



20 February 2020

VIA GCkey

Claude Doucet
Secretary General
CRTC
Ottawa, ON K1A 0N2

Dear Secretary General,

**Re: Renewal application of the Canadian Broadcasting Corporation – *Notice of hearing*,
Broadcasting Notice of Consultation CRTC 2019-379 (Ottawa, 25 November 2019)**

The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about communications, including broadcasting. The Forum supports a strong Canadian communications system that serves the public interest, implements Parliament's broadcasting and telecommunications policies for Canada, and includes a strong national public broadcaster. The Forum's intervention recommending a short-term renewal of the Canadian Broadcasting Corporation is attached. The Forum requests the opportunity to appear at the CRTC's public hearing, currently scheduled to begin 25 May 2020.

Sincerely yours,

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A Family Feud: CBC needs a bigger allowance

Intervention of the Forum for Research and Policy in Communications (FRPC) with respect to CBC's applications to renew its television and radio licences

Notice of hearing,

Broadcasting Notice of Consultation CRTC 2019-379,

(Ottawa, 25 November 2019),

<https://crtc.gc.ca/eng/archive/2019/2019-379.htm>

Synopsis

CBC is applying to renew its licences for five years. It is asking the CRTC to reduce requirements for Canadian programming, local news and children's programming, saying that it will then distribute some of this programming on its online services, a few of which are subscription only.

The Forum provides arguments and evidence to show why the CBC's licences should be renewed for three years, why its requests to reduce Canadian programming and other important programming content should be denied on the basis that they conflict with Parliament's broadcasting policy for Canada and the CBC and have not been supported by evidence, and why it should not be permitted to distribute some of its programming only on its online services that, according to CBC lost \$18 million in 2018, and are projected to lose \$101 million from 2019 to 2023.

The Forum's view is that the CRTC's role, even if it is sympathetic to CBC's financial circumstances, is to ensure that Parliament's broadcasting policy for Canada and the requirements of the *Broadcasting Act* are met. It should not allow CBC to reduce service to Canadians and Canadian communities further than it already has – and should begin the process of transforming CBC into a 21st century public service media provider, focussed on providing Canadians with the best of Canadian audio- and audio-visual programming.



Contents

Executive summary	1
Summary	1
Summary of the Forum's recommendations	5
I. Introduction	1
A. Timing of this proceeding	3
B. Three issues for this proceeding: performance, programming and measurement	4
C. The current proceeding	4
1. CBC's applications lack evidence and offer evasive answers	5
2. CRTC's jurisdiction is limited to Parts 1 and 2 of the Act	8
II. CBC's renewal application	12
A. Programming: CBC's past performance and plans for the next five years	12
1. Performance from 2013 to 2019	12
2. CBC's programming plans for next licence term	17
B. Online programming	26
1. Cross-platform programming	28
2. Subsidizing CBC's online services	30
3. Online metrics	33
4. CBC's online branding	33
C. Measurement to ensure transparency and accountability	34
1. How CBC is meeting its mandate: "...Survey says"	37
2. CBC online programming: avoid lumping data	40
3. Expenditure requirements – track expenditures instead	41
III. Conclusions and recommendations	45
A. While many Canadians are unhappy with CBC, it is still essential	45
B. Canadians deserve a national public broadcaster – not a publicly subsidized commercial service	45
C. CBC's services should not be renewed for more than 3 years	49
D. A new way forward	49
Appendices	1
Endnotes	1

Tables

Table 1: CBC and non-compliance	13
Table 2: Programs for those under 18 years of age broadcast by CBLT-DT Toronto	26
Table 3: CBC's Canadian and non-Canadian television programming expenditures, 2013 and 2019	41
Table 4: Changes in Federal judges' salaries and public funding received by CBC for its operations, 1980-2002	51

Figures

Figure 1: Comparison of public funding for CBC's operations with Gross Domestic Product and private radio and television programming service revenues, 1937-2019 [\$2002]	7
Figure 2: Parliamentary operating appropriations as a percentage of CBC's total income, 1937-2019	9
Figure 3: CBC expenditures on local and total television news, 2010-2018 (\$M 2002)	10
Figure 4: Public funding for CBC's operations and its commercial income [\$2002 millions], 2013-2019	11
Figure 5: Parliamentary appropriations for CBC's operations, 1937 to 2019	21
Figure 6: Programs for children 0-12 years of age broadcast by CBLT-DT Toronto	25
Figure 7: CBC's digital media revenues and expenses – 1 year of data, 5 years of projections	31
Figure 8: Public funding received by CBC for operations and CBC's programming expenditures, 1937-2019	43
Figure 9: CBC programming expenditures as a percentage of public funding received for its operations, 1937-2019	43
Figure 10: CBC's total income from public funding and commercial activities, 1937-2019	46
Figure 11: Public broadcasters' public funding per capita, per day (2014 current CDN dollars)	47
Figure 12: Annual percentage changes in Federal judges' salaries compared with public funding received by CBC for its operations (based on \$2002)	50

Appendices

Appendix 1: CBC's licensing history	1
Appendix 2: CBC/Radio-Canada Strategic Plan	7
Appendix 3: Analysis of television logs from November 2002, 2012, 2013 and 2019	8



Appendix 4 Information submitted to CRTC as part of its 'annual return' process	12
Appendix 5 Examples of evasiveness in CBC's answers	14
Appendix 6 CBC's evidence about its compliance with Broadcasting Decision CRTC 2013-263	19
Appendix 7 Summary of results regarding CBC's compliance with the terms and conditions of Broadcasting Decision CRTC 2013-263	1
Appendix 8: Results from November 2000/02, 2012, 2013 and 2019 logs of CBLT-DT Toronto and CBMT-DT Montreal	8

Executive summary

Summary

- ES1** 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. The Forum supports the existence of a strong national public broadcaster that serves the public interest in Canada, as defined by Parliament's legislative objectives for Canadian communications and Canada's national public broadcaster.
- ES2** While this proceeding focusses on a single broadcaster – Canada's national public broadcaster – its outcome will matter to Canada: CBC's programming touches on Canadians' cultural values, Canadian democracy and Canada's sovereignty.

Factors the CRTC should consider

- ES3** As Canada's independent public authority responsible for implementing Parliament's broadcasting policy, the CRTC is entitled to consider a range of factors when it reviews CBC's applications to renew and amend its licences. Among the factors that the CRTC should consider are:
1. the potential for and implications of abrupt and serious change in the private element of the broadcasting system,
 2. the 35 years in which each successive Parliament and Federal government have reduced public funding of CBC's operations in real terms, leaving many Canadians frustrated and angry with CBC services
 3. CBC's inability to make up public funding shortfalls with more commercial activity, as broadcast advertising revenues have been decreasing and continue to decline.
- ES4** A sudden change in Canada's broadcasting system might mean that, overnight, Canadians could lose access to private local programming services, and the news they provide. According to the CRTC's *Financial Summaries*, CBC reduced its total and local expenditures on news from 2013 to 2019 by just over 47%. As news is fundamental not just to national, but also to provincial and municipal civil engagement and essential to a democracy, the CRTC must ensure that CBC's capacity to gather and distribute local, regional and national news is safeguarded.
- ES5** While several Parliaments and Federal governments have claimed to increase CBC's budget, inflation means that public funding for CBC's operations has decreased (in real terms, after controlling for inflation) by 36% since 1985. From 2013 to 2019 public funding for CBC's operations grew slightly (by 0.5%) in real terms, but CBC's commercial income decreased by 31% over the same period: in 2019 CBC's total income was 12% lower than in 2013.

- ES6** It should be pointed out that beginning in 1988 the Parliamentary appropriations received by CBC for its operations no longer covered the costs of its programming. We estimate that the gap in funding and programming from 1988 to 2019 amounted to \$11.7 billion in real terms – money that CBC has then had to obtain from other, commercial sources. To suggest that CBC is sometimes driven by the need to earn advertising income is to understate the case.
- ES7** CBC's second solution to its funding shortfall has been to schedule fewer original programming hours, to rely heavily on programming that attracts advertising income. This ad-driven solution and CBC's current interest in subscription-based online services, are why CBC now resembles a publicly subsidized commercial broadcaster, rather than a national public broadcaster whose distinctive services showcase the best in Canadian programming.

Importance of this proceeding

- ES8** CBC cannot continue on its present course. Financial and public support for its existence and its English television services in particular are decreasing, thanks in large part to its overly commercial orientation on television and online. As the Broadcasting and Telecommunications Legislative Review panel's January 2020 report has noted, Parliament must change its approach to CBC. This renewal proceeding provides an opportunity for the CRTC to provide independent counsel about the benefits and advantages of better approaches.
- ES9** Canadians need the CRTC to state clearly that distinctive, high-quality and uniquely Canadian programming requires significant funding and that Canada's national public broadcaster is key to ensuring the growth and availability to all of this programming, and that it is imperative that CBC begin to distinguish itself from every other domestic programming service by severing its ties to advertising and focussing on a clearly Canadian mandate. It is imperative that the CRTC acknowledge how much programming and distribution cost, but that Canada – perhaps more than ever before – needs a truly Canadian, non-commercial national public broadcaster serving all Canadians and communities from coast to coast to coast.

CBC's past performance

- ES10** The Forum is concerned about the lack of evidence provided by CBC in its renewal applications. A review we commissioned of CBC's compliance with 126 terms and conditions of licence in the CRTC's 2013 renewal decision found that CBC had provided evidence suggesting (without consistently providing evidence proving) that it had met 44% of these terms and conditions, that CBC had at least said it met another 6% of these terms and conditions, and that no evidence was provided about the remaining 50% of the 2013 terms and conditions.
- ES11** The Forum also reviewed CBC's programming logs for CBLT-DT Toronto and CBFT-DT Montreal, for the month of November in 2012, 2013 and 2019. (The CRTC does not

publish radio station logs.) While advertising ‘clutter’ grew on both stations, the percentage of Canadian content decreased on both stations between 2013 and 2019 – from 88.9% to 83.4% for CBLT-DT Toronto and from 87% to 83% for CBFT-DT Montreal. Total hours of local news also creased on both stations, by 19.8% for CBLT-DT Toronto and by 5.5% for CBFT-DT Montreal. CBLT-DT Toronto did not report broadcasting any programming for youth (age 13 to 17), while CBFT-DT Montreal’s log showed that it broadcast 4 hours of this programming in November 2019.

CBC's programming proposals

- ES12** CBC is essentially proposing to reduce Canadian, local and children’s programming on its conventional television services, though it plans to offer an unknown level of this programming on its online programming services, who of which are subscription-based.
- ES13** CBC has not explained how reducing Canadian, local and children’s programming on CBC's conventional broadcasting services will strengthen the CBC's programming. It has not provided evidence about the impact these changes will have on its audiences.

CBC's online programming

- ES14** CBC wants more flexibility to share programming between its conventional and online programming services, so that it can reach ‘a new viewing public’. CBC has not explained why this purpose justifies reducing service to those in its conventional audiences who do not want, cannot afford or cannot access its online services.
- ES15** As for its subscription-only online services, CBC has not presented clear plans that explain how, when or whether these services will be self-supporting. After several years of service CBC is projecting that its online services will lose at least \$101 million from 2019 to 2023, with total losses of \$119 million from 2018 to 2023. The CRTC has in the past (with Newsworld) required CBC to demonstrate that discretionary services are self-supporting: if CBC cannot do so with its online services it should cease its subscription-based services, and ensure that all programming is broadcast on its conventional and online services. CBC should also consider the benefits of consolidating its many online services, to preserve ‘brand’ integrity.

The measurement issue

- ES16** Measurement is critical in public policy to ensure that legislators’ objectives are being met – and if they are not, to ensure that changes will correct problems. Despite its size and enormous impact CBC today is not very transparent. The Forum has elsewhere described a number of problems with CBC's *Annual Reports*, all of which turn on the issue of transparency. The applications CBC has submitted to renew its licences in this proceeding lack evidence and include surprising statements, such as the claim that CBC does not know very much about the hours of programming it broadcasts, or the expenditures it makes on these programs.

ES17 The fact that CBC chooses not to measure its own exhibition of programming and expenditures does not mean that it cannot be done, or that it should not be done. The Forum urges the CRTC to set reporting and transparency requirements that will enable the public and Parliament to know what CBC is doing, and whether it is meeting the purposes for which it was established.

What should happen in this proceeding

ES18 The CRTC should deny CBC's request for a 5-year licence renewal because CBC has not provided sufficient evidence to justify this licence term, and because CBC's programming plans provide insufficient detail to show how it intends to meet its legislated mandate. The CRTC should also ensure that CBC reports annually on its new media programming and finances; transparency is required because CBC is projected that its digital media services will lose \$100 million from 2019 to 2025.

ES19 The CRTC should instead renew CBC's licences for three years to provide

1. Parliament with time to review its approach to funding Canada's national public broadcaster,
2. the government with time to plan a new approach that will ensure CBC becomes a 21st century public service content provider with stable multi-year funding,
3. CBC with breathing space to make realistic plans to serve Canada, Canadians and communities, and to ensure that
4. CBC develops the capacity to report data showing whether and how it is meeting the programming objectives of the *Broadcasting Act* or new communications legislation.

Summary of the Forum's recommendations

- Recommendation 1: The CRTC should address the CBC's evasiveness in responding to questions about its performance and plans in its renewal decisions 7
- Recommendation 2: In future applicants should submit a single file for all documents common to a set of applications, and separate files for documents that are unique to each service 8
- Recommendation 3: The CRTC should address interveners' concerns about CBC's independence from government in its renewal determinations, and clarify that the CRTC's authority in this area is limited 11
- Recommendation 4 The CRTC's licensing decision(s) should set out changes in CBC's public and commercial funding since 2013, and should acknowledge that requiring CBC to broadcast more original programming hours will require more resources 12
- Recommendation 5: Before granting CBC licences and changes the conditions of those licences the CRTC must ascertain whether CBC is meeting the CRTC's regulations and the conditions of its current licences 14
- Recommendation 6: If CBC is in breach of its conditions of licences or if it has not met the CRTC's regulations, the CRTC should not grant CBC's requests to change the conditions, should describe the non-compliance in its renewal decision(s) and should renew CBC's licences for a short term 14
- Recommendation 7: The CRTC should establish conditions of licence for each of CBC's radio, television and online services to ensure that Canadian content begins to increase during the next licence term 23
- Recommendation 9 The CRTC should require each CBC TV station in smaller communities to produce and broadcast at least 7 hours/week of original (first-run) news produced by the station, and should require each CBC TV station in larger communities to produce and broadcast at least 14 hours/week of original (first-run news) news produced by the station 24
- Recommendation 10: The CRTC should require each CBC TV station to produce and broadcast at least 1 hour/week of original (first-run) non-news programming 25
- Recommendation 11: The CRTC should require CBC by conditions of licence to broadcast at least one hour per week of original programming for young people, and at least fifteen hours per week of programming for people under 18 years of age; CRTC should require CBC by condition of licence to provide a balance of programming among pre-school, school-age and teenaged children 26
- Recommendation 13 The CRTC should deny CBC's requests to move any original programming to online-only platforms 30

Recommendation 14: CBC should phase out advertising and paywalls for online programming distribution	30
Recommendation 15: CBC should report information about its revenues from and expenditures on its online programming services to the CRTC, including information about sources of revenue and the degree to which it is sharing resources with CBC's other programming services	33
Recommendation 16: CBC should provide CRTC with metrics detailing online viewership and listenership	33
Recommendation 17: When it issues its decision about CBC's licence renewal applications the CRTC should also initiate a public hearing to consider the information required to regulate online broadcasting	33
Recommendation 18: CBC should consolidate its online brands	34
Recommendation 20: The CRTC should not accept attitudinal survey results to measure how many hours of programming CBC is broadcasting, or the resources it is allocating to those hours	37
Recommendation 21: The CRTC should require CBC to submit annual reports on the programming provided by each service (radio, television, discretionary services, online services) and by language (English, French and Indigenous languages), indicating the number of broadcasts that are original (first-run) and the number that are repeats	38
Recommendation 22: The CRTC should require CBC to report each year on the percentage of people in Canada who are able to receive its radio, television and online services	39
Recommendation 23: CBC should track and report to the CRTC on the programming that it provides on each programming undertaking, whether conventional or online	41
Recommendation 21: The CRTC should not impose program expenditure-based requirements on CBC	42
Recommendation 25: The CRTC should acknowledge the continuing importance of a national public broadcasting service	45
Recommendation 26: The CRTC should by condition of licence require CBC to eliminate advertising in its news and information programming by 2023	48
Recommendation 27: The CRTC should begin to limit advertising in CBC's non-news programming by the second year of a 3-year licence, with the goal that CBC eliminate all advertising on all CBC broadcasting services by 2030	48
Recommendation 29: The CRTC should renew CBC's licences for three years, with the goal of inviting CBC to apply to renew its licences in 2022	49



Recommendation 30 The CRTC should hold a public proceeding to gather evidence about and report on approaches for setting multi-year funding levels for Canada's national public broadcaster

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I. Introduction

- 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 telecommunications. The Forum supports a strong Canadian communications system that serves the public interest.
- 2 This proceeding matters to Canada: while it is focussed on a single broadcaster – CBC – its outcome will affect the direction and future of Canada’s broadcasting system and public broadcasting. Though specifically governed by Parliament through the *Broadcasting Act* and other statutes¹ CBC's work touches on Canadians’ cultural values, Canadian democracy, Canada’s sovereignty and.
- 3 Given its importance to Canada it is unfortunate that CBC has taken this process so lightly. It is essentially asking the CRTC for permission for the next five years² to reduce its programming commitments for its conventional television services, to maintain the status quo of its radio services and to continue to do what it wishes with its online programming services, including the operation and creation of discretionary or pay-wall online services.
- 4 CBC has not supported its requests with evidence, has not explained how its requests meet its legislative mandate and has evaded many direct questions from the CRTC.
- 5 The Forum is intervening in this proceeding to provide evidence and analysis in support of a short-term renewal of CBC's broadcasting licences, and against its proposals that the CRTC ignore CBC's two-tier online programming services forecast to cost more than \$100 million over the next five years even as CBC reduces the Canadian content, local programming and children’s programming it schedules on its conventional television services.
- 6 The Forum opposes CBC's request for a five-year renewal to 2025 for three reasons. First CBC has not clearly demonstrated that it has been able to meet the terms and conditions of the licences it received in 2013. Second, CBC’s arguments focus on the benefits a five-year term will give CBC rather than on how it will meet the needs and interests of Canadian audiences, or advance Parliament’s objectives for Canada’s broadcasting system. Third, many of CBC's answers to the CRTC’s questions were evasive, if not misleading, and were not based on evidence: would a five-year renewal make this approach to regulation more generally acceptable?
- 7 The Forum also opposes CBC's request for the continued exemption of its online services from all CRTC regulation. Exemption serves CBC's interests by hiding its activities from public scrutiny and oversight; but if CBC's online services help to implement Parliament’s broadcasting policy, how can they be exempt from regulation? On the other hand, if CBC's online services are not helping to implement Parliament’s broadcasting policy but are funded with public money, how can they remain exempt? CBC’s leadership role in Canada’s broadcasting system requires the CRTC, on behalf of the public, to understand how CBC is using online platforms to distribute its

programming, including how these activities are being funded, and the impact they have on the availability of CBC's services to the public.

- 8 We urge the CRTC to point out that Parliament and the Federal government bear some responsibility for the position in which CBC now finds itself: constantly readjusting to meet the requirements imposed by a decades-long deficit, heavy indebtedness to the private sector and attacks from nearly all sides. Rather than standing proudly for Canadian culture as Canada's largest cultural institution, an outdated model of inadequate public funding leaves CBC struggling to reconcile its public-broadcaster mandate with the need to chase every dollar available.
- 9 The Forum believes that Canada, CBC, Parliament and the CRTC are at a tipping point like that identified by the 1929 Royal Commission on Broadcasting. It pointed out that Canada's airwaves were effectively ruled by its neighbor to the south – and if Canada was to survive as an independent nation, it had to fight for its national and cultural sovereignty.
- 10 Perhaps every generation must fight for its identity. Today Canada faces the prospect of being washed off the information highway by floods of popular foreign programming, with local news and Canadian content sliding off the road as collateral casualties.
- 11 Yet Canada obviously cannot and should not be walled off from the rest of the world, including the United States of America. Canadians should not be prevented from accessing the amazing audiovisual content now available from every corner of the globe.
- 12 But Canadians also have the right to two things: audiovisual programming that reflects their society, their values and their news, and a choice of commercial-free content, not necessarily because commercial activity is in itself bad, but because of its influence on programming decisions and programming. In the contemporary communications environment of 2020 this is the role that CBC must begin to fulfill – and with this licence renewal proceeding the CRTC can redirect CBC towards that role.
- 13 In the remainder of this introductory section the Forum addresses the timing of this proceeding. We then describe the matters of main concern to the Forum, and briefly address some areas of concern with CBC's applications. Part II of this intervention addresses CBC's past and proposed programming, CBC's proposals with respect to its online services, and the issue of measurement which is critical to transparency and accountability. Part III sets out the Forum's conclusions and recommendations, along with the Forum's arguments and evidence for the new role that CBC must play as we move towards the middle of the 21st century.

