 6 FRPC respectfully asks that the Commission clarify its objectives in BRP 2016-224, as follows:
- a. Does BRP 2016-224 apply to all over-the-air television stations operated by the ownership groups? For instance, does BRP 2016-224 apply to the OMNI group of television stations?
 - b. BRP 2016-224 states at paragraph 50 that “all local programming must be locally relevant”, while defining local relevance at paragraph 52 as programming that “is of interest to the community or market”. Paragraph 50 also states that “all local news must be locally reflective”, while paragraph 56 clarifies that (among other things) locally relevant news must be produced by the station’s staff or by independent producers.
 - i. Would a program containing items of interest to all Canadians and which is broadcast by more than one television station of an ownership group be considered to be a locally relevant program for each station?
 - ii. Would a program containing items of interest to all Canadians which is broadcast by more than one television station of an ownership group, count towards the 7- and 14-hour local programming requirements for each television station?
 - iii. What percentage of locally reflective material is required in a program for it to qualify as local for both program expenditures and program exhibition requirements. ?
 - iv. While locally reflective local news must be produced by a station’s staff or by independent producers, a similar requirement is not stated for non-news local programming. Could local non-news programs that are produced without a local station’s staff and without local independent producers count as local programming?
 - v. Could locally relevant programs that are produced without direct local editorial control count as local programming?
 - c. BRP 2016-224 states at paragraphs 30 and 31 that “the current exhibition requirements for local programming represent realistically attainable levels” and that “most of the local programming broadcast consisted of local news”.
 - i. Does the CRTC expect broadcasters to exhibit a minimum level of non-news local programming, and if so, what is this level?

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- ii. Please define “realistically attainable”.
 - d. BRP 2016-224 states at paragraph 31 that the “vast majority” of television stations’ Canadian programming expenditures “is allocated to local programming”, and that “this ratio of expenditures increases as the size of the market decreases”.
 - i. Please identify the numerator and denominator in the above-noted ratio of expenditures.
 - ii. Were the expenditures noted above devoted solely to original, first-run programs?
 - e. BRP 2016-224 states at paragraph 57 that broadcasters may now “draw from both categories 1 News and 2(a) Analysis and Interpretation to meet their local news exhibition and expenditure obligations” The CRTC’s television program categories currently define categories 1 and 2(a) as follows:
 - Category 1 News

Newscasts, newsbreaks, and headlines. Programs reporting on local, regional, national, and international events. Such programs may include weather reports, sportscasts, community news, and other related features or segments contained within "News Programs."
 - Category 2a) Analysis and Interpretation

Programs on various topics that include analysis or discussion, for example, talk or panel shows, consumer affairs or reviews, newsmagazines and documentaries that do not fall under category 2b). This category excludes programs presenting information primarily for entertainment value.
 - i. Will talk or panel shows, consumer affairs or reviews, newsmagazines or documentaries count as news, when they do not include newscasts, newsbreaks, and/or reports on local, regional, national, and international events? In other words, can a station meet its local news requirements by providing only Category 2 programming?
 - ii. Will talk or panel shows, consumer affairs or reviews, newsmagazines or documentaries count as news if they include one or more newsbreaks that are a minimum of five minutes in length?
 - iii. Will broadcasters be required to log broadcasts of Categories 1 and 2(a) programming separately to establish their compliance with 2016-224, with CRTC expectations, with CRTC regulations or with conditions of licence?
 - f. BRP 2016-224 states at paragraph 61 that

one of the means that local television stations may use to meet their obligation to provide locally reflective news is to maintain a local physical presence, which may include:

- providing seven-day-a-week original local news coverage distinct to the market;
- ensuring that editorial decisions on content are made in the market;
- employing full-time journalists on the ground in the market; and
- operating a news bureau or news gathering office in the market.

i. Is the statement in BRP 2016-224 at paragraph 61 referring to the continued presence of journalists in the markets broadcasters are licensed to serve, a CRTC expectation or a requirement?

g. BRP 2016-224 refers at paragraph 62 to a notice of consultation that the Commission will issue to amend Schedule I of the *Television Regulations 1987* and then goes on to state that “the Commission will change the forms used by broadcasters for their annual returns to require services to indicate the amount of locally relevant and reflective programming produced or acquired for each program category, as well as the associated revenues and expenses.”

i. Will the CRTC change its forms to measure the concept of local presence it identified in paragraph 59 as “one of the means that local television stations may use to meet their obligation to provide locally reflective news”?

7 So that interveners including the Forum have an opportunity to review and understand the clarifications requested above before filing interventions in this important renewal proceeding, FRPC respectfully asks that the Commission provide its responses to these questions on or before 25 July 2016.

If you have any questions about the Forum’s request for clarification, please contact the undersigned. Thank you for your assistance in this matter.

Sincerely yours,



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