A. Timing of this proceeding

- 14 The CRTC last renewed CBC's licences in May 2013 for a term that ended 31 August 2018. Since then it has renewed CBC's licences administratively – that is, without considering CBC's programming performance – twice.^{FN1} CBC's licences now expire 31 August 2020.
- 15 Some may argue that the CRTC should again renew CBC's licences administratively, whether because of consultation overload or current political circumstances. Since 2015 the public's views about broadcasting or CBC specifically have been solicited by four separate studies:
- the Standing Senate Committee on Transport and Communications studied the CBC in 2015³
 - the former Minister of Canadian Heritage invited public comment on “how to strengthen the creation, discovery and export of Canadian content in a digital world” in 2016⁴
 - the House of Commons Standing Committee on Canadian Heritage studied Canada's media landscape in 2016 and 2017,⁵ and
 - the Broadcasting and Telecommunications Legislative Review panel established by the Federal government in mid-2018 to review and make recommendations concerning Canada's broadcasting and telecommunications statutes, invited the public to make submissions up to January 2019.⁶
- 16 This proceeding is therefore the fifth consultation of the public involving CBC in the last five years. It would be understandable if many people in Canada feel a certain consultative overload, especially since none of these consultations has as yet changed Parliament's approach to or funding of the Corporation.
- 17 The Federal government has also not yet issued its response to the January 2020 report of the Broadcasting and Telecommunications Legislative Review panel, has not yet introduced new legislation involving CBC and due to the outcome of the October 2019 Federal election, no longer has absolute control over the agenda of the House of Commons. The current Minister of Canadian Heritage recently said, however, that he hopes to have new legislation drafted this year.
- 18 Consultation fatigue and the uncertainties of a minority government may well lead some to suggest that the CRTC should simply renew CBC's

...The government is drafting legislation to modernize the Broadcasting Act and the Telecommunications Act
The minister's office said the goal is to table the legislation by June.

Chris Hannay & Daniel Leblanc, “Google, Netflix to be in CRTC's crosshairs for regulation” *Globe and Mail* (17 February 2020),
<https://www.theglobeandmail.com/politics/article-google-netflix-to-be-in-crtcs-crosshairs-for-regulation/>

¹ Appendix 1 sets out some of CBC's licensing history.

licences for several years without addressing the Corporation's performance, both past and planned.

- 19 The Forum's view is instead that the CRTC should review CBC's performance in considerable detail at this time, again for three reasons.
- 20 First, as many proceedings in the last five years have established, private broadcasters' revenues are also staggering badly in the face of online broadcasting's enormous challenge. Some of Canada's smaller or even its larger broadcasting services may choose to withdraw from this sector in the next several years – or if a recommendation from the Broadcasting and Telecommunications Legislative Review is accepted, may be sold to foreign owners. If that happens, many communities could lose important private programming service overnight: CBC's existence must be safeguarded to ensure that these communities do not lose local programming altogether.
- 21 Second, as CBC is Canada's national public broadcaster whose special responsibilities set out by law and funded largely by Parliamentary appropriations, CBC requires regulatory certainty to meet those responsibilities. It is still one of Canada's largest broadcasters, holding 120 programming licences for 88 over-the-air radio stations, 27 over-the-air television stations and 5 discretionary services:⁷ regulatory oversight is required to ensure that CBC is meting its legal responsibilities, and to provide the public with an opportunity to comment on CBC's current performance and proposals for the future.
- 22 Third, the CRTC is currently the "single independent public authority" responsible for regulating and supervising the broadcasting system to implement Parliament's broadcasting policy:⁸ as an independent authority the Commission must exercise the responsibilities assigned to it by Parliament at all times.

B. Three issues for this proceeding: performance, programming and measurement

- 23 The CRTC has said that the CBC's "activities should be regulated in the next licence term" with respect to
- its programming
 - CBC's "evolving approach to the delivery of content across multiple platforms", and
 - measurement of the achievement of CBC's mandate to ensure its transparent accountability "in regard to its programming and activities".⁹

- 24 The Forum agrees that these issues will be key for CBC, and they are the focus of the Forum's intervention; our analysis begins in Part II (page 12).

C. The current proceeding

- 25 CBC's licence renewal applications are deficient. Apart from failing to provide the evidence that the CRTC needs to make its decisions, the Forum submits that CBC's overall evasiveness in

answering and failure to respond to the CRTC's questions amounts to hindering the CRTC in the performance of its legal duties.

1. CBC's applications lack evidence and offer evasive answers

- 26 CBC's renewal applications for its programming services are deficient because it has failed to provide the evidence needed to evaluate its proposals. This failure is puzzling: as one of Canada's oldest broadcasters CBC must know that the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (Rules)*¹⁰ require that broadcasting applications "contain a clear and concise statement of the relevant facts, of the grounds of the application and of the nature of the decision sought".¹¹
- 27 The CBC's applications are for the most part not clear, are not concise and contain few relevant facts. Facts are essential to show that CBC has complied with the terms and conditions of its 2013 licences: the CRTC and the public should know if CBC has kept its commitments and if its performance has improved, stayed the same or weakened since 2013. Facts are key to the CRTC's decision whether to grant CBC the five-year licences it has requested. We note that CBC's applications offered many facts in relation to its requests to increase the monthly subscription rates of Newsworld and Réseau d'Information, but far fewer facts when it came to explaining why reducing Canadian programming on its conventional television services would benefit Canadians or the broadcasting system. (We also acknowledge that at least in the case of the CRTC question about how CBC reflects Canada's regions to each other, the answer from CBC's French-language television service¹² was both thorough and detailed.)
- 28 Plans are not facts but are part of the argument for renewing CBC's licences. A renewal process like this gives Canadians a rare opportunity to set out their expectations of CBC. The CBC should clearly state how it will meet its legal mandate and public expectations. It should explain how its programming will change if its revenue decreases, remains the same or grows. *Your Stories, Taken to Heart* – that CBC describes as its current 3-year strategic plan and on which it relies heavily – is both vague and disorganized. According to CBC^{FN2} this plan consists of
- a 2-page PDF on CBC's website
 - 5 pages in CBC's Corporate Plan Summary 2019-2020 to 2023-2024
 - a Women's Action Plan and a

Canadian Broadcasting Corporation/Société Radio-Canada Applications for the Renewal of the English and French Television Network Licences, Broadcasting Decision CRTC 87-140, https://crtc.gc.ca/eng/archive/1987/db87-140.htm

... the CBC did not provide a strategic plan outlining which programming services and facilities it intended to maintain, expand or curtail. Indeed, whenever goals or plans were referred to, not only were they not prioritized --except for a few -- because of funding uncertainties, they were only discussed on a purely hypothetical basis.
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² See Appendix 2.

- Gender Parity announcement by CBC.¹³

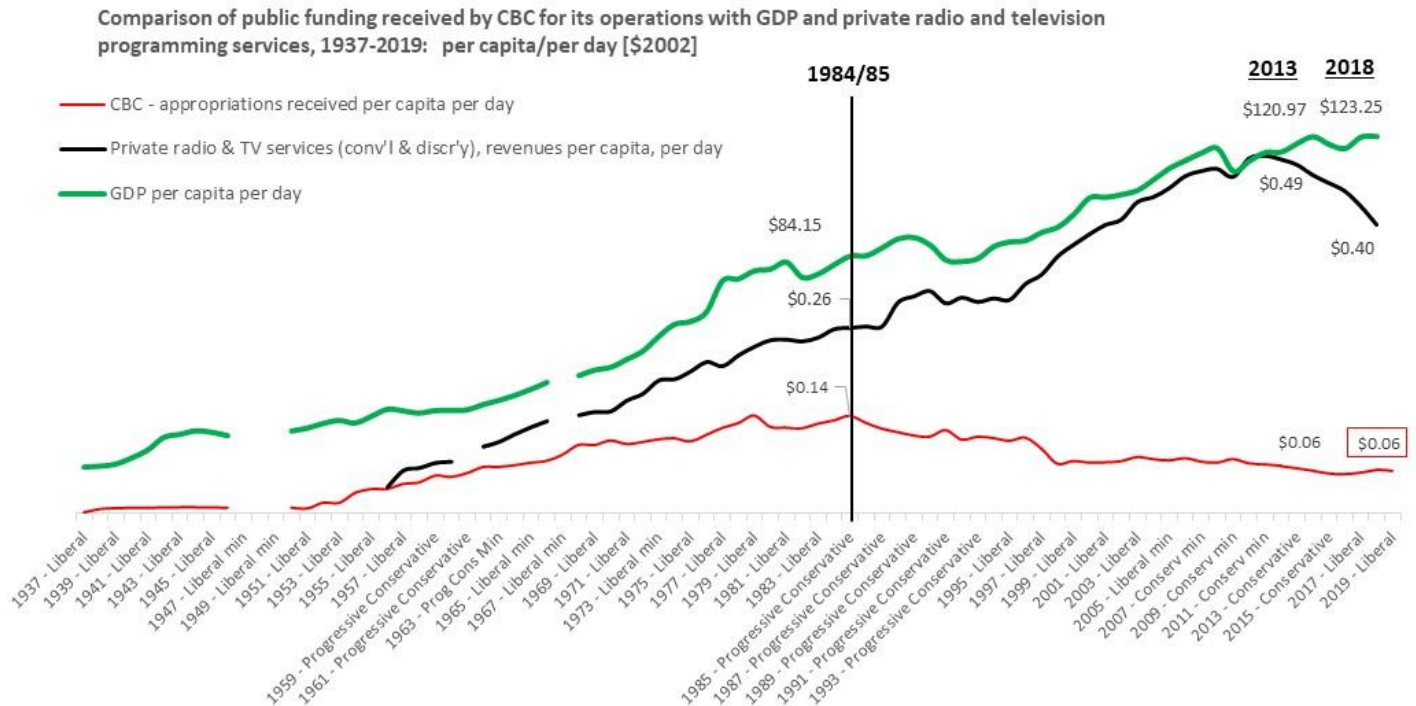
- 29 Little has changed in this regard since 1987, when the CRTC commented on CBC's failure in that renewal proceeding to provide a detailed strategic plan.¹⁴
- 30 Compounding the inadequacy of the CBC's applications is the fact that – as CBC points out – the working of its plan will be changing at regular intervals: “The examples shown under each of the five priorities [of the strategic plan] are a living list that is updated regularly.”¹⁵ A ‘living list that regularly changes’ is not a strategic plan – it is simply a wish list filled with ‘maybes’ and ‘possibles’.
- 31 The lack of forthrightness in CBC's applications was surprising: CBC's answers often seemed evasive.^{FN3} For example, when asked if it has “plans to share or sell” data collected from its online users, CBC answered that it “does not sell or share user data to other entities or companies”.¹⁶ it did not state whether it plans or does not plan to sell or share users’ data. When asked about the 11% of Canadians unable to access its online services CBC said it was “not in a position to provide Internet access to the 11% of Canadians who either cannot afford or choose not to subscribe to Internet access services”.¹⁷ it did not explain how this level service to Canadians fits with Parliament’s statement that its services should “be made available throughout Canada by the most appropriate and efficient means”.¹⁸
- 32 The Forum was also puzzled by CBC's view that the regulatory framework governing its performance “should be structured so as to permit CBC/Radio-Canada to choose the content and platforms best suited to fulfill its mandate.”¹⁹ CBC seemed to be implying that the CRTC should simply rubber-stamp its renewal applications, without evaluating their content. The CBC's suggestion is wrongfooted: while CBC is Canada’s national public broadcaster, the CRTC has been Canada’s public authority, responsible for regulating and supervising the broadcasting system to ensure that Parliament’s broadcasting policy objectives are met,²⁰ since 1968.²¹ Its authority to set requirements for specific types of programming was upheld by the Supreme Court 38 years ago.²² Nothing has changed since then to enable CBC to ignore the CRTC or to suggest that should simply approve CBC's proposals without evaluating them.
- 33 CBC's failure to answer the CRTC’s questions clearly impedes the CRTC’s exercise of its duties. It also denies the public its right to participate in advising CBC about the directions it should be pursuing. Further, it lends support to the Forum’s position that CBC’s request for a five-year renewal (to 2025) is unsubstantiated. The Forum recommends that the CRTC comment in its renewal decision on the applicant’s performance in this respect.

³ See Appendix 5 for additional examples of evasiveness.

Recommendation 1: The CRTC should address the CBC's evasiveness in responding to questions about its performance and plans in its renewal decisions

34 That said, the Forum notes that the ultimate author of CBC's general malaise is Parliament, for not providing CBC with funding that keeps pace either with per-capita growth in the Canadian economy, or per-capita revenue growth of the licensed Canadian programming sector: Figure 1.

Figure 1: Comparison of public funding for CBC's operations with Gross Domestic Product and private radio and television programming service revenues, 1937-2019 [\$2002]



35 Given the absence of relevant facts in CBC's renewal applications, it is also unfortunate that this process has provided little context and information. For example, while the CRTC collects programming, financial and employment information from CBC, none of this information was provided in Broadcasting Notice of Consultation CRTC 2019-379. None of the CRTC's letters to CBC were posted with CBC's renewal applications or on the CRTC's website ("Commission Letters"²³). The absence of these letters makes it difficult to know the questions that CBC has been asked to

CRTC's Part 1 applications page as of 22 January 2020 – CBC renewals	
English-language audio services (2019-0280-0):	38 files
French-language audio services (2019-0279-2):	39 files
English-language audio-visual services (2019-0282-5):	49 files
French-language audio-visual services (2019-0281-7):	52 files
Total	178 files, ranging in length from 1 to 199 pages

answer. There are many, at least 119 in the application form that the CRTC sent the CBC on 9 October 2019 [DM#3733727].

- 36 CBC's four sets of applications posted on the CRTC's website are unwieldy and difficult to review as they consist of more than 150 separate files. Many of these files appear to be duplicates, with different CRTC identification numbers. CBC's Supplementary Brief, for example, its proposed conditions of licence for all services and its Journalistic Standards and Practices, all appear four different times, with different CRTC numeric identifiers ("DM#"):

CRTC folder	CRTC file #	CRTC DM#	Document title
English-language audio services	2019-0280-0	DM#3720698 DM#3720706 DM#3700194	Supplementary Brief All services – conditions of licence Journalistic Standards and Practices
French-language audio services	2019-0279-2	DM#3720713 DM#3720671 DM#3700135	Supplementary Brief All services – conditions of licence Journalistic Standards and Practices
English-language audio-visual services	2019-0282-5	DM#3720734 DM##7320745 DM#3700225	Supplementary Brief All services – conditions of licence Journalistic Standards and Practices
French-language audio-visual services	2019-0281-7	DM#3720713 DM#3720725 DM#3700166	Supplementary Brief All services – conditions of licence Journalistic Standards and Practices

- 37 Requiring the public to sort through dozens of files in four sets of applications to determine which ones are unique to individual sets of services is an unnecessary waste of the public's time.
- 38 In future the CRTC may wish to consider requiring major broadcasters with different types of services (radio, television, discretionary) to post a single file for documents that are being filed for all services, and separate files for documents that are unique to each service.

Recommendation 2: In future applicants should submit a single file for all documents common to a set of applications, and separate files for documents that are unique to each service

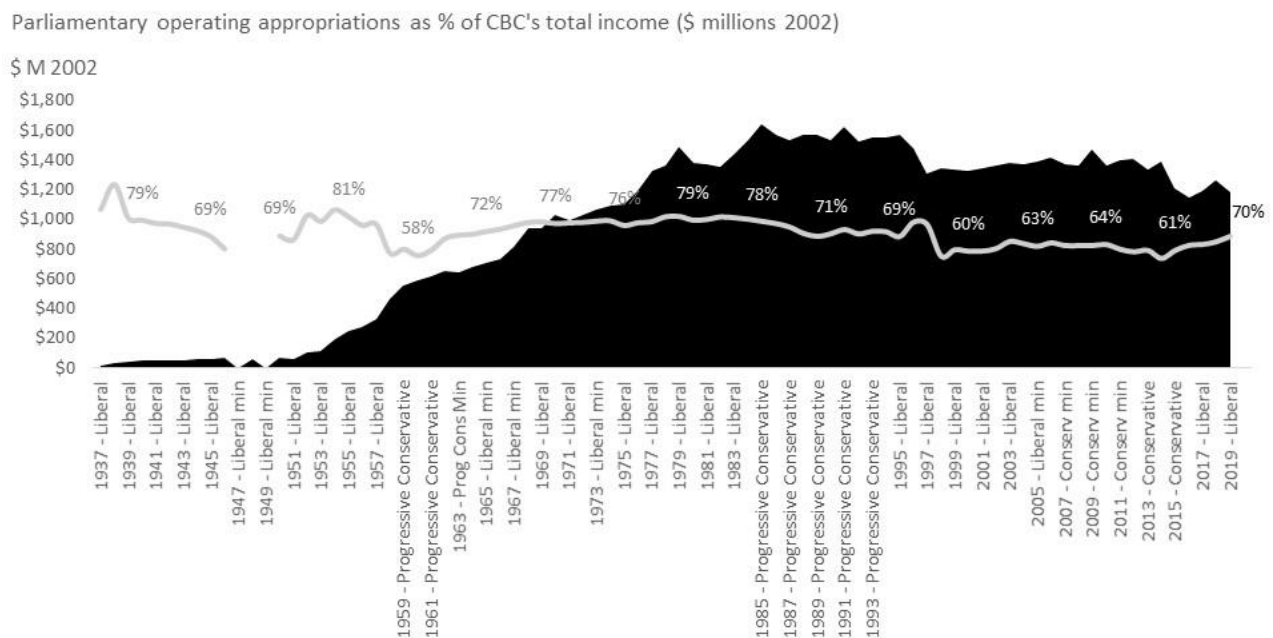
2. CRTC's jurisdiction is limited to Parts 1 and 2 of the Act

- 39 It is trite to say that Parliament's approach to broadcasting has changed in the last century. Under the 1936 *Canadian Broadcasting Act* CBC itself was the broadcast regulator. The 1958 *Broadcasting Act* created the Board of Broadcast Governors as a separate regulatory authority in Part 1, while Part 2 (re)established the CBC. When Parliament rewrote Canada's broadcasting legislation in 1967/68 it set out its broadcasting policy for Canada in Part I, established the CRTC in Part II, and (re)established the CBC in Part III. When Parliament rewrote its 1968 broadcasting legislation in 1991 it again set out its general broadcasting policy in Part I, set out the objects and powers of the CRTC in Part II and (re)established the CBC in Part III.
- 40 The *Act* establishes that the Ministers of Heritage and Finance are responsible for reviewing CBC's budget requests and presenting requests for CBC's funding to Parliament. This entire

process is set out in Part III, along with at least three if not four express provisions for CBC's independence.²⁴

- 41 The Ministers' annual decisions about CBC's financial position help to explain why so many have questioned CBC's independence from the Federal government. They are concerned that this power to increase and decrease funding – see Figure 2 – ultimately affects the tone and substance of CBC's news coverage.²⁵

Figure 2: Parliamentary operating appropriations as a percentage of CBC's total income, 1937-2019

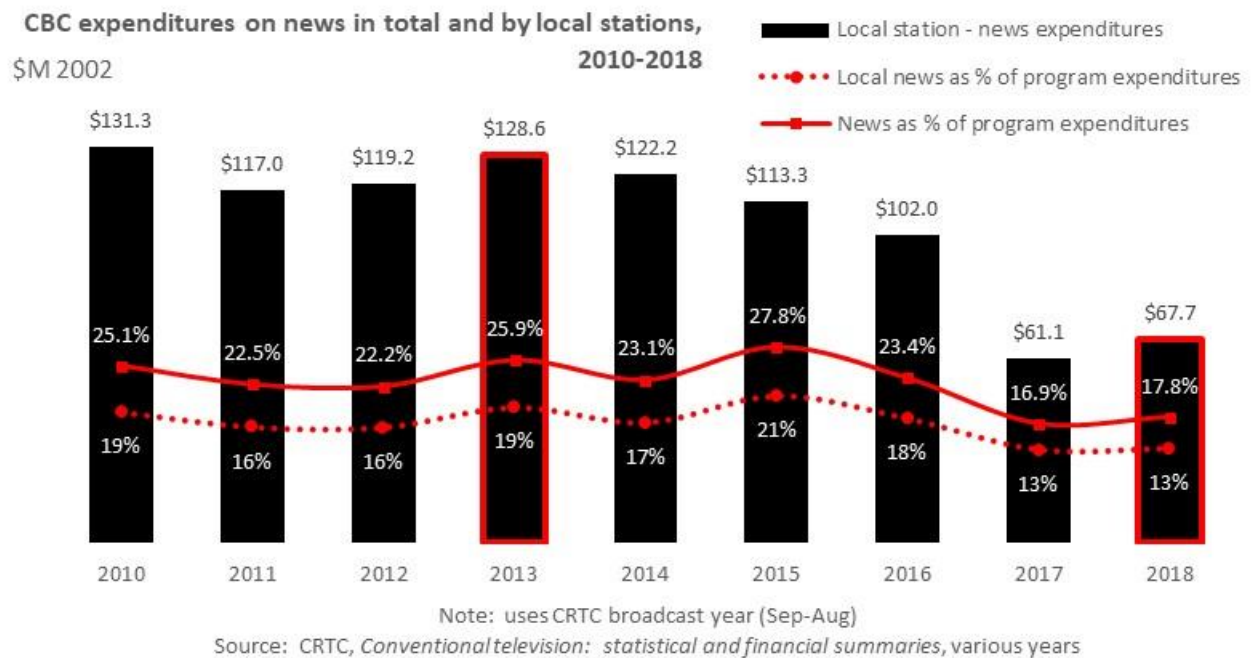


- 42 Many people are concerned about CBC's approach to news. CBC's Ombudsman lists 'framing stories' as the first trend in his 2018/19 *Annual Report*:

For many issues, though, the choice of how to frame a story is neither obvious nor straightforward. Political stories, in particular, pose a challenge. In today's callously partisan environment, the frame of a reporter's story may not be seen as a way to give the work focus and clarity. Instead, it can feel to some as though the reporter is pursuing an agenda. When this happens, it undermines confidence - fairly or unfairly - in the journalist's impartiality and independence.²⁶

- 43 (As the Ombudsman does not publish a breakdown of the "3,693 comments, complaints and expressions of concern" received by his office, it is unknown if more, the same or fewer complaints are being received about bias; nor should numbers of complaints actually measure bias in news programming.)
- 44 What is known is that from 2013 to 2018 CBC reduced its total and local spending on its conventional television services' news programs by nearly half (just over 47%): Figure 3.

Figure 3: CBC expenditures on local and total television news, 2010-2018 (\$M 2002)



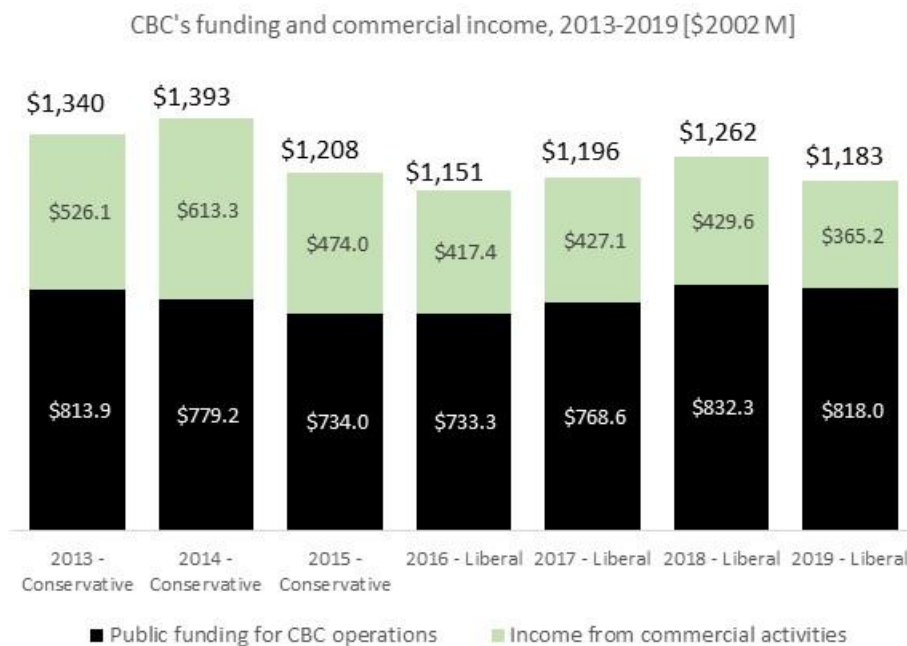
- 45 The Forum's main concern is that such reductions limit CBC's news department and their ability to do their jobs well.
- 46 The Forum is also concerned about the impact of public funding cuts on CBC's independence, because the current *Broadcasting Act* does not clearly show who is responsible for ensuring this independence. Parliament's statement that the *Act* must be "construed and applied in a manner that is consistent with the freedom of expression and journalistic, creative and programming independence enjoyed by broadcasting undertakings"²⁷ seems directed at the way in which the *Act* is applied rather than at ensuring and determining CBC's independence from government.
- 47 The structure of the *Broadcasting Act* also offers little guidance as to CBC's independence from government. Part I establishes the CRTC as the "single, independent public authority" responsible for implementing "the objectives of the broadcasting policy" in subsection 3(1). None of these objectives speaks explicitly about CBC's independence. Part II gives the CRTC the authority to grant or deny all or parts of CBC's licence renewal applications²⁸ and its request that its online services continue to be exempted from regulation,²⁹ but limits its licensing, inquiry and mandatory order powers to Part II of the *Act*.³⁰ While Parliament has given the CRTC the responsibility in Parts I and II to ensure that CBC's programming meets Parliament's legislative requirements, Part III focuses primarily on CBC as a business: its "Board ... responsible for the management of the businesses ... of the Corporation",³¹ and CBC "is ultimately accountable, through the Minister, to Parliament for the conduct of its affairs."³²

- 48 Neither Part I nor Part II of the *Broadcasting Act* (or the *Canadian Radio-television and Telecommunications Act*) addresses any aspect of Part III, including determinations about CBC's independence or threats to that independence. The result is that even when many people in this proceeding have articulated their concerns about CBC's dependence on the Federal government, no clear mechanism exists for the CRTC to address this issue. That said, it would be reasonable in our view for the CRTC to set out interveners' concerns on this issue as well as its own position as to its authority in this area.

Recommendation 3: The CRTC should address interveners' concerns about CBC's independence from government in its renewal determinations, and clarify that the CRTC's authority in this area is limited

- 49 Related to the CRTC's lack of authority over Part III of the Act is the fact that even if the CRTC would like CBC to provide different levels and categories of radio, television and online programming or to ensure that all communities are able to receive its complete services, the CRTC has no authority to grant CBC the funding required to provide such programming or service levels. As Figure 1 shows, while public funding for CBC's operations grew slightly (by 0.5%) in real terms from 2012/13 to 2018/19, CBC's commercial income decreased by 31% over the same period, leaving CBC with total income that was 12% lower in 2019 than in 2013.

Figure 4: Public funding for CBC's operations and its commercial income [\$2002 millions], 2013-2019



- 50 Nothing, however, prevents the CRTC from reviewing changes in CBC's finances since its licence was last renewed, and commenting on the issue of resources in relation to CBC's programming requirements. Such comments would assist the Ministers of Heritage and Finance in evaluating CBC's annual budget proposals in future.

Recommendation 4 The CRTC's licensing decision(s) should set out changes in CBC's public and commercial funding since 2013, and should acknowledge that requiring CBC to broadcast more original programming hours will require more resources

- 51 The remainder of this intervention sets out the Forum's main concerns about CBC's programming performance and plans, its online programming proposals and the issue of measurement. The Forum's conclusions and recommendations follow in Part III.

II. CBC's renewal application

- 52 CBC has asked that its broadcasting licences be renewed from August 2020 to August 2025 and for a number of changes to the current terms and conditions of its licences. These requests involve CBC's programming, the distribution of its services and the degree to which CBC is open and transparent.

The Forum's review of CBC's applications has focussed on CBC's past and proposed programming, its proposals for its online services and the issue of measurement. The Forum's main concerns are that CBC's financial problems since 2013 have hindered its ability to increase levels of original Canadian programming, levels of local news and non-news programming, and programming for people under 18 years of age.

A. Programming: CBC's past performance and plans for the next five years

1. Performance from 2013 to 2019

- 53 The Forum has considered CBC's programming proposals as well as its performance since 2013.
- 54 Past performance matters in broadcast licensing for the simple reason that in the conventional broadcast environment – rather than online – very few usable broadcast frequencies are available in any location. In conventional broadcasting, therefore, licences were in theory only to be granted to those agreeing to provide high-quality service. Since 1968 Parliament has delegated to the CRTC the power to set regulations governing broadcasters' performance, to issue and impose conditions on individual broadcasters' licences and to enforce programming performance.
- 55 Licensees that breach the CRTC's regulations, orders or conditions of their licence are guilty of an offence punishable on summary conviction.³³ If the CRTC finds that CBC has contravened any condition of licence, order or regulation the CRTC must send the Minister of Canadian Heritage a report on the matter, and the Minister must provide Parliament with a copy of the report.³⁴
- 56 Breaches of the CRTC's regulations, orders and conditions of licence have rarely been prosecuted. Instead the CRTC has addressed egregiously poor behaviour by licensees during their current licence primarily by granting shorter-than-possible licence renewals, although it may and sometimes has suspended, revoked or not renewed broadcasters' licences.³⁵ The *Broadcasting Act* does not enable the CRTC to otherwise punish broadcasters' failures to meet its expectations or respond to its 'encouragements'.

- 57 The CRTC set out its approach to radio licensees' regulatory non-compliance in 2014.³⁶ It evaluates the seriousness of regulatory non-compliance along with the number of times that broadcasters breach its requirements and licensees' response to their non-compliance:

The Commission's approach to non-compliance by radio stations is set out in Broadcasting Information Bulletin 2014-608. Under that approach, each instance of non-compliance is evaluated in its context and in light of factors such as the quantity, recurrence and seriousness of the non-compliance. The circumstances leading to the non-compliance, the arguments provided by the licensee and the actions taken to rectify the situation are also considered.³⁷

- 58 The CRTC has not issued similar guidance for television licensees that breach its policies, regulations and/or conditions of licence. In 2012 the CRTC informed Wild TV that its application to amend its discretionary television programming licence would not proceed until it corrected errors in its television logs.³⁸ In 2011 the CRTC addressed television licensees' non-compliance with logging requirements and commented that it

... will note any non-compliance with regulatory requirements in the next renewal decision for the affected television services. Such non-compliance could result in a short-term renewal.³⁹

- 59 In the past the CRTC has noted that CBC has breached its conditions of licence or commitments but in the context of renewal hearings has generally renewed CBC's licences for nearly full or full licence terms: Table 1.

Table 1: CBC and non-compliance

Decision	Licence	Regulatory breach?:	Penalty?	Term
2000-1	Radio One	Breach of condition of licence for Canadian content	Quarterly reports	7 years
2001-532	Radio One stations	Breach of condition of licence re Canadian content	Shorter than possible licence term	6 years
2001-530	CBF-FM Montreal	CBFF-FM had broadcast insufficient Canadian content	None	6 years
2004-531	CBVT television	To consider CBVT's renewal with CBC television network CRTC noted though, that based on logs that had discrepancies, licensee did not appear to meet its local programming commitments	None	2 years
2009-548	CBC French-language television network	<i>Bye Bye 2008</i> breached high-standard requirement of the Act and s. 5(1)(b) of the TV regulations	CRTC expects network to apologize to its viewers; CBC to report on mechanisms to ensure compliance in next licence term	
2013-263	CBC French-language television network	Breach of condition of licence requiring 4 hrs of original children's programming per week	None	5 years

60 CBC's performance with respect to the terms and conditions of its 2013 radio and television licences is nevertheless still relevant to the length of its next licence term and changes that it has requested to its conditions of licence. While the CRTC may not suspend or revoke any CBC licence without CBC's consent,⁴⁰ nothing requires the CRTC either to grant or renew licences, to renew licences for the term CBC requests or to grant CBC's proposals to change the conditions of its licences. If it finds that CBC has not met its regulations or the conditions of its licences, the CRTC may decide not to grant CBC's request for a full five-year renewal, and will report to the Minister. The Forum assumes that the CRTC will consider CBC's past performance when it makes its decisions about CBC's applications.

a. Evidence from CBC's applications

61 The Forum reviewed CBC's current applications to understand how it has met the terms and conditions of its current licences – namely, the conditions of licence, expectations and encouragement set out by Broadcasting Decision CRTC 2013-263. We wanted to know if CBC provided evidence showing that it met its 2013 licensing requirements which we interpreted as including conditions of licence, expectations and 'encouragements'. The results of this analysis are set out in detail in Appendix 6 and summarized in Appendix 7.

62 Our review found that CBC did not provide evidence showing its compliance with half (63, or 50%) of the 126 terms and conditions that we noticed in the CRTC's 2013 renewal decision. CBC said it had or provided evidence suggesting it had met 56 (44%) of these terms and conditions, and provided partial information about another 7 (6%) of the terms and conditions. If CBC were being graded – with the lack of evidence receiving a score of zero, partial answers counting for half a point, and evidence-based answers counting as a full point – CBC would have obtained an overall grade of C – 59.5% – a passing mark but not the higher result one might expect of the national public broadcaster.

63 CBC's failure to account for its stewardship of its licences is difficult to understand given today's era of transparency and accountability and its own regular commitments to public service. The absence of clear evidence showing compliance with the CRTC regulations and conditions of licence in place from 2013 to now poses problems for the CRTC's ability to grant CBC the five-year term and licence amendments that it wants.

Recommendation 5: Before granting CBC licences and changes the conditions of those licences the CRTC must ascertain whether CBC is meeting the CRTC's regulations and the conditions of its current licences

Recommendation 6: If CBC is in breach of its conditions of licences or if it has not met the CRTC's regulations, the CRTC should not grant CBC's requests to change the conditions, should describe the non-compliance in its renewal decision(s) and should renew CBC's licences for a short term

b. Evidence from CBC's programming logs

64 Interpreting CBC's commentary about the degree to which it has met the terms and conditions of its current licences could be somewhat subjective. The Forum therefore reviewed some of CBC's programming logs.

- 65 The CRTC and its predecessors have long required broadcasters to log the programming they broadcast, including programs, commercials, station identification and public service announcements. The CRTC no longer requires radio stations to submit such logs unless asked,⁴¹ but still requires conventional television⁴² and discretionary programming services⁴³ to do so. The logs and certificates of their accuracy must be submitted to the CRTC every month.⁴⁴ The CRTC has published the logs of conventional and discretionary television services since the late 1990s.
- 66 The Forum analyzed the television program logs of CBLT-DT Toronto and CBFT-DT Montreal, considered the flagship stations of CBC's English- and French-language television networks, to measure the hours of programming broadcast by these stations in 2002 [for CBFT-DT Montreal] and 2000 [for CBLT-DT Toronto], 2012, 2013 and 2019. The purpose was to find objective information about the programming and advertising broadcast by the stations, the level of Canadian programming overall and in prime time (7pm to 11pm), levels of local news and levels of programming for children.
- 67 While advertising levels remained generally steady (commercials represented 118 and 121 hours in November 2013 and 2019, respectively), ad 'clutter' grew: the number of commercials by CBLT-DT Toronto increased 45% - from 13.5 thousand in November 2013 to 19.5 thousand in November 2019. Ad clutter also increased on CBFT-DT Montreal, from 14.5 thousand commercials in November 2013, to 16 thousand commercials in November 2019.
- 68 Total Canadian programming hours decreased on both stations. On CBLT-DT Toronto total hours of Canadian programming decreased 19% from 2013 to 2019, from 677 hours to 548 hours. The percentage of Canadian programming in prime time also decreased in this period, from 88.9% to 83.4%. On CBFT-DT Montreal total hours of Canadian programming decreased by 5% from November 2013 to November 2019 – or from 628 hours to 596 hours. The percentage of Canadian content also decreased over this period, from 87% to 83%.
- 69 Total hours of local news decreased on both stations. CBC reduced the hours of news originating from CBLT-DT by 19.8%, from 137 hours in November 2013 to 110 hours in November 2019; original local news hours decreased by 36.7% in the same period. Hours of local news decreased on CBFT-DT Montreal slightly (5.5%), from 28 hours in November 2013 to 26.5 hours in November 2019; hours of original local news decreased by 49% over the same period.

Programming	Station	Early 2000s*	2012	2013	2019	2013-19
Hours of Canadian programming (originating from Canada)	CBLT-DT Toronto		665.1	676.9	547.5	-19.1%
	CBFT-DT Montreal		614.9	628.0	595.6	-5.2%
% Canadian content	CBLT-DT Toronto		92.2%	93.9%	75.9%	-17.9%
	CBFT-DT Montreal		87.4%	87.2%	82.7%	-4.5%
Hours of original Canadian content	CBLT-DT Toronto		240.3	325.1	228.9	-29.6%
	CBFT-DT Montreal		431.3	439.7	259.8	-40.9%
Original Canadian content as % of total programming	CBLT-DT Toronto		93.4%	96.0%	84.1%	-11.9%
	CBFT-DT Montreal		61.3%	61.1%	36.1%	-25.0%

Programming	Station	Early 2000s*	2012	2013	2019	2013-19
Prime-time - Canadian drama & comedy as % of 7pm - 11pm	CBLT-DT Toronto		3.3%	2.8%	3.3%	0.5%
	CBFT-DT Montreal		19.1%	19.7%	18.8%	-0.9%
Hours of local news	CBLT-DT Toronto		47	47	36.7	-21.9%
	CBFT-DT Montreal		26.7	28.0	26.5	-5.5%
Hours of first-play or original local news	CBLT-DT Toronto	69.3	119.0	137.0	86.7	-36.7%
	CBFT-DT Montreal	100.3	145.7	158.5	80.8	-49.0%
Number of advertisements ("COM")	CBLT-DT Toronto		13,821	13,466	19,474	44.6%
	CBFT-DT Montreal		16,275	14,491	16,021	10.6%
*Quality of CBC's logs did not allow both stations to be evaluated in November 2000; log for November 2000 was used for CBFT-DT Montreal and log for November 2002 was used for CBLT-DT Toronto						

- 70 As for children's programming, the Forum notes that the CRTC changed its reporting requirements in this area. Beginning in September 2015 it required television licensees to "record their programs' target audiences in their program logs using new target audience markers".⁴⁵ In November 2019 more than four-fifths (102.9 hours or 84.8%) of CBLT-DT Toronto's broadcast programming hours were directed at pre-schoolers of 5 years or younger and just 18.4 hours (15.2%) were directed to children aged 6 to 12 years of age. CBFT-DT Montreal broadcast 126 hours of programming at those under 18 years of age, with almost a third (32%) of these hours directed at pre-schoolers and nearly two-thirds (65%) directed at children aged 6 to 12 years of age.
- 71 CBC has told the CRTC that its television services "reach youth by offering programming in prime time intended for a general audience, to appeal to young people over 13 years old".⁴⁶ CBLT-DT's program logs did not identify any programs as being directed towards youth (age 13⁴⁷ to 17 years); CBFT-DT Montreal's log showed it broadcast 4 hours of this programming in November 2019.
- 72 CBC argues that "In accordance with the Commission's guidelines for logging, television programs intended for the general public, including family programming, that do not specifically target 13-17 year olds must be registered in the target group 18 years of age and over". The Forum notes that the CRTC made this determination in 2016, when it decided not to include a category for 'family programming' and instead decided to proceed with its requirements for measuring programming specifically directed at youth 13-17 years of age.⁴⁸
- 73 CBC may argue that its programming for youth is incorporated in its programming aimed at families, but the simple fact shown by CBC's programming logs is that its English-language station in Toronto did not provide young people with any programming directed at them and its French-language station in Montreal provided an average of an hour of programming a week (4 hours total for the November 2019).
- 74 Overall, since the CRTC last renewed its licences in 2013 CBLT-DT is broadcasting more commercials, fewer hours of Canadian programming, lower levels of Canadian programming in prime time, fewer hours of local and original local news, and very little programming for youth aged 12 to 17 years.

2. CBC's programming plans for next licence term

75 The Forum then reviewed CBC's programming plans to understand how CBC intends to serve Canadians and Canadian communities from 2021 to 2025. We focussed on CBC's plans for levels of programming about and by Canadians for Canadians, programming of national importance, local programming and local news and programming for children. We also considered CBC's approach to online programming. In each case we looked for evidence supporting CBC's arguments for its plans.

76 We also reviewed CBC's requests that the CRTC change some of its current conditions of licence. At the request of the CRTC CBC also set out requests that CRTC change some of its 'expectations' and/or 'encouragements'.

77 The *Broadcasting Act* does not set out any penalties for licensees that do not meet the CRTC's expectations and encouragements – the CRTC can only penalize licensees that breach its regulations or conditions of licence. The CRTC first used "expectations" in 1987, as a way of guiding CBC in better achieving its mandate.

In the absence of a proposal by the CBC as to which priorities it would undertake over the next five years, the Commission has identified a list of expectations to be met during the upcoming licence term, as funds become available. They are listed in order of priority. These expectations also provide a framework to enable the CBC to set its course for the challenging years of the new licence term in accordance with the long-term objectives identified earlier in this decision.

78 In this light CRTC expectations and encouragements are a form of *obiter dictum* – the kind of remark made by courts in passing. Courts sometimes rely on *obiter dicta* to support their decisions: the problem is that *obiter dicta* are at times confusing,⁴⁹ and are therefore not binding. The Supreme Court addressed the role of *obiter dicta* in 2005:

... All *obiter* do not have, and are not intended to have, the same weight. The weight decreases as one moves from the dispositive *ratio decidendi* to a wider circle of analysis which is obviously intended for guidance and which should be accepted as authoritative. Beyond that, there will be commentary, examples or exposition that are intended to be helpful and may be found to be persuasive, but are certainly not "binding" in the sense the Sellars principle in its most exaggerated form would have it. **The objective of the exercise is to promote certainty in the law, not to stifle its growth and creativity.** The notion that each phrase in a judgment of this Court should be treated as if enacted in a statute is not supported by the cases and is inconsistent with the basic fundamental principle that the common law develops by experience.⁵⁰

79 The problem for the CRTC is that, because expectations and encouragements are not binding, they cannot provide Canadians and the communities served by broadcasters with certainty. Yet the CRTC has often said that broadcasters require certainty,⁵¹ and more

The Commission considers that an Internet code would provide much-needed certainty and clarity to ISPs and many customers of Internet services across Canada, insofar as it relates to the offering and provision of such services.
The Internet Code, Telecom Regulatory Policy CRTC 2019-269 (Ottawa, 31 July 2019), <https://crtc.gc.ca/eng/archive/2019/2019-269.htm>, para. 48

recently has appeared to say that Canadians and the public interest also need certainty.⁵²

80 What Canadians know so far is that the CRTC previously established expectations and encouragements for CBC based on the role defined for it in by subsections 3(1)(l) and (m) of the *Broadcasting Act*. Since Parliament has not (yet) changed this role, or these sections of its broadcasting statute, any change in the CRTC's expectations for and encouragements of CBC will, presumably, be based on very compelling evidence. CBC has not presented that evidence in this process. The Forum's objective evidence – based on analysis of CBC's own television program logs – is that CBC is doing fewer of the things CRTC had encouraged and expected, rather than more.

81 The Forum submits that if the CRTC wants CBC to achieve the objectives addressed by the CRTC's expectations and encouragements, these too must be set out in conditions of licence.

82 Section 9(1) grants the CRTC the authority to impose conditions of licence on all broadcasters, including CBC. These conditions must take into account each licensee's circumstances, be appropriate to implement Parliament's broadcasting policy in general, and be consistent with the programming that CBC provides to fulfill subsections 3(1)(l) and (m).

a) Canadian programming

83 CBC wants the CRTC to amend the 2013 conditions of licence imposed on it, so as to

Broadcasting Act
9 (1) Subject to this Part, the Commission may, in furtherance of its objects,
...
(b) issue licences for such terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee
(i) as the Commission deems appropriate for the implementation of the broadcasting policy set out in subsection 3(1), and
(ii) in the case of licences issued to the Corporation, as the Commission deems consistent with the provision, through the Corporation, of the programming contemplated by paragraphs 3(1)(l) and (m);

- eliminate current requirements of 75% Canadian programming in prime time (7pm – 11pm)
- reduce programming of national interest (PNI) from 8 hours per week on its English-language television services to 7 hours, and from 7 hours per week on its French-language television services to 6 hours per week
- in large predominantly English-speaking communities reduce local news from 14 hours per week in to 12 hours or less
- in smaller predominantly English-speaking communities reduce local new from 7 hours per week to 5 hours per week, and to
- in predominantly French-speaking communities
 - eliminate condition of licence requiring local news broadcasts 7 days/week
 - share 5.5 hours of local programming across its conventional and online services

- reduce the level of original children's programming from 100 hours per year, to 40 hours per year.⁵³

84 The CRTC has said that changing conditions of licence requires evidence. In 2009 the CRTC denied Rogers' application to amend the conditions of licence of CKVU-TV Vancouver because Rogers submitted "insufficient evidence regarding the impact" of this change.⁵⁴ We therefore looked for evidence supporting CBC's proposed changes.

85 CBC's evidence in support of these changes appear to be that:

- "The way Canadians access content is changing",⁵⁵
- To confront the risk of irrelevance among Canadians "CBC/Radio-Canada's strategy has been to put audiences first and to serve them the content they want on the platforms they prefer"⁵⁶
- It is setting out "an appropriate bridge to the future for CBC/Radio-Canada"⁵⁷
- Its changes will "strengthen the role and position of CBC/Radio-Canada as the nation's public broadcaster",⁵⁸ and "continue to strengthen our traditional services and extend and deepen our activities in the digital domain"⁵⁹
- Its "offer will evolve further as we provide new content in new ways to all Canadians"⁶⁰
- "most of the proposed regulatory obligations for our conventional television and radio services are similar to the obligations established in the last licence renewal process"⁶¹

86 CBC's claims that its changes will 'strengthen' its role and traditional services are insufficient to justify their approval, nor has it provided actual evidence to support these claims. In fact, at times it has confirmed that Canadians will not benefit by losing access to some types of programming: "Reducing local/regional programming on traditional platforms does not benefit those Canadians who do not have access to or choose not to access digital platforms."⁶²

87 The questions that CBC should have answered and has not answered, are these:

- Will more people be able to access CBC's conventional and online programming services than before?
- How many more hours a year of original (first-run on any service, online or not) programming will these changes produce for conventional and online broadcasting audiences?
- Of these original, first-run hours how many will be limited to the audiences of CBC's free and subscription online services?
- Will these changes generate more profit over the next five years than CBC would otherwise, to re-invest in all of CBC's programming services?

- Will these changes enable CBC to reduce the losses its online services are currently incurring, and the \$100 million they are projected to lose from 2019 to 2025?
- Will CBC be maintaining its current numbers of advertisements, increasing them or decreasing them?

88 These questions and their evidence-based answers are relevant because, without them, the changes will not strengthen CBC's role in the broadcasting system and will not serve the public interest

- If CBC's changes do not generate more revenue than CBC would otherwise earn,
- If CBC does not produce more new⁴ program hours than it would otherwise would,
- If CBC's changes do not generate new income to re-invest in all its programming services, and/or
- If audience clutter in CBC's conventional television programming continues to increase.

89 The Forum's concern is that CBC's arguments may conceal its true reason for making its various proposals: decreasing Parliamentary appropriations for its operations in real terms (controlling for inflation). It is striking that the very word, "appropriation", appears just twice in the thousands of pages comprising CBC's applications.⁶³ Its entire submission to the CRTC alludes only briefly to its Parliamentary funding – "Over the course of the last licence term, CBC/Radio-Canada's public funding has varied significantly".⁶⁴ It refers instead to "budget cuts"⁶⁵ and "finite resources"⁶⁶ that could have been implemented just as much by CBC's Board of Directors as by Parliament or the Federal government.

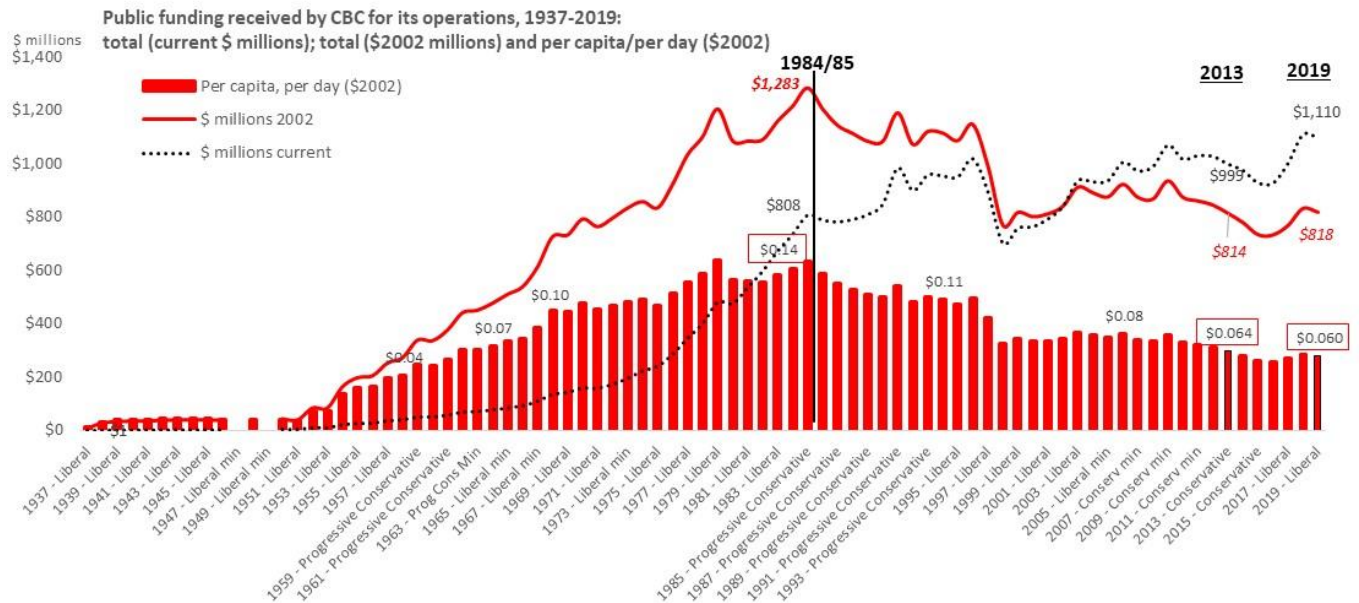
90 As the Forum's January 2020 study⁶⁷ ^{FN5} showed, however, although Parliamentary funding for CBC's operations has indeed varied, it has decreased significantly since the mid-1980s.

91 The Forum estimated that in real (constant, 2002) terms CBC's operating appropriations for all its services have decreased by 36% overall, from \$1.283 billion in 1984/85, to \$818 million in 2018/19; and by 56% when considered per capita per day, from 14¢ in 1984/85 to 6¢ in 2018/19: Figure 5.

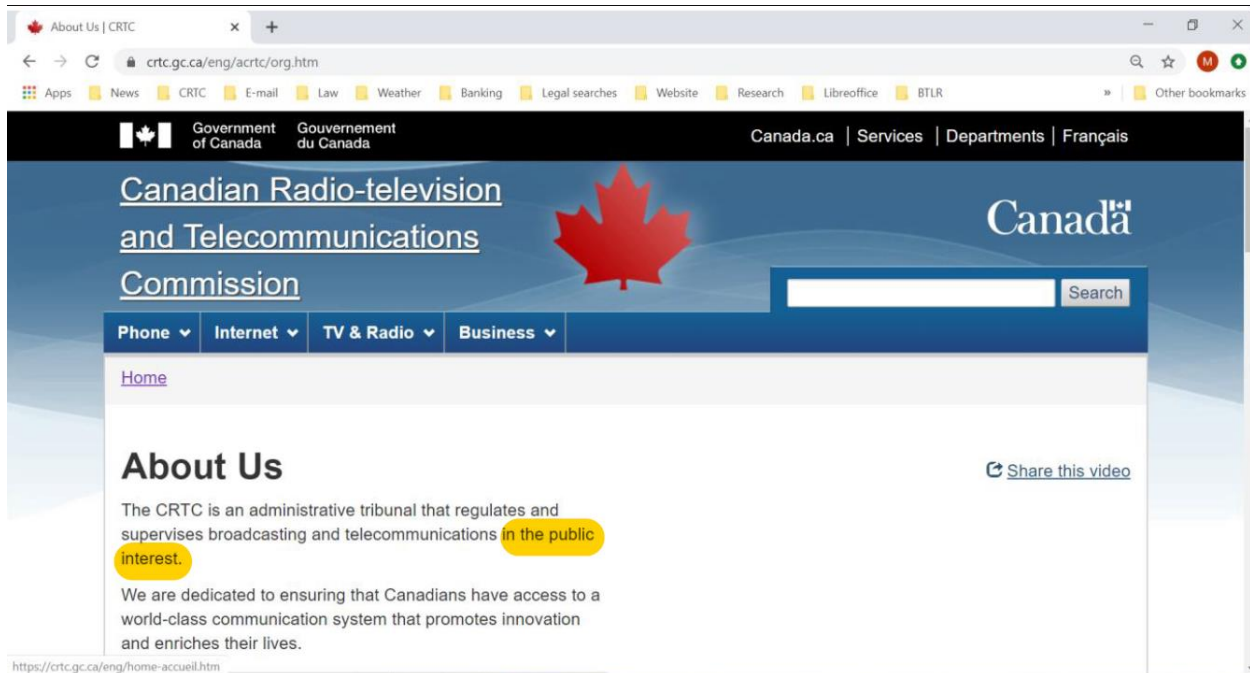
⁴ As in first-run on any programming service.

⁵ See **Error! Reference source not found..**

Figure 5: Parliamentary appropriations for CBC's operations, 1937 to 2019



- 92 The CRTC must obviously walk a fine line in this proceeding. It acts, on the one hand, as a creature of Parliament and as an agency whose own budget is determined by each government and each Parliament.
- 93 The CRTC bears the duty, on the other hand, for regulating and supervising the broadcasting system “with a view to implementing the broadcasting policy” set out by in section 3⁶⁸ and although the principle is not expressly stated in the *Broadcasting Act*, the CRTC says that it serves the public interest in both broadcasting and telecommunications:



- 94 The Forum's concern is that if the CRTC approves CBC's applications without acknowledging the negative impact of budget cuts on CBC's ability to meet its mandate, it will enable such cuts to continue and the public interest will not be served. The CRTC will be papering over the relevant and material fact that Parliament is underfunding the Corporation to the point where it cannot meet its mandate. In that event the blame for CBC's failure to meet its mandate will be unfairly laid on the Corporation, rather on Parliament and government where it properly belongs.
- 95 As far as it is possible to tell CBC has not proposed to change the conditions of licence now in place for its radio services. As for television, conditions of licence currently require CBC to ensure that 75% of the hours during the broadcast day and 80% of prime time hours are Canadian. CBC wants to drop requirements for Canadian content during prime time. It says that its "priority is to create more Canadian content for Canadians on all of its platforms".⁶⁹
- 96 Meanwhile, the results for the program logs of its flagship stations in each official language show that while CBC is meeting its conditions of licence, it broadcast less Canadian content in November 2019 than in November 2013.
- 97 It is unclear how CBC's proposed approach of reducing Canadian programming will benefit all Canadians, or how it will strengthen CBC's current television programming services, whether conventional or online. We are concerned that Canadians may instead be unimpressed with ever-diminishing quality of service from Canada's national public broadcaster and turn away in greater numbers from CBC services.
- 98 CBC's programming and how it continues to implement Parliament's broadcasting policy for Canada are entirely within the CRTC's jurisdiction. CBC's funding is entirely outside that jurisdiction. As a result, the Commission's role in this proceeding is not to deal with the

dilemma facing CBC – inadequate resources to provide programming – but to address the reduced level of Canadian programming that CBC is now broadcasting, and is now proposing to provide.

- 99 At a time when the proportion of space available to Canadian voices is shrinking thanks to international programming giants, the CRTC must set exhibition requirements so that Canadians are able to find more Canadian programming on CBC's services.

Recommendation 7: The CRTC should establish conditions of licence for each of CBC's radio, television and online services to ensure that Canadian content begins to increase during the next licence term

b) Local programming

- 100 CBC is proposing to reduce local news in large and small communities alike.

Broadcasting Decision CRTC 2013-263	
French TV: Condition of licence 14: 5 hrs/wk of local programming, local news to be broadcast 7 days/wk (excl'g holidays)	Condition of licence: 5.5 hrs/wk of local programming shared across its conventional and online services
English TV: Condition of licence 21: 14 hrs/wk in metropolitan markets, of which at least 1 hr/wk is non-news local programming 7 hrs/wk in non-metro markets	Condition of licence: 12 hrs/wk in metropolitan markets, 5 hrs/wk in non-metro markets

- 101 At least some Canadians believe CBC's local news is inadequate.
- 102 CBC did not provide clear evidence about the level of local programming now provided by its services.
- 103 In fact, when the CRTC asked CBC for information about its television services' local programming exhibition and expenditures, CBC said that it did not 'track' this information and could not provide it.⁷⁰ (This is puzzling, since when CBC was established in 1936 to replace the Canadian Radio Broadcasting Commission as the regulator of Canada's broadcasting system, CBC like its predecessor required broadcasters to submit programming logs.)

Hello, I watch CBC mostly on YouTube, and sometimes radio one. **The one thing that they miss the most is local coverage, the area around Toronto.** I can't recall a CBC reporter ever going to an Oshawa council meeting. Also missing is Farm reporters. A reporter born and raised in downtown Toronto has no idea what is going on in small town Canada. Sending a reporter to an area is not good enough, they must live and work in the area they are reporting from, if the CBC is not going to cover all of Canada equally than it's time to shut down the CBC and put the services it provides out for bid to a 3rd party contractor.
[bold font added]
Intervention 3, Oshawa

- 104 It is difficult to know what to make of CBC's statement, because the CRTC's TV logging system requires CBC to identify programming from local stations or that the licensee owns, and because the CRTC's annual returns require CBC to attribute expenditures to local stations and programming categories.

- 105 The Forum's evidence – from the programming logs submitted by CBC to the CRTC – is that the total monthly hours of local programming broadcast by CBLT-DT Toronto decreased 22% from November 2013 to November 2019. In November 2019 CBLT-DT Toronto broadcast less local news on 21 out of 30 days, than it did in November 2013.⁶
- 106 As well, the level of repeat local news has increased. In November 2013 100% of the local news hours broadcast by CBLT-DT Toronto was original; in November 2019, 79% of the local news hours were original, and 21% were repeats.
- 107 It is difficult to reconcile these reductions with CBC's current statement that it "intends to develop a greater local presence and greater community connection across the country using traditional and digital platforms."⁷¹ We agree that Canada's national public broadcaster must pursue this objective, as local newspapers reduce coverage or close and as other broadcasters reduce local news. For one thing – and even if a local news fund has been established by the Federal government – CBC exists not only to provide local news, but to ensure that diversity of news sources is available to communities.
- 108 The Forum notes that 'local presence' is not the same as local programming hours, and that in any event it is unclear how many CBC employees engaged in program production actually live in each community served by CBC. That said, the Forum's position is that presence is necessary to program production, and that each CBC programming undertaking should provide programming that is directly relevant to the community it has been licensed to serve.
- 109 CBC should, at a minimum, meet the CRTC's current policy requirements for local programming (although it has yet to establish such requirements for online services), and over time should exceed these requirements. The CRTC should address the issue of original and rebroadcast news, by setting minimum requirements for original programming.
- Recommendation 8 The CRTC should require each CBC TV station in smaller communities to produce and broadcast at least 7 hours/week of original (first-run) news produced by the station, and should require each CBC TV station in larger communities to produce and broadcast at least 14 hours/week of original (first-run news) news produced by the station**
- 110 The CRTC should also address the lack of non-news local programming on CBC's television services, by requiring minimum levels of original content each week through conditions of licence. CBC should be allowed to broadcast such programs on its other stations, as a way of reflecting Canada's communities and regions to each other.

⁶ See Appendix 3.

Recommendation 9: The CRTC should require each CBC TV station to produce and broadcast at least 1 hour/week of original (first-run) non-news programming

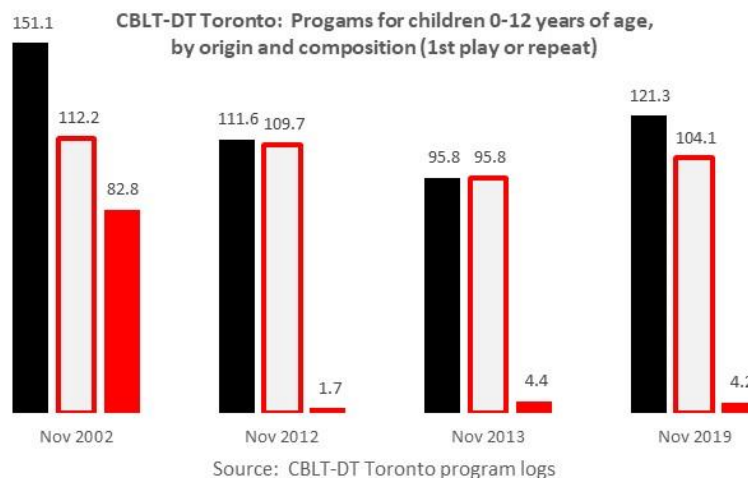
c) Programming for youth

- 111 In the last 20 years the CRTC has begun to impose more detailed requirements about CBC's programming for younger people, using conditions of licence.

Decisions CRTC 2000-1, 2000-2	Decision CRTC 2013-263	CBC proposal
French TV Condition of licence: at least 4 hrs/week of original children's programming	Condition of licence: at least 15 hrs/wk of programs for under 12 yrs of age Condition of licence: at least 100 hours/year of original children's programming	Condition of licence: 1 hrs/wk of children's programming on ICI TLELE Condition of licence: 80 hours of original children's and youth programming per year on ICI TELE
English TV	Condition of licence: At least 15 hrs/week for children 0-12 Condition of licence: at least 1 hour/week of original children's programming	Condition of licence: 15 hrs/wk of children's programming Condition of licence 40 hrs/year of original children's and youth programming

- 112 CBC's renewal application did not provide clear evidence about the level of programming it currently provides to children and youth across its services.
- 113 The Forum's evidence – from the programming logs submitted by CBC to the CRTC – is that the total monthly hours of programming directed at children by CBLT-DT Toronto from 0 to 11 years of age increased between November 2013 and November 2019, from 95.8 hours to 121.3 hours. It is still lower than it was in November 2002, however, when CBC broadcast 151.1 hours of this programming.

Figure 6: Programs for children 0-12 years of age broadcast by CBLT-DT Toronto



- 114 CBC did not provide any information in the log of CBLT-DT Toronto about the programming it broadcast to youth from 12 to 17 years of age: Table 2.

Table 2: Programs for those under 18 years of age broadcast by CBLT-DT Toronto

Year (November)	CBLT-DT Toronto: Total hours			
	2002	2012	2013	2019
Canadian	123.8	111.3	97.8	104.1
Preschool (0-5 years)				85.7
Children (6-12 years)				18.4
Children (up to 11 years)	112.2	109.7	95.8	
Youth (12 to 17 years)	11.6	1.6	2.0	
Non-Canadian	49.0	1.9		17.2
Preschool (0-5 years)				17.2
Children (up to 11 years)	38.9	1.9		
Youth (12 to 17 years)	10.2			
Total	172.8	113.2	97.8	121.3

- 115 According to CBC's renewal application, CBC "intends to increase its programming for children and youth, so as to better serve these audiences and build a life-long connection with [its] audiences."⁷² CBC has not provided any evidence showing how this will be achieved.
- 116 The Forum agrees that CBC must increase its programming for children and youth, not so that CBC can 'build a life-long connection' with prospective audiences but because the *Broadcasting Act* requires the needs, interests, circumstances and aspirations of all Canadian children to be met regardless of location or family financial circumstances.
- 117 CBC should provide minimum and balanced levels of original and repeat programming to pre-schoolers, children and youth across all of its services.

Recommendation 10: The CRTC should require CBC by conditions of licence to broadcast at least one hour per week of original programming for young people, and at least fifteen hours per week of programming for people under 18 years of age; CRTC should require CBC by condition of licence to provide a balance of programming among pre-school, school-age and teenaged children

B. Online programming

- 118 We can now look back on the history of the Canadian television industry and see that in the period prior to about 2010, the industry was mature. The first decade of the 2000s saw substantial industry consolidation and increased profitability as broadcasters benefited from economies of scale. But this consolidation and rapid technological change also set the stage for decline. Traditional television viewership among young people has fallen significantly in the past ten years as these audiences consume an increasing amount of content from online digital platforms.

- 119 While traditional television declines, online digital distribution is somewhere between an introduction and a growth phase. CBC is in a period when the shape of the media environment—who the players will be and what business models will become sustainable—is being determined.
- 120 In the new environment, we see large American-based streaming services now operating and competing on a global basis. Netflix is the largest of these, with 167 million subscribers worldwide, but the recently launched Disney+ already has over 28 million subscribers.
- 121 Canadian television providers have a particular set of challenges in this environment.
- 122 First, streaming is currently subject to the Digital Media Exemption Order, and American content producers and broadcasters can now provide content directly to Canadians without working in partnership with Canadian distributors. (Even if the CRTC changes its Digital Media exemption order foreign services can continue to provide content directly to Canadians without regulatory requirements: this is because the government's *Direction to the CRTC (Ineligibility of Non-Canadians)* prevents the CRTC from licensing foreign services, and only services that can be licensed can be regulated. ^{See e.g. s. 10(i) and (j)})
- 123 Second, Canadian streamers are at a disadvantage when they compete technologically with American and other foreign streamers. A streaming service requires a substantial technical infrastructure (called a content delivery network or CDN) to provide high definition programming to audiences. These CDNs are made up of geographically disbursed servers that are connected to the Internet backbone. Netflix and Google both operate extensive CDNs in Canada.
- 124 Finally, large streaming services benefit greatly from economies of scale when providing content selection, user interface, and pricing. Increasingly, smaller content providers must align with larger existing streaming platforms in order to reach audiences.
- 125 We believe that the decline in traditional television audiences and revenues, and the increasing popularity of online digital distribution of content, represent an existential threat to CBC ability to respond to its legislative and regulatory mandates. Expectations concerning accessibility, variety, quality, and cost of programming are fundamentally changing.
- 126 We believe that CBC faces significant challenges in this new technological environment. First, CBC faces competition for audiences not just from domestic traditional television and streaming services, but increasingly from streamers who operate globally. Second, CBC lacks the technological infrastructure of both the existing global streaming services and domestic BDUs, particularly Bell, which controls content distribution infrastructure with a national reach.
- 127 It is easy to imagine an emerging media environment in which there exist only content providers (of various sizes) who will be dependent on very large content distribution platforms such as Netflix, Disney, Apple, and Amazon. We believe that only these larger platforms will be commercially viable in the medium term due to the significant technological, financial, legal, and regulatory challenges of streaming content to mass audiences. CBC will simply not be viable in

this environment without substantial support. While CBC provides essential news, information, and other programming to Canadians, we do not believe that the Corporation's current hybrid commercial-public model will survive in the emerging technological environment.

- 128 We agree with CBC that a strategic approach to digital platforms is key to its future ability to respond to its legislative mandate. CBC has no choice but to provide streaming content in order to serve existing and new audiences. However, CBC will require a policy environment which both reimagines its core mandate and creates conditions which will allow the Corporation to not just survive but thrive in the emerging streaming mediascape.

1. Cross-platform programming

- 129 CBC seeks more flexibility in its television programming, by sharing content over its conventional and online platforms and achieving a 'cross-platform goal':

First, a cross-platform goal described as a total number of exhibition hours for combined conventional television and digital platforms;

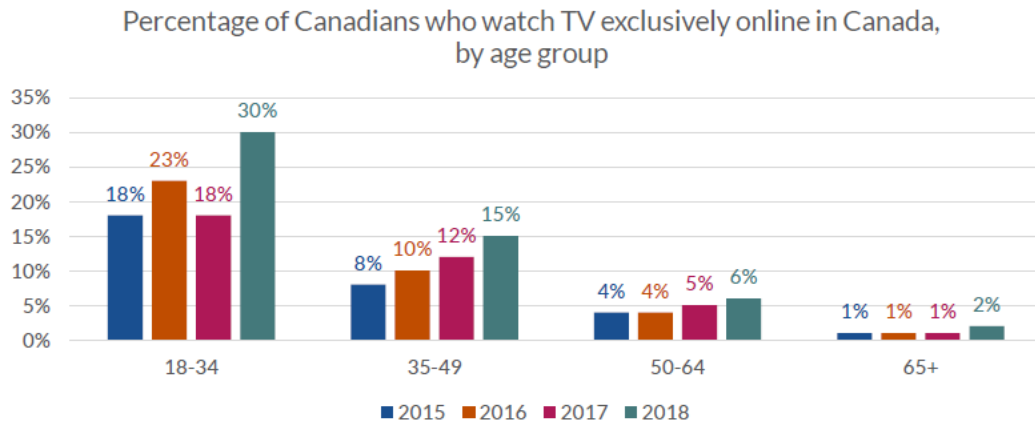
Second, an accompanying condition of licence setting a minimum exhibition obligation for conventional television; and

Anything between the conventional television minimum and the total exhibition goal could be broadcast either on the conventional television network or on a digital platform.⁷³

- 130 CBC argues that providing some of its programming online will help it to reach "a new viewing public."⁷⁴ CBC also wants the CRTC to maintain the current Digital Media exemption order. At present CBC offers some online services free of charge, and others for a monthly subscription fee: the fee for CBC Gem is \$4.99, and \$6.99 for ICI TOU.TV EXTRA.⁷⁵ It currently includes exclusive or "original series" on both services.⁷⁶

- 131 The Forum agrees that online broadcasting matters, though not to the point where programming for CBC's conventional radio and television platforms should be reduced.

- 132 According to the Media Technology Monitor (MTM) – owned by CBC – the percentage of adult Canadians watching television solely online has grown, though just to 14% in 2018.⁷⁷ The CRTC even notes that "[t]he significant increase from 2017 to 2018 of Canadians watching television online" – from 9% to 14% - "may be attributed, in part, to MTM changing their methodology"⁷⁸ The CRTC itself found that very few of those over 50 years of age watch television exclusively online.⁷⁹



Source: Media Technology Monitor, 2014-2018 (Respondents: Canadians 18+)

133 The CRTC also found that

[i]n 2018, the vast majority of Canadians were still tuning in to traditional radio. When asked about their use of radio and audio services, 88% of Canadians aged 18+ reported having listened to the radio in any given month. While streaming music videos on YouTube remains popular and listening to personalized online music services continued to rise in popularity in 2018, reaching 55% and 38%, respectively, of Canadians aged 18+, both types of online services have yet to reach as many Canadians as traditional radio.⁸⁰

134 It is unclear why CBC believes that it is appropriate to distribute any programming online if that programming is not also available on its conventional services.

135 Ironically, the more CBC argues that it must be permitted to shift its programming online, the more difficult it will be for the CRTC to grant its corollary request – to continue to exempt CBC's online broadcasting services from regulation.

136 The *Broadcasting Act* requires the CRTC to exempt online broadcasting from regulation if that regulation “will not contribute” materially to implementing Parliament’s broadcasting policy. Yet CBC has now said that its “investment in digital content and mobile/web technology has enabled” it to ‘bolster its relevance to Canadians.’⁸¹ For CBC at least, online programming may now be ‘material’ to the broadcasting policy that includes its mandate – in which case it may now be important to begin regulating CBC's online services.

9(4) The Commission shall, by order, on such terms and conditions as it deems appropriate, exempt persons who carry on broadcasting undertakings of any class specified in the order from any or all of the requirements of this Part or of a regulation made under this Part **where the Commission is satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1).**
[bold font added]

137 The Forum’s concern is that CBC is in effect asking the CRTC and Canadians to be content with fewer hours of Canadian programming on its existing television services, and to trust that it will keep its promises to meet vague goals for its online programming services. It has not said why Canadians should accept less Canadian programming on CBC's conventional television services,

and has not offered evidence to show why it is trustworthy. To the contrary: the Forum's analysis of the programming of its English- and French-language flagship conventional television stations found that since 2013 CBC has reduced overall Canadian content, reduced local television programming and not provided any programming for young people.

Recommendation 11 The CRTC should deny CBC's requests to move any original programming to online-only platforms

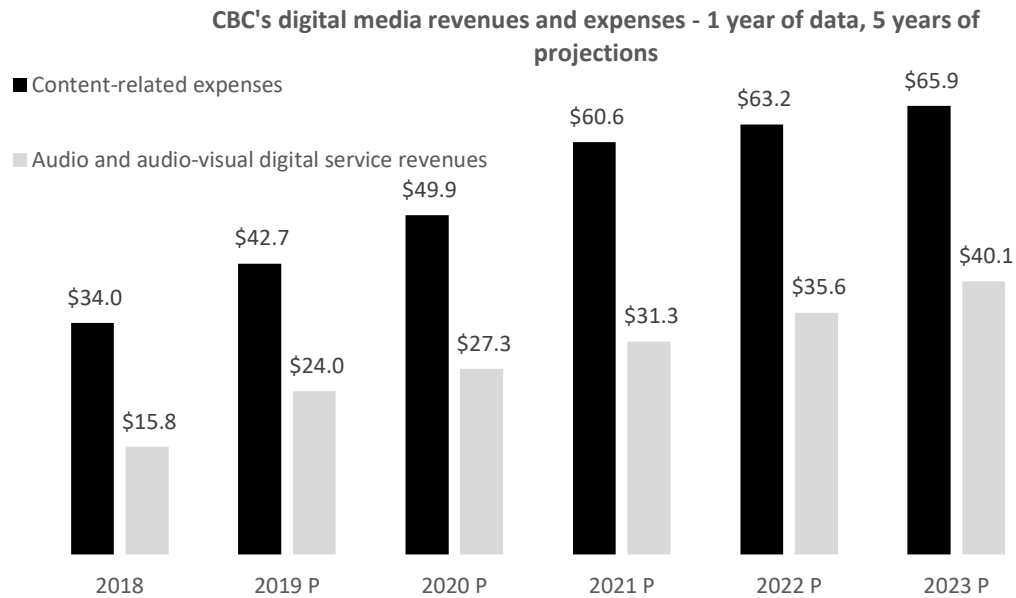
- 138 The *Broadcasting Act* still requires that CBC make its programming more widely available, in section 3(1)(m)(vii).
- 139 The Forum therefore also submits that CBC's online content should be free to the Canadians who have supported it through Parliamentary appropriation. While it may be economically necessary at this time for CBC to support its online content through advertising and by offering greater programming choice for monthly subscription fees, this does not align with the Corporation's mandate to make programming available to all Canadians.

Recommendation 12: CBC should phase out advertising and paywalls for online programming distribution

2. Subsidizing CBC's online services

- 140 It is unclear how CBC is paying for its online services. While it has operated websites since the early 2000s, CBC says that it has only one year of aggregated financial data for its digital media.⁸² It provided five years of projected data, including for the year that just ended (2019) setting out its revenues and "content-related expenses". It did not explain what its "content-related expenses" include or exclude. Assuming that these expenses represent its websites' total expenses, CBC's online services lost \$18.2 million in 2018, are projected to lose \$101 million from 2019 to 2023, or a total of \$119 million from 2018-2023.

Figure 7: CBC's digital media revenues and expenses – 1 year of data, 5 years of projections



Source: DM#3798544, p. 9

- 141 As CBC has apparently reported little information to the CRTC about its online services, it is unclear to what extent either public funding or CBC's commercial revenues are subsidizing its online services.
- 142 CBC's subsidy of its online services might not matter but for CBC's decision to charge subscription fees for some of its websites, and to offer programming on its online services that its conventional services will not broadcast.
- 143 The CRTC faced a similar, though not identical, issue in 1987 when it considered CBC's application for Newsworld,⁸³ its English-language discretionary television programming service. At that time CBC assured the public that Newsworld, that would charge a monthly subscription fee, would use "existing CBC services, technical facilities and personnel ... at incremental cost which will be totally assumed by the new service."⁸⁴ It emphasized the sophistication of CBC's financial systems for identifying costs specific to the new service:

We have the capability to identify the marginal expenses ... through the assignment disc methodology that we use for assigning reporters and the costs associated with their initiatives ...

We [already] live with cross-charging of costs for resources and manpower and travel, and so on as a way of life ... We work on the basis that there is a commitment made [at] the assignment level for costs that are going to be incurred and that there is a cross-charging agreement when more than one entity of the organization is involved ...⁸⁵

- 144 Three decades ago the CRTC accepted CBC's evidence that

... its accounting system is capable of distinguishing the direct incremental costs of the news and information channel, including such expenditures as overtime, travel and extra land lines "associated with asking people in the field to do something for this service".⁸⁶

- 145 The CRTC licensed CBC Newsworld for just three years, however, because the CRTC wanted "to ensure that the cost separation mechanisms described by the CBC have been implemented effectively."⁸⁷ It also imposed conditions requiring reports verifying that Newsworld's costs were separate from those of CBC.⁸⁸
- 146 Even if CBC's online programming activities are growing in importance to CBC, the Forum generally agrees that CBC's online content distribution should continue to operate under the CRTC's current Digital Media Exemption Order. To do otherwise at this time would be inconsistent and place CBC at a competitive disadvantage when compared to other traditional broadcasters and streaming services.
- 147 The Forum notes that it is true that the CRTC's first Digital Media Exemption Order was issued in 1999 as *the Exemption order for new media broadcasting undertakings* in Public Notice CRTC 1999-197, over 20 years ago. While the Forum supports a transition from legacy regulations for traditional broadcasting to a new legislative and regulatory framework for online media, this is beyond the scope of the existing process, and would in any event (as mentioned previously) require Cabinet to rescind or amend the current *Direction* prohibiting foreign services from being authorized to operate in Canada.
- 148 The current Digital Media exemption order does, however, require exempted services to submit information when asked by the CRTC:
- Appendix to Broadcasting Order CRTC 2012-409
- ...
4. The undertaking submits such information regarding the undertaking's activities in broadcasting in digital media, and such other information that is required by the Commission in order to monitor the development of broadcasting in digital media, at such time and in such form, as requested by the Commission from time to time.
- 149 The Forum strongly believes it is in the public interest that information concerning the CBC's online expenditures and revenues be made available. Consumption of audio-video content by Canadians is increasingly taking place online, the primary distributors of this content have argued that they are not under Canadian jurisdiction and have therefore provided little or no useful information to the Commission, policy makers or the public concerning their revenue, expenditures or activities in Canada, where they are clearly operating.
- 150 Yet CBC is at a significant business disadvantage when compared to both foreign and domestic streamers. As such, given what is at least still a transition to a more diverse environment for content distribution, it is important that CBC share key information concerning the costs of establishing existing and planned digital services, and its ongoing operation, with the regulator.
- 151 The Forum agrees that the CRTC should grant CBC confidentiality (assuming it is requested) to information whose disclosure poses a demonstrable risk to CBC's financial and competitive

position, as long as CBC remains a commercial actor in the online content marketplace. If the CRTC permits CBC to offer subscription-based online services, however, the CRTC will be able to find out how much public money is being used for these services and should report that fact to the public – the annual financials of individual discretionary programming services have been public since the late 1980s, after all.

Recommendation 13: CBC should report information about its revenues from and expenditures on its online programming services to the CRTC, including information about sources of revenue and the degree to which it is sharing resources with CBC's other programming services

3. Online metrics

152 CBC has indicated that it uses a variety of metrics to determine engagement with viewers of its online content offering. Its measures include comScore for reach, an impressions-based approach for children's content, and more granular metrics for video viewership.

153 CBC has indicated that such measurements are "competitively sensitive" and should not be made public. Commercial subscription-based streaming providers rarely if ever share such measurements publicly, only indicating general levels of viewership for various content products.

154 The Forum believes, however, that it is in the public interest that aspects of these measurements should be publicly available, and the whole of these measurements be available to the CRTC. The current Digital Media exemption order requires exempted programming services to submit information when requested by the CRTC, and it should ask CBC for more information about its online metrics.

Recommendation 14: CBC should provide CRTC with metrics detailing online viewership and listenership

155 The Forum also proposes that the CRTC hold a public proceeding to consider the collection of relevant data about online programming services, including but not limited to the total hours and original hours of programming being distributed online. We propose a public hearing rather than a paper proceeding so that the Commission may hear and consider informed debate about this issue.

Recommendation 15 When it issues its decision about CBC's licence renewal applications the CRTC should also initiate a public hearing to consider the information required to regulate online broadcasting

4. CBC's online branding

156 The Forum agrees that CBC's marketing efforts must extend to its online services. We suggest, however, that CBC consolidate its online offerings so that all CBC content is available through branded web properties and apps. Specifically, rather than providing differing audio and audio-video services, CBC ought to combine access to content under single branded apps and web properties.

- 157 The advantages of extending the CBC brands to CBC Gem, CBC Listen and ICI TOU.TV should also be considered. Canadians would benefit from a simple approach to branding which will allow them to easily find local, regional and national content. This will strengthen rather than dilute the CBC brand(s).

Recommendation 16: CBC should consolidate its online brands

C. Measurement to ensure transparency and accountability

- 158 It has been difficult to analyze CBC's historical performance and plans for its licences from 2020 to 2025 not just because CBC's answers were often evasive,^{FN7} but also because CBC frequently said or acknowledged that it did not know the answers.

- 159 CBC's claim that it did not know what local programming it has been broadcasting was particularly striking. The CRTC asked CBC how much local news and non-news programming it has been broadcasting, and CBC answered that it does not "track exhibition levels based on this breakdown".⁸⁹

- 160 The CRTC's regulations require broadcasters to log their programming. CBC and all other radio and television broadcasters have been required to keep program logs since broadcasting began⁹⁰ and, indeed, including from 1936 to 1957 when broadcasters were regulated by CBC itself. As lawyer Peter Grant has explained,

[t]he present provisions requiring broadcasting stations to maintain program logs date back to the earliest CBC *Regulations for Broadcasting Stations* issued in 1937.⁹¹

- 161 The CRTC's current *Radio Regulations, 1986*, *Television Regulations, 1986*, and *Discretionary Services Regulations* all require broadcasters to both track and describe all their programming, including local programming. The details of these requirements are shown below for radio and television:

Radio

8 (1) Except otherwise provided under a condition of its licence, a licensee shall
(a) keep, in a form acceptable to the Commission, a program log or a record of the matter broadcast by the licensee;

...

(c) cause to be entered in the log or record each day the following information:

- (i) the date,
- (ii) the call letters, location and frequency of the licensee's station,
- (iii) the time at which each station identification announcement is made,
- (iv) in relation to each program broadcast,
 - (A) the title and a brief description,
 - (B) subject to subsection (2), the number of the relevant content category,
 - (C) the time at which the program begins and ends,

⁷ See Appendix 5.

(D) the code set out in Schedule 1 indicating the origin of the program [“1” is the code for “Local”] and, if applicable, the language, type or group, and

....

(2) When a program falls into more than one content category, a licensee shall cause to be entered in its program log or record the numbers of the two principal content categories in descending order of their relative importance in terms of broadcast time.

Television

10 (1) Subject to any condition of licence, a licensee shall

(a) keep, in a form acceptable to the Commission, a program log or a machine readable record of its programming;

(b) retain the log or record for a period of one year after the date when the programming was broadcast; and

(c) cause to be entered in the log or record each day the following information:

(i) the date,

...

and

(v) in relation to each program broadcast,

(A) its title and any additional information that is to be included by the appropriate subitem of Schedule I,

(B) subject to subsection (4), the key figure set out in Schedule I describing the program

...

Discretionary services

8 (1) Except as otherwise provided under a condition of its licence, a licensee shall

(a) keep a program log or record of its programming in a form that is acceptable to the Commission;

...

(c) cause the following information to be entered in the log or record each day:

(i) the date,

(ii) an identification of the licensee or the service provided by the licensee,

...

(iv) in relation to each program other than a music video clip,

(A) its title and any additional information that is to be included in accordance with the appropriate subitem of Schedule 1,

(B) the key figure that describes the program

162 The Forum believes it would be a mistake to dismiss CBC's disclaimer of knowledge about its broadcast programming as simple carelessness. After all, the CRTC relies on the program log system to enforce its regulations and broadcasters' adherence to their conditions of licence, and to evaluate achievement of Parliament's broadcasting policy, specifically requiring licensees to certify that each log submitted is accurate. It is also worth noting that when broadcasters sell advertising, they must ensure the availability of time for advertisements: broadcasters such as CBC need to know the programming they are broadcasting to know how much time is available to sell – similarly broadcasters need to know after the fact that advertisements accepted for broadcast actually did air, to assure advertisers that their commercial messages were broadcast

as promised. The CBC's answer, suggesting it does not know how much local programming it broadcasts, seems somewhat disingenuous.

163 If CBC does not know what it is broadcasting, as it has said, what do its logs represent? Indeed, what have CBC's staff been certifying as an accurate depiction of its broadcast programming since 2013?

164 The issue for this licensing proceeding is that if CBC's program logs do not describe its programming and are therefore inaccurate, CBC would be in breach of the CRTC's radio, television and discretionary regulations. To avoid having to report CBC's breach of the CRTC's regulations to the Minister of Canadian Heritage and Parliament as required by the *Broadcasting Act* in section 25, the CRTC should ask CBC to clarify its answer about the local programming it broadcasts. (Alternatively CBC might forestall this by including this information in its reply to interveners.)

165 CBC defines a children's visit to its website as "a sequence of consecutive page views without a 30-minute break, or continuous activity for 12 hours."⁹² Even if this measure is based on another entity's algorithms, as it may well be, does CBC consider it reasonable to assume that any child will spend 12 hours continuously on its website?

Report of alleged contravention or non-compliance by Corporation

25 (1) Where the Commission is satisfied, after a public hearing on the matter, that the Corporation has contravened or failed to comply with any condition of a licence referred to in the schedule, any order made under subsection 12(2) or any regulation made under this Part, the Commission shall forward to the Minister a report setting out the circumstances of the alleged contravention or failure, the findings of the Commission and any observations or recommendations of the Commission in connection therewith.

Marginal note: Report to be tabled

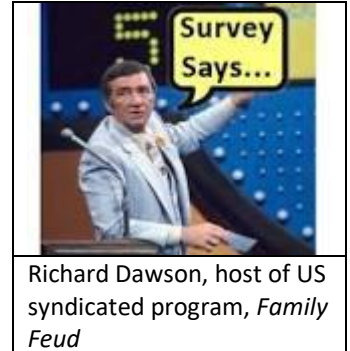
(2) The Minister shall cause a copy of the report referred to in subsection (1) to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the report is received by the Minister.

Online services – measurement	Measure programming hours added to available programming each week Do not distinguish between online and conventional programming (DM#3745953 (30 October 2019), Answer 1a) Do not measure online audio services, because CBC carries a "wealth of diverse audio content" (DM#3745953 (30 October 2019), Answer 1b) Use conditions of licence and "regulatory expectations" (DM#3745953 (30 October 2019), Answer 3a)
Measurement of how CBC is meeting its mandate	Measure Canadians' views as to whether CBC is meeting its mandate (DM#3745953 (30 October 2019), Answer 3b)

1. *How CBC is meeting its mandate: "...Survey says"*

166 CBC proposes that it demonstrate whether it is meeting its mandate under the *Broadcasting Act* using surveys of Canadians' views on this issue.

167 Canadians' views about CBC are important. They may offer insight as to whether CBC's programming is serving Canadians' needs and interests, s. 3(d)(iii) is considered "distinctive", s. 3(1)(l)(i) and whether tuning to this programming 'contributes to shared national consciousness and identity'. s. 3(1)(l)(vi) Surveys help to show what audiences think of programs. In fact, the CRTC should encourage CBC to make its surveys public – but the information they provide is in no way evidentiary of the degree to which CBC is or is not meeting its mandate or regulatory requirements.



Richard Dawson, host of US syndicated program, *Family Feud*

168 The Forum disagrees with CBC's proposal to use surveys to measure its performance under the *Broadcasting Act*. Attitudinal surveys are unable to establish how many hours of programming are being broadcast by CBC by radio, by television or by online services, the number of hours that qualify as Canadian, or the resources allocated to those hours.

169 CBC's replacement of such measures with attitudinal surveys would hamstring the CRTC's ability to supervise CBC's performance under the *Broadcasting Act*.

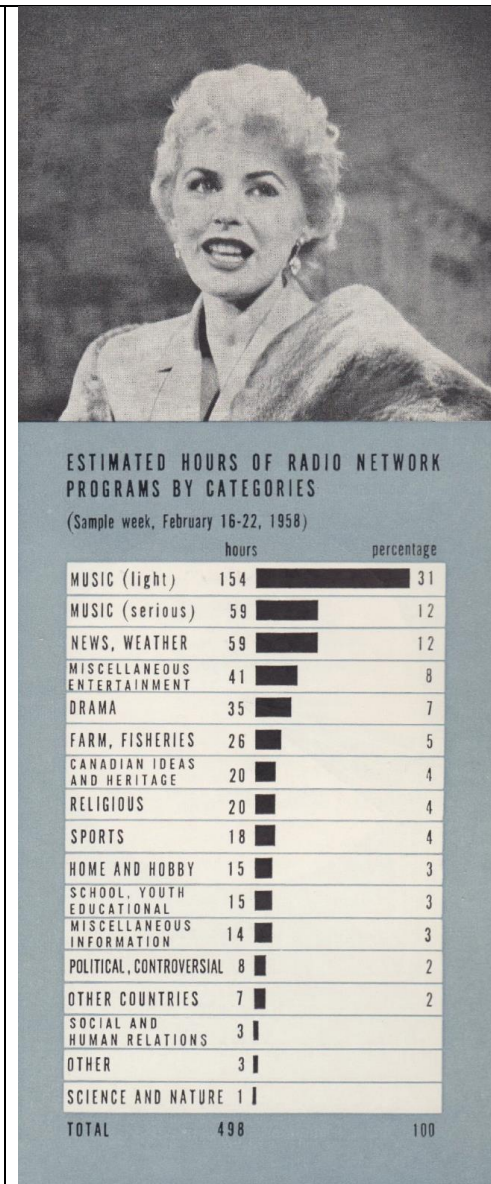
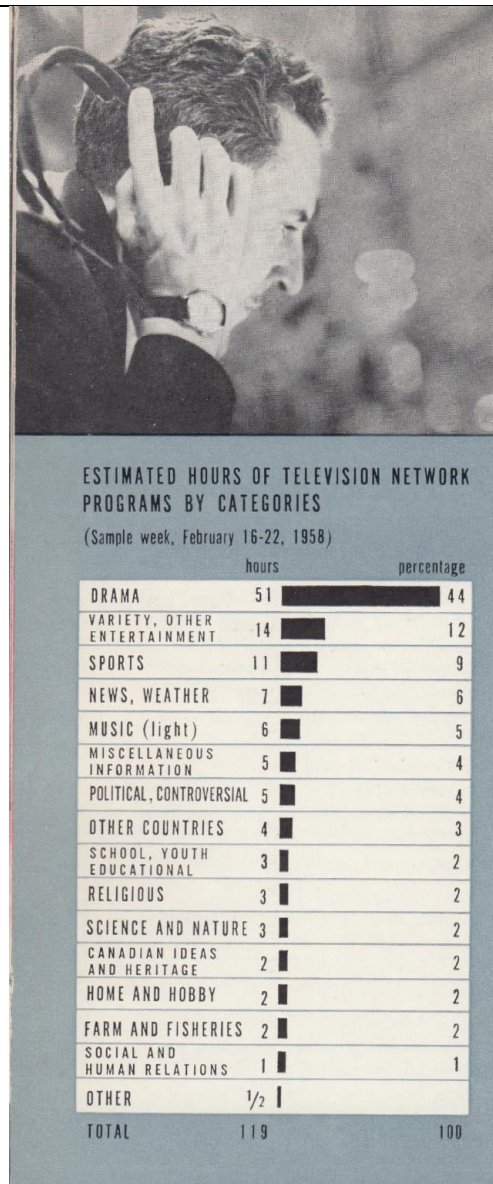
Recommendation 17: The CRTC should not accept attitudinal survey results to measure how many hours of programming CBC is broadcasting, or the resources it is allocating to those hours

170 The Forum is not saying that CBC should not regularly measure Canadians' views about CBC.

171 We are simply saying that Parliament (re-) established CBC in 1991 with two main roles: to broadcast programming and to ensure that Canadians can access that programming.

172 In this context we note that in 1958 – sixty-two years ago – it was apparently possible for CBC to provide detailed estimates about its programming:

CBC's 1957/58 Annual Report



173 The CBC should begin to provide this kind of information in its *Annual Reports* again, and the CRTC should require CBC to submit this information in public reports to the Commission each year – distinguishing between first-run and repeat broadcasts. Given the wealth of information that CBC currently submits to the CRTC about its conventional and discretionary services we do not believe it would unfairly burden CBC to produce it for Canadians.

Recommendation 18: The CRTC should require CBC to submit annual reports on the programming provided by each service (radio, television, discretionary services, online services) and by

language (English, French and Indigenous languages), indicating the number of broadcasts that are original (first-run) and the number that are repeats

- 174 The Forum also asks the CRTC to require CBC to publish information about the degree to which its services are available to Canadians. Previous CRTC licensing decisions and CBC's *Annual Reports* provided this information about radio, for example:

	English radio		French radio	
	AM	FM	AM	FM
1979	96.7% ⁹³	66%	85.5%	23.9%
1988	99%	72%	99%	76%
2002	98%	75%		
Sources: 1979: Decision CRTC 88-181 1988: Decision CRTC 88-181 2002: CBC, Annual Report 2001-2002, at 17-18.				

- 175 Now, according to CBC's 2017/18 *Annual Report*

... CBC continues to reach the vast majority of Canadians (86%) on a monthly basis by whatever means they prefer, through our TV, radio and online offerings in English, French and eight Indigenous languages.⁹⁴

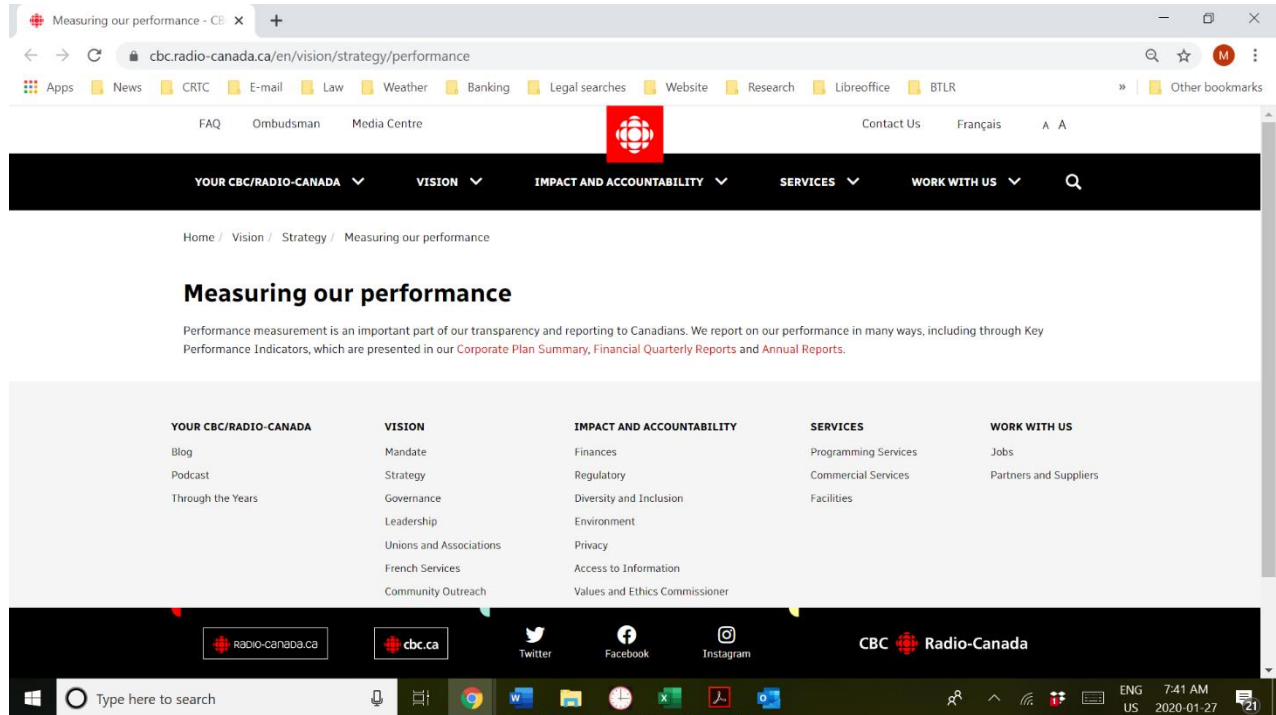
- 176 CBC's *Annual Report* added that CBC TV 'reaches' 73% of Canadians, CBC radio reaches 42% of Canadians, and CBC online reaches 42% of Canadians, based on a survey of 1,000 Anglophones and 1,000 Francophones conducted in the fall and spring.⁹⁵

- 177 There is a significant difference between audience reach and availability of programming services. As a matter of law the 1991 *Broadcasting Act* does not require that CBC's programming be popular, but does say that it "should ... be made available by the most appropriate and efficient means and as resources become available for that purpose". s. 3(1)(m)(vii) One reason for this is that CBC is financially supported by Canadians as a matter of public policy – and should therefore be available to all Canadians.

Recommendation 19: The CRTC should require CBC to report each year on the percentage of people in Canada who are able to receive its radio, television and online services

- 178 Without wishing to belabor the point about inadequate information from CBC, we note that it argued that it should not be required to disclose "average time spent listening" to its services, because this is one of its "internal measures that are used to manage [its] daily operations", and is not reported publicly.⁹⁶ The Forum is puzzled by CBC's claim that average hours tuned to CBC's services constitutes confidential information, as CBC in the 1970s, 1980s and 1990s often provided this information in its published annual reports.
- 179 While CBC may be understandably concerned that the wealth of choice available to Canadians in 2020 means that average time spent with its services has decreased, it is not appropriate for it to hide this information to spare its embarrassment.

- 180 Finally, the Forum notes that CBC claims to have an interactive metrics page – implying regularly updated data – but that page merely links to previously published reports:



Accessed 27 January 2020.

- 181 It would be helpful if CBC has data that are updated regularly – whether daily, monthly or quarterly – to provide that information publicly.

2. *CBC online programming: avoid lumping data*

- 182 CBC says that the CRTC should measure and verify the Corporation's online programming by measuring "incremental hours of programming made available to the public each week (i.e., hours of programming added to the library of available content each week)."⁹⁷ CBC explains that under this proposal,

... if five hours of drama programming that was previously unavailable online were made available online in a particular week that would be equivalent to broadcasting those hours on traditional television during the week and would count as five hours towards the total "exhibition" hours. ...⁹⁸

- 183 This proposal would not allow the CRTC to know how programming is being made available to Canadians, as it would lump online and conventional programming in the same basket. If the CRTC accepts this proposal it would no longer know in 2025 or at the time of the next renewal what programming had been made available to Canadians through CBC's conventional media and its online services.

- 184 Moreover, CBC could at that time reasonably argue that as it was not required to track its own online programming, it does not have any information to provide the CRTC – even though, if CBC is attempting to monetize its online services it is in fact likely to be tracking this information both to provide information to prospective advertisers, and to assure existing advertisers that their advertisements were carried as contracted.
- 185 Finally, accepting CBC’s proposal would make it unclear how much ‘new’ content is being made available to Canadian audiences. It is vital to know how much new Canadian content is being made available to audiences because new content meets audience interests for innovative programming, and because new content (unlike program repeats) strengthens Canada’s audio-visual sector by employing Canadians and Canadian resources.
- 186 The Forum recommends instead that CBC track and report the total programming that it provides in each of its licensed and licensable media: conventional television, discretionary television, conventional radio, discretionary radio, online audio-visual services and online audio services. The CRTC’s existing logging system for television provides a foundation for listing individual programs and for identifying whether these are original (first broadcast on the service, first broadcast in the system) or repeats (previously broadcast by the service)

Recommendation 20: CBC should track and report to the CRTC on the programming that it provides on each programming undertaking, whether conventional or online

3. Expenditure requirements – track expenditures instead

- 187 The CRTC asked CBC whether it would be appropriate to apply an expenditure-based approach to the Corporation. CBC says the CRTC should not use this approach because it spends very little on foreign programming.⁹⁹ It adds that the CRTC should not attempt to impose spending requirements, particularly for online services, as “we do not know how CBC/Radio-Canada would be expected to allocate costs across platforms”.¹⁰⁰
- 188 The Forum agrees that at this time CBC spends little on foreign programming. Table 3 set outs the information provided in CBC’s aggregated financial summaries (<https://crtc.gc.ca/eng/industr/ann.htm>) regarding CBC’s programming expenditures on Canadian and non-Canadian programming, by medium. (Although CBC submits an aggregated financial return for its radio services, it is not required to provide information on Canadian and non-Canadian programming expenditures.) Non-Canadian programming expenditures increased as percentage of total programming expenditures only very slightly over these six years, from 3.3% to 4.4%.

Table 3: CBC’s Canadian and non-Canadian television programming expenditures, 2013 and 2019

Program origin	Medium	2013	2019
Total non-Canadian	Discretionary	\$ 3.6	\$ 3.6
	TV	\$ 23.8	\$ 24.1
	Total	\$ 27.4	\$ 27.7
Total Canadian prog exp	Discretionary	\$ 106.8	\$ 107.3
	TV	\$ 696.5	\$ 491.8

Program origin	Medium	2013	2019
Total programming	Total	\$ 803.3	\$ 599.1
	Discretionary	\$ 110.4	\$ 110.9
	TV	\$ 720.3	\$ 515.9
	Total	\$ 830.7	\$ 626.8
Foreign as % of total	P&Sp	3.2%	3.3%
	TV	3.3%	4.7%
	Total	3.3%	4.4%

189 The Forum believes that CBC's legal mandate emphasizing the provision of Canadian programming at this time guards against the prospect of CBC allocating growing percentages of its programming budget to foreign content.

190 The Forum also notes that CBC reports its financial position to the CRTC each year (for both its individual services, and on an aggregated basis by type of service and language), enabling the CRTC to monitor changes in its expenditures. Section 9(1)(c) of the *Broadcasting Act* also enables the CRTC to amend the CBC's conditions five years after its licences are renewed – as the Forum is recommending a three-year renewal, the CRTC would be able to amend CBC's conditions of licence earlier than 2025 if CBC's circumstances so warrant.

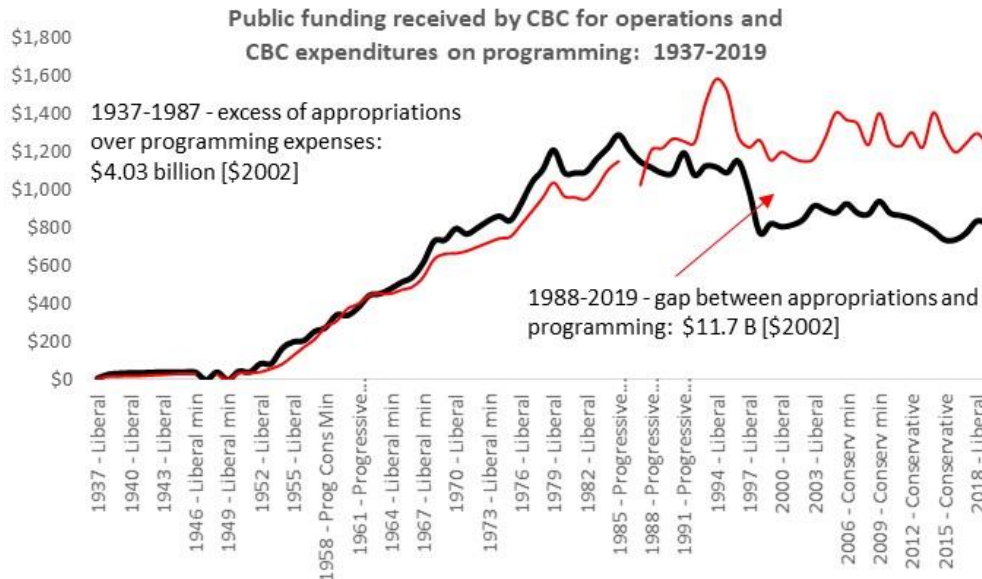
191 For these reasons, the CRTC should not impose an expenditure requirement with respect to Canadian and non-Canadian programming.

Recommendation 21: The CRTC should not impose program expenditure-based requirements on CBC

192 The Forum's primary concern with respect to CBC is that its current renewal application and its *Annual Reports* have been unforthcoming about both its income and its expenditures. They do not clearly and completely disclose how CBC allocates funding among its different media and services. Little is known about the gap that has developed between the public funding provided to CBC for its operations, and the actual costs of its radio, television and online programming.

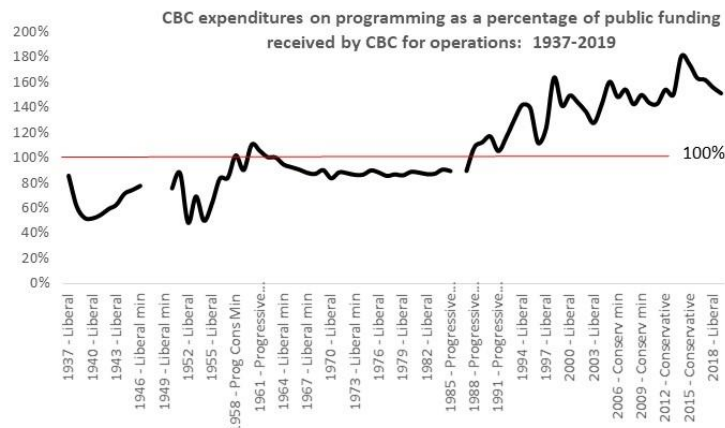
193 In the course of collecting information for its recently published analysis of CBC's operating funding,¹⁰¹ the Forum also gathered data on CBC's total programming expenses. As Figure 8 shows, CBC's expenditures on programming outstripped public funding for its operations from 1958 to 1963, and from 1988 onwards.

Figure 8 Public funding received by CBC for operations and CBC's programming expenditures, 1937-2019



194 We estimate the total amount by which Parliament has underfunded CBC's programming mandate since 1988 to be approximately \$12 billion [\$2002]. To put this another way, by underfunding CBC's programming expenditures, Parliament has made CBC more reliant on advertising revenues to pay for its programming. Another way to visualize the degree to which Parliament has failed to fund CBC is to consider CBC's programming expenditures as a percentage of the funding it receives for its operations.

Figure 9 CBC programming expenditures as a percentage of public funding receive for its operations, 1937-2019



195 Programming expenditures regularly exceeded public funding for CBC's services in 1988: the result is that a larger and larger percentage of CBC's programming expenditures rely on its commercial income – which in turn has helped to transform CBC from a public broadcaster, into a more commercial broadcaster. CBC's senior management tacitly glosses over the problems caused by reductions in CBC's Parliamentary appropriations, placing the blame for its financial woes instead on the Internet:

.. **the coming of the Internet has in fact entirely changed our business.** So that means that for conventional broadcasters, top-line revenue is challenged. Advertising dollars have dropped in conventional advertising and at the same time subscription fees to our specialty channels have also dropped. So regardless of the inflation question What that means practically for Barb Williams who opens the books at the beginning of the fiscal year ... we start the year with a deficit ... What does that mean practically for a business person? That means you're constantly adjusting, and trying on the one hand to find new sources of revenue which is why those of you on the advertising side of the business in the room understand why it is we're always looking for opportunities to work with our commercial partners to find new revenues, again, not to pay cash dividends to people or to ourselves but to reinvest in the great programming So on the one hand we're trying to find new revenue and on the other hand we're dealing with constantly redesigning, readjusting our workforce to match that deficit that we start the year with. So it's very challenging. ...¹⁰²

[bold font added]

196 The Forum agrees that CBC faces enormous challenges over the next several years, let alone the five years from now until 2025.

197 Yet responsibility for these challenges does not rest solely on technology – for enabling the Internet to exist, or on Canadians – for wanting more choice. Nor does responsibility for meeting these challenges lie solely with CBC.

198 Decades of funding cuts mean that today, responsibility for CBC's ability to meet the challenges it faces rests primarily with Parliament and the Federal government. Parliament and the Federal government must fund CBC so that it can provide Canadians with high-quality Canadian news, information and entertainment, in all parts of the country, in English, in French and in Canada's Indigenous languages.

199 The Forum submits that, until Parliament changes the *Broadcasting Act*, the CRTC bears a duty to Canadians and to Parliament to explain that budget cuts leave the CBC unable to perform its mandate – but that the *Act* does not permit the CRTC to reduce CBC's programming requirements as this would be to accept CBC's failure to meet its legislative mandate.

III. Conclusions and recommendations

A. While many Canadians are unhappy with CBC, it is still essential

200 This CBC renewal proceeding is unusual because so many interveners have asked the CRTC to punish CBC by rejecting its applications to renew its licences.

201 Although the CRTC is able to decline to renew any, most or some of CBC's programming services, this is very unlikely to happen – not just because CBC is Canada's most important audio-visual cultural institution, but also because it meets too many important needs of Canadians which privately owned alternatives cannot or do not wish to meet:

- to provide Canadians of all ages and backgrounds,
- across five time zones, in urban and rural centres,
- with Canadian programming (and the best of non-Canadian programming) reflecting Canadian values,
- Canadians' lives, and
- events of local, regional and national importance
- in Canada's official and Indigenous languages.

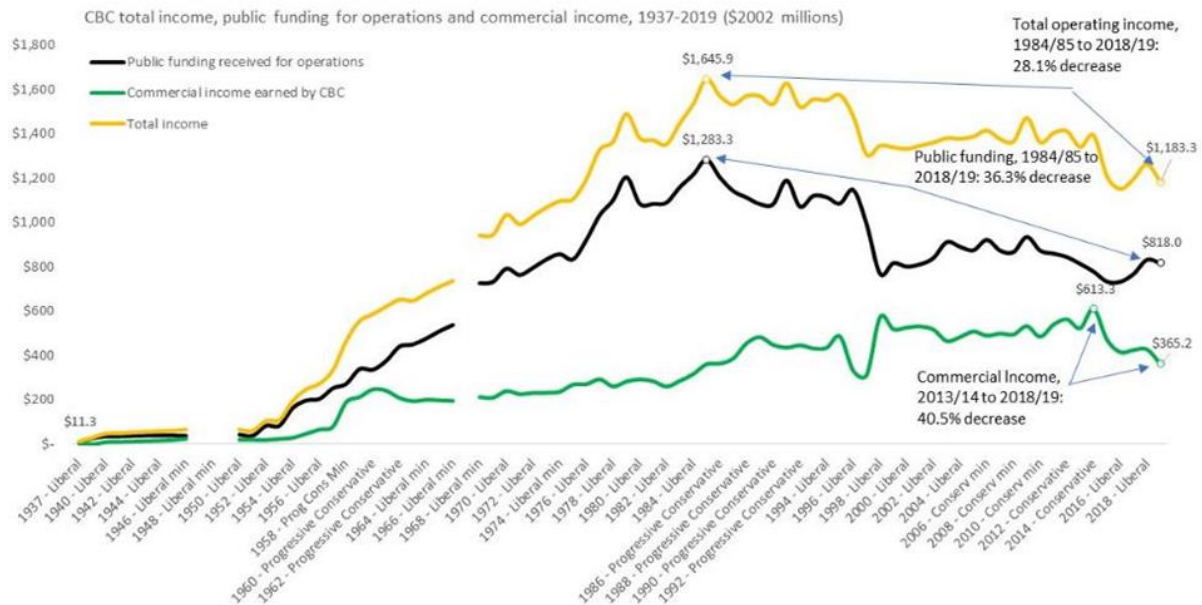
202 While many Canadians are displeased with certain elements of CBC's performance, as many continue to support CBC and the concept of national public broadcasting. We believe the CRTC should emphasize this point in its decision.

Recommendation 22 The CRTC should acknowledge the continuing importance of a national public broadcasting service

B. Canadians deserve a national public broadcaster – not a publicly subsidized commercial service

203 It is also important, we suggest, to allocate responsibility for negative views of CBC where at least some of it belongs. As the Forum's recent historical financial analysis of CBC's public funding showed, Parliament has failed to provide CBC with the funding needed to meet its mandate: see Figure 10 (next page). Public funding for CBC's operations has decreased by 36% in real terms since 1985, from \$1.3 billion in real terms (controlling for inflation) to \$818 million in 2019.

Figure 10: CBC's total income from public funding and commercial activities, 1937-2019

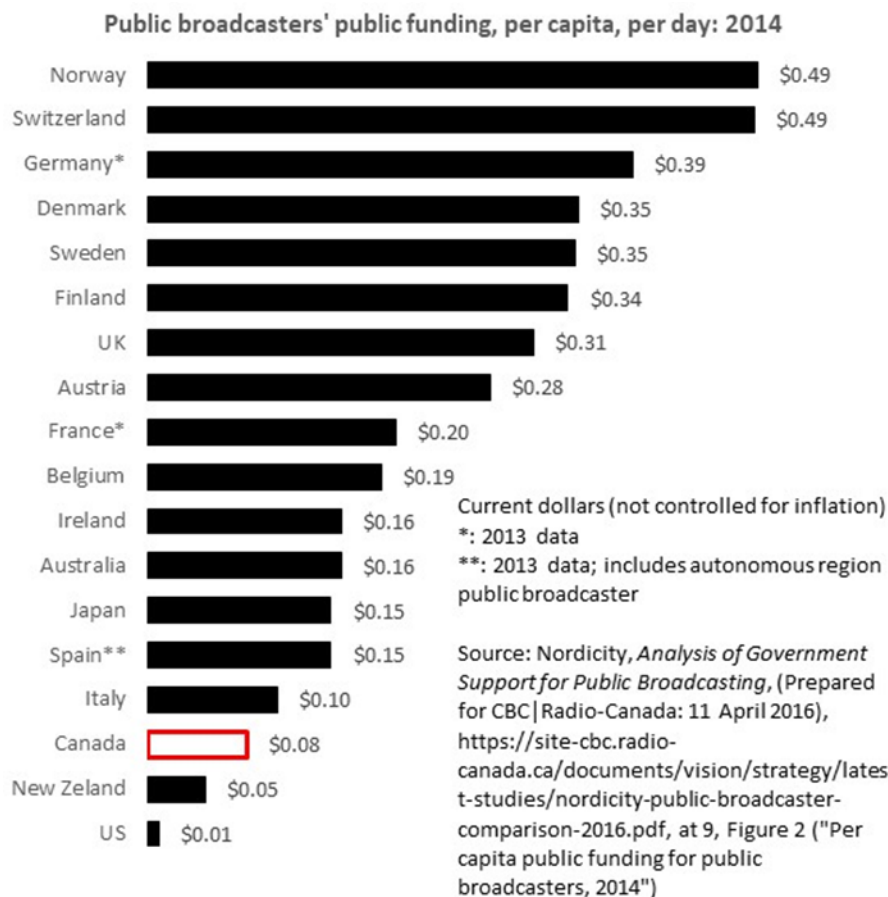


204 Three years ago research undertaken by Nordicity on behalf of CBC found that in 2014 Canada ranked 16th out of 18 Western nations in terms of annual public funding for public broadcasters:

At \$29 per capita (all amounts in Canadian dollars, unless indicated otherwise), Canada's level of public funding was third lowest among the 18 comparison countries; only New Zealand (\$17 per capita) and the US (\$3 per capita) posted lower levels of public funding (Figure 2). Canada's level of public funding was 64% less than the average of \$86 across the 18 comparison countries.¹⁰³

371. Nordicity's data – converted to expenditures per capita, per day – appear in Figure 11.

Figure 11: Public broadcasters' public funding per capita, per day (2014 current CDN dollars)



- 205 We suspect that CBC's financial dependence and fear of the whims of each successive Federal government have led it to minimize the true effects of these reductions, and have helped to create the appearance of journalistic favouritism.
- 206 That said, the Forum does believe that CBC has lost its way. The evidence in this proceeding and in this intervention shows that CBC's primary concern is no longer service in the public interest, but the maintenance and growth of commercial relationships with others – whether advertisers, private programming services, private distribution services and/or independent program producers. CBC has clearly told the CRTC that "CBC/Radio-Canada is pursuing all available opportunities to increase its commercial revenues and will continue to do so over the net licence term."¹⁰⁴
- 207 The Forum does not believe that CBC's drift towards commercialism was triggered by choice, but rather by decades of declining public funding for its services. Years of cuts to its operating budgets, years of operating deficits and an increasingly desperate and overt reliance on commercial revenue and audience ratings and/or digital impressions have transformed the CBC from a national public broadcaster into a taxpayer-supported commercial enterprise. We agree

with the Broadcasting and Telecommunications Legislative Review panel that CBC must be transformed into a public media institution that serves the public.

208 The CRTC can and should take the opportunity of this proceeding to tip the balance in Canadian public broadcasting away from ever-growing commercialism, towards to public broadcasting. This change will come with costs. CBC has relied on commercial activities to build and operate the public broadcasting system for more than eight decades. In 2018/19 CBC counted on commercial activities for nearly half a billion dollars (\$490 million) of its \$1.6 billion operating income (consisting of its operating appropriation, working capital and commercial income).

209 The January 2020 report of the Broadcasting and Telecommunications Legislative Review has also recommended a transition from CBC's current orientation towards public purpose.

210 In fact while the current *Broadcasting Act* permits CBC to make money through advertising and other activities, it does not require CBC to do so.

211 The CRTC can begin to enable CBC to focus on its public service mandate by applying a condition to its television programming licences requiring it to begin to eliminate advertising from all news and information programs, with the objective of all news programming being commercial- and sponsorship- free by 2023. When it then hears CBC's renewal applications Canadians and the CRTC will have a better understanding of the impact of a commercial-free policy on CBC's programming and audiences.

Broadcasting and Telecommunications Legislative Review Panel, *Final Report* (January 2020), at 13: Our framework would transform Canada's public broadcaster into a public media institution with a singular focus on serving a public rather than a commercial purpose; one prepared to experiment and increase the diversity of its content while remaining committed to high-quality standards. Among our recommendations to achieve this is that CBC/Radio-Canada should gradually eliminate advertising on all platforms over the next five years, starting with news content.

Recommendation 23: The CRTC should by condition of licence require CBC to eliminate advertising in its news and information programming by 2023

212 In line with the report of the Broadcasting and Telecommunications Legislative Review panel, the Forum also asks that the CRTC begin to limit the level of advertising on CBC's television services, and to limit the number of advertisements in its online services, within five years of the CBC's licences' being issued.

Recommendation 24: The CRTC should begin to limit advertising in CBC's non-news programming by the second year of a 3-year licence, with the goal that CBC eliminate all advertising on all CBC broadcasting services by 2030

213 In setting requirements to gradually eliminate advertising, the CRTC should also address the income that CBC may lose as a result of this change over the next licence term, so that Parliament and the Federal government clearly understand CBC's resource requirements for the

In an exclusive year-end interview with iPolitics in December, Heritage Minister Steven Guilbeault said he hoped to work with CBC to find a way for them to produce more local content. Guilbeault said this could be achieved through hiring more people and opening more offices, or by partnering with existing media and having a shared agreement where smaller outlet's content is being used and promoted on CBC platforms. At the time, the minister said he'd yet to have a conversation with CBC, but added he would ensure they receive adequate funding for any new requirements. Guilbeault said the CBC model works in an environment where private sectors also exist, but stressed that some adjustments could be made.¹⁰⁵

coming decade. At present accomplishing CBC's current mandate without advertising would likely require at least \$500 million in additional funding per year, and conceivably more.

C. CBC's services should not be renewed for more than 3 years

214 At present the CRTC continues to have jurisdiction over the CBC's renewal applications. The Forum's intervention recommends that the CRTC deny CBC's request for a 5-year licence term not simply because CBC's plans are at best poorly conceived and at worst as insubstantial as air, but due to the fact that CBC has offered the Commission too little evidence on which to base a longer licence term.

215 Simply put, the absence of evidence from CBC and the many significant weaknesses in its plans for the next five years, do not permit licences of more than three years. Our hope is that the CRTC will then require CBC to apply to renew its licences in 2022, with a hearing in 2023.

Recommendation 25: The CRTC should renew CBC's licences for three years, with the goal of inviting CBC to apply to renew its licences in 2022

D. A new way forward

216 The CRTC's role in this proceeding is limited to granting (or declining) CBC's renewal applications and the requests that CBC has made regarding conditions of licence, expectations and encouragements.

217 The absence of transparency in CBC's funding process creates the potential for the current and future Federal governments to use its formal and informal authority over the funding CBC receives from its appropriations, to influence its operations including programming. Unfortunately, the CRTC does not appear to have any authority to determine the degree to which CBC's journalism, or its programming decisions are in fact independent of government.

218 The Forum suggests that the CRTC could, however, use its authority under section 14(1) of the Act to research the impact of the current legal mechanisms for funding CBC. For instance, it could review and analyze the 1997 Supreme Court of Canada decision regarding judges' salaries - *Impartiality of Judges of the Prov. Court of P.E.I.*¹⁰⁶ – the *Remuneration Reference*. This case addressed two questions about the salaries of judges which apply with equal force to CBC:

1. What kinds of salary reductions are consistent with judicial independence – reductions that apply to all citizens equally, to just those paid from public funds or to judges alone?, and
2. Should the principles that apply to salary reductions also apply to salary increases and freezes?¹⁰⁷

219 The salaries of Federal judges had been set by statute in the early 1980s, using an automatic indexing approach and negotiations based on arbitration:

Since 1981, the Judges Act has provided for automatic indexation of judicial salaries each April according to the Industrial Aggregate Index.^[136] This index is a measure of change in

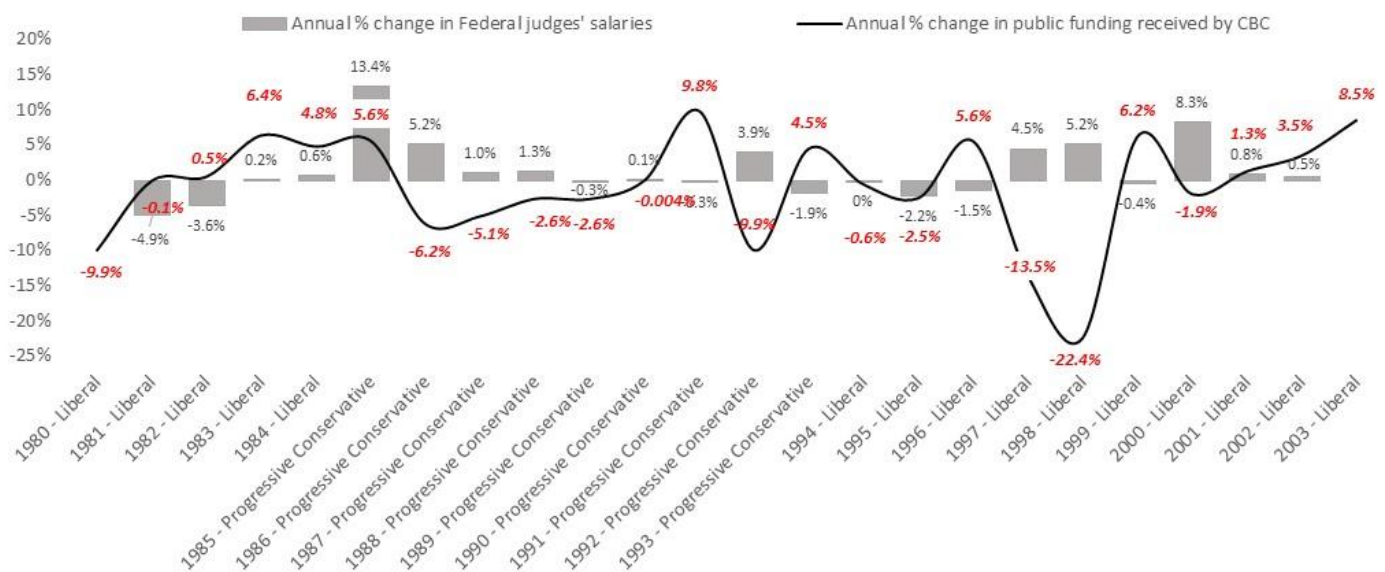
wages in the general economy, and generally is higher than the Consumer Price Index, which tracks changes in the cost of living. This approach was aimed to avoid negotiation and politicization in maintaining the value of judicial salaries.

...

In order to depoliticize the process, thereby maintaining judicial independence, Parliament established in 1982 the first Triennial Commission charged with presenting the Minister [sic] of Justice with objective and fair recommendations. The composition of the Commission followed a classic arbitration model, with the two parties (the federal judges and the Minister of Justice) each naming a Commissioner, and these two deciding on a Chairperson. In 1999, the Commission became a Quadrennial Commission.¹⁰⁸

- 220 As Figure 12 shows, public funding of CBC's operations and Federal judges' salaries increased and decreased in the 1980s and 1990s.

Figure 12 Annual percentage changes in Federal judges' salaries compared with public funding received by CBC for its operations (based on \$2002)



- 221 While Federal judges' salaries decreased in 10 out of 22 years, however, public funding received by CBC for its operations decreased in 12 out of 22 years. Moreover, where the average of the 10 years of decreases for Federal judges was -1.5%, the average for the 12 years of decreases in public funding received by CBC for its operations was more than three times higher: -5.6% (see Table 4).

Table 4: Changes in Federal judges' salaries and public funding received by CBC for its operations, 1980-2002

1980-2002: 22 years	Federal judges	CBC
Years with increase above 0%	12	10
Years with no increase or decrease	10	12
Average, 1980-2002	1.3%	0.9%
Average of percentage reductions	-1.5%	-5.6%

222 The *Remuneration Reference* also addressed increases and decreases in the salaries of provincial judges, in the context of judicial independence.

223 A majority of the court¹⁰⁹ agreed that judicial independence has several core characteristics:¹¹⁰ security of tenure (removal only for cause), financial security (of individual judges) and administrative independence (control by courts over the decisions that bear on their judicial functions). It held that negotiation about “remuneration from the public purse is an inherently political issue” that engenders “a set of expectations about the behaviour of parties to those negotiations which are inimical to ... independence”,¹¹¹ and said the relationship between the negotiating parties “should be depoliticized.”

224 While CBC’s most senior management has security of tenure and its administrative independence is provided by a (theoretically) independent Board of directors, this research has established that Corporation more generally lacks financial security (despite the Federal government’s commitment to modernize its approach to other regulated sectors¹¹²).

225 The Court also pointed out that when governments wish to reduce deficits, they generally reduce salaries for all persons paid from the public purse, *i.e.*, civil servants – but that the judiciary is not part of the civil service. The Forum suggests that the Court’s warning about increased remuneration for the judiciary also applies to CBC:

... [m]anipulation and interference most clearly arise from reductions in remuneration; those reductions provide an economic lever for governments to wield against the courts. But salary increases can be powerful economic levers as well. For this reason, salary increases also have the potential to undermine judicial independence

[Para. 159]

The Supreme Court found that ensuring financial security required the creation of a body that “is independent, effective, and objective, for determining ... remuneration, to avoid the possibility of, or the appearance of, political interference through economic manipulation.”¹¹³ It said that body’s recommendations about compensation would not bind the legislature, but that a legislature would have to justify its decisions to depart from the recommendations.¹¹⁴ The Court added that,

... any reductions to judicial remuneration, including de facto reductions through the erosion of judicial salaries by inflation, cannot take those salaries below a basic minimum level of remuneration which is required for the office of a judge. Public confidence in the

independence of the judiciary would be undermined if judges were paid at such a low rate that they could be perceived as susceptible to political pressure through economic manipulation, as is witnessed in many countries.

[Para 135]

and that

... the components of the collective or institutional dimension of financial security need not be adhered to in cases of dire and exceptional financial emergency precipitated by unusual circumstances, for example, such as the outbreak of war or pending bankruptcy. In those situations, governments need not have prior recourse to a salary commission before reducing or freezing judges' salaries.

[paras 137]

226 The Court proposed that a judicial compensation commission convene every three to five years¹¹⁵ and report on the remuneration of judges to the government and the legislature.¹¹⁶ It described several characteristics of this body:

- The body should not be controlled by any single branch of government, and its members should be appointed by the judiciary, executive and legislature
- Its members ought to serve for a fixed term of varying lengths, to provide security of tenure¹¹⁷
- The body should base its recommendations for remuneration “on objective criteria” that are “dictated by the public interest”, rather than “political expediencies”,¹¹⁸ and on submissions from the legislature, judiciary and executive¹¹⁹
- The body’s report should be laid before the legislature in a specific and reasonable time frame, and
- The legislature should be prepared to justify a decision to not accept any of the body’s recommendations “if necessary in a court of law”.¹²⁰

227 The Court also suggested that the body should be given “a list of relevant factors to guide” its deliberations. If applied to CBC, a funding body would presumably look to the current or a revised version of Parliament’s broadcasting policy for Canada for guidance about the factors relevant to CBC’s funding.

228 The Forum is proposing that CBC be funded through a modified version of the body proposed in the *Remuneration Reference* to periodically review and make recommendations about CBC’s funding. While some members of Parliament have the expertise and time to review CBC’s budget requests and the dozens of submissions it makes which are required by law, few also have the time to question CBC in detail or at length about its plans, or what CBC means when it writes things like this:

Total government appropriations in 2010-2011 actually decreased by \$2.4 million. However, the amount of government funding recognized for accounting purposes

increased by \$17.3 million (1.5 per cent) due to higher transfers between the operating and capital appropriations in 2009-2010, as well as variations in the amortization of deferred capital funding.¹²¹

- 229 A specialized panel of knowledgeable professionals with training and background in broadcasting could review CBC's requests and evidence, question the Corporation in detail, and provide Parliament with an impartial, comprehensive and critical overview of CBC's requests. Parliament could then focus its attention on the core of its communications statutes to determine whether its broadcasting policy for Canada was being met.

Recommendation 26 The CRTC should hold a public proceeding to gather evidence about and report on approaches for setting multi-year funding levels for Canada's national public broadcaster

- 230 Applied to CBC, the model described in the *Remuneration Reference* could have these characteristics:
- a. Members nominated by the Opposition party in Parliament, the Minister of Canadian Heritage, the CBC, a public-interest organization focussed on broadcasting, and the departments of communications of accredited Canadian universities
 - b. Members not employed by Parliament, the executive, the federal government or the CBC in the three years preceding their appointment or during the term of their appointment
 - c. Members vote for own Chair and vice-Chair
 - d. Meeting every five years to
 - i. Establish measurable criteria for evaluating CBC's budget proposals in terms of the public interest met by the proposals
 - ii. Receive and review CBC's proposed operating, capital and working capital budgets for the next five years
 - iii. Receive and review submissions from the Federal, provincial and territorial governments about CBC's proposed budgets
 - iv. Report the panel's recommendations for CBC's appropriations for the following five years, and the specific objectives (including original hours of programming) that the budget will fund, to Parliament for its approval within 6 months
- 231 To enable Canada's national public broadcaster to focus on programming, the panel's recommendation should provide CBC with at least stable, if not growing (to meet inflation, negotiated guild/union agreements and special events such as the Olympics) income over several years. Legislation establishing such a panel could provide that in times of economic crisis or other emergency Parliament could consider changing the panel recommendation previously accepted by Parliament.
- 232 To ensure accountability and because CBC's *Annual Reports* are not entirely fit for purpose, it is assumed that Parliament and/or a Parliamentary standing committee would each year seek a progress report from CBC on its achievements with respect to the programming and service objectives set out in its plan to the panel.

- 233 Insofar as the Forum's suggestion for 5-year funding is concerned, Parliament previously granted CBC 5-year funding in 1951 (for the years from 1952 to 1956. Multi-year funding was also proposed in 1966/67, again in 1988¹²² and on other occasions since then. In 1994 the Federal government committed to stable multi-year funding for CBC.¹²³
- 234 Treasury Board currently has the authority to approve multi-year capital budgets of the CBC,¹²⁴ and towards the end of 2019 the Department of Canadian Heritage appears to have suggested that some of CBC's annual funding will be provided for five years:

"As the national public broadcaster, CBC/Radio-Canada plays a vital role in providing access to programs and services in the digital era. That is why in Budget 2016 the Government reinvested \$675 million in CBC/Radio-Canada over five years," responded its media relations desk in an email, "and \$150 million per year on an ongoing basis. This permanent funding is provided to support investments in enhanced services such as digital Canadian content."¹²⁵

Appendices

Appendix 1 CBC's licensing history	1
Appendix 2 CBC/Radio-Canada Strategic Plan	7
Appendix 3 Analysis of television logs from November 2002, 2012, 2013 and 2019	8
Appendix 4 Information submitted to CRTC as part of its 'annual return' process	12
Appendix 5 Examples of evasiveness in CBC's answers	14
Appendix 6 CBC's evidence about its compliance with Broadcasting Decision CRTC 2013-263	19
Appendix 7 Summary of results regarding CBC's compliance with the terms and conditions of Broadcasting Decision CRTC 2013-263	1
Appendix 8: Results from November 2000/02, 2012, 2013 and 2019 logs of CBLT-DT Toronto and CBMT-DT Montreal	8

Please also see the Attachment (Forum for Research and Policy in Communications (FRPC), *An analysis of CBC's financial history from 1937 to 2019: We tried to follow the money. Frodo had it easier.*, Research Paper (Ottawa, February 2020))

Appendix 1 CBC's licensing history

Date	Event
1936	<i>Canadian Radio Broadcasting Act</i> establishes CBC to provide broadcasting services and regulate all broadcasters
1958	<i>Broadcasting Act</i> establishes Board of Broadcast Governors as regulatory authority
1968	<i>Broadcasting Act</i> establishes CRTC as licensing and regulatory authority, and brings CBC within CRTC's jurisdiction
21 December 1971	CRTC announces hearing to consider proposed changes in CBC radio's programming format (CBC's 'Radio 1' and 'Radio 2' proposals)
28-29 March 1972	CRTC public hearing on CBC's Radio 1 and 2 proposals
29 June 1972	<i>CBC Radio Policy</i> , Public Announcement, Decision CRTC 72-197 (Ottawa, 29 June 1972): ... For over 35 years the people of Canada have supported the service of the Canadian Broadcasting Corporation with public funds in order to achieve standards in Canadian broadcasting which a strictly commercial system could not attain. The purpose was also that this 'national service' would be available to all Canadians in English and in French as public funds became available. As a consequence, the CBC cannot, like a private corporation, modify and adapt its services in response to the "fluctuations of the market" in order to achieve institutional survival. There is, in fact, at the present time in Canadian broadcasting, a definite tendency on the part of some private stations in the same service areas to provide very similar services. The Commission is of the view that the trends inherent in the Radio I proposal and in the "experiments" that have been carried out in relation to this proposal shift CBC AM programming away from what is unique and bring it much too close to the programming already available on many of the privately-owned radio stations. The Commission's considered judgment is that the proposal, designed to attract larger audiences, may jeopardize distinctive, high quality radio programming by the CBC. The Commission is not convinced that acquiring more listeners for CBC radio justifies the use of formats and techniques which have derived largely from the private sector. The challenge to the CBC remains in the strengthening and encouragement of instinctive radio programming, something for which, over the years, it has been singularly recognized internationally and nationally.
February 1974	CRTC holds hearings to renew CBC's licences
31 March 1974	<i>Radio Frequencies are Public Property</i> , Decision CRTC 74-70 (Ottawa, 31 March 1974) renews CBC's television network licences
1977	CRTC Committee of Inquiry into the National Broadcasting Service, <i>Report</i>
October 1978	CRTC holds public hearing to renew CBC's radio licences
1979	CRTC renews CBC's licences
22 July 1981	CRTC renews CBC's television network licences from 1 October 1982 to 30 September 1984, in Decision CRTC 81-460 (Ottawa, 22 July 1981) – the short-term

Date	Event
	renewal was granted because of CRTC's deliberations regarding Canadian content and pay television
23 June 1983	CRTC grants CBC's request for a six-month administrative renewal "to allow the Corporation to respond to a new Federal broadcasting strategy which the Minister of Communications had set forth in a position paper" in March 1983 (see Decision CRTC 87-140, https://crtc.gc.ca/eng/archive/1987/db87-140.htm)
October 1983	<i>The Strategy of the CBC</i> – 5-year action plan (see CBC, <i>Annual Report 1983-1984</i> , at 4)
2 November 1984	Minister of Finance announces budget that reduces CBC's public funding (see Decision CRTC 87-140, https://crtc.gc.ca/eng/archive/1987/db87-140.htm); CBC requests delay in CRTC's consideration of the renewal of CBC's television licences
14 November 1984	CRTC postpones public hearing previously scheduled for 10 December 1984 because of budget cuts to CBC (see Decision CRTC 87-140, https://crtc.gc.ca/eng/archive/1987/db87-140.htm)
12 March 1985	<i>Renewal of the English and French-language Television Network Licences of the CBC</i> , Decision CRTC 85-140 (Ottawa, 12 March 1985), https://crtc.gc.ca/eng/archive/1985/db85-140.htm - renews CBC's television network licences to 31 March 1987
December 1985	<i>Let's Do It/Le Courage de nos convictions</i> – CBC submission to the Caplan-Sauvageau Task Force on Broadcasting Policy
August 1986	Notice of Public Hearing 1986-61
15-24 October 1986	8-day CRTC public hearing to consider renewal of CBC's television network licences
23 February 1987	<i>Canadian Broadcasting Corporation/Société Radio-Canada Applications for the Renewal of the English and French Television Network Licences</i> , Decision CRTC 87-140 (Ottawa, 23 February 1987), https://crtc.gc.ca/eng/archive/1987/db87-140.htm Renews CBC's television network licences for five years, from 1 April 1987 to 31 March 1992
13-16 October 1987	4-day CRTC public hearing to consider CBC's applications to renew its radio network licences
30 November 1987	CRTC licenses CBC Newsworld to provide a national, all-news discretionary television service (to be distributed as part of cable systems' basic tier of service)
30 March 1988	<i>MAINTAINING A DISTINCTIVE, HIGH QUALITY CBC RADIO SERVICE: Applications for the Renewal of the French and English AM and FM Radio Network Licences</i> , Decision CRTC 88-181 (Ottawa, 30 March 1988), https://crtc.gc.ca/eng/archive/1988/db88-181.htm . Renews CBC's radio network licences for three years, from April 1988 to March 1991 because, [i]n the absence of specific plans and an adequate listing of priorities, the Commission has determined that the granting of a full licence term would be inappropriate. ...

Date	Event
	<p>The Commission is satisfied that this will allow the Corporation sufficient time to come up with concrete plans for the future development of the national radio broadcasting services. If, for any reason, the uncertainties relating to the funding of the radio networks persist, the Corporation will be expected to present different scenarios, with appropriate priorities substantiated by the underlying implications, in order that a comprehensive and informed public examination of the future development of the CBC's radio services can take place.</p> <p>The Commission wishes to emphasize that the length of the licence term is not to be construed as an indication of any overall dissatisfaction with respect to the past or present performance of the CBC's radio services. ...</p>
8 February 1991	CBC President writes CRTC to request an extension of CBC's radio and television network licences "because of continuing financial uncertainties faced by the Corporation" (see Decision 91-687, below)
30 August 1991	<i>ADMINISTRATIVE RENEWAL OF THE RADIO AND TELEVISION NETWORK LICENCES OF THE CANADIAN BROADCASTING CORPORATION</i> , Decision CRTC 91-687 (Ottawa, 30 August 1991), https://crtc.gc.ca/eng/archive/1991/db91-687.htm - renews CBC's television networks, its radio networks and certain unimplemented radio undertakings, from 1 April 1992 to 31 March 1993
21 January 1994	Notice of Public Hearing CRTC 1994-1 (Ottawa, 21 January 1994), https://crtc.gc.ca/eng/archive/1994/n94-1.htm - to consider the renewal of CBC's English- and French-language television network services
27 July 1994	<i>Renewal of the English-language and French-language television network licences</i> , Decision CRTC 94-437 (Ottawa, 27 July 1994), https://crtc.gc.ca/eng/archive/1994/db94-437.htm
24 March 1999	Notice of Public Hearing 1999-3 (Ottawa, 24 March 1999), https://crtc.gc.ca/eng/archive/1999/n99-3.htm
11 May 1999	Notice of Public Hearing 1999-3-2 (Ottawa, 11 May 1999), https://crtc.gc.ca/eng/archive/1999/n99-3-2.htm , extends the deadline for interventions to 19 May 1999 due to changes proposed by CBC Newsworld on 6 May 1999
25 May 1999	CRTC public hearing on CBC's licence renewal applications begins
17 December 1999	CRTC exempts new media from regulation in <i>Exemption order for new media broadcasting undertakings</i> , Public Notice CRTC 1999-197 (Ottawa, 17 December 1999), https://crtc.gc.ca/eng/archive/1999/pb99-197.htm .
6 January 2000	<p><i>A distinctive voice for all Canadians: Renewal of the Canadian Broadcasting Corporation's licences</i>, Public Notice CRTC 2000-1 (Ottawa, 6 January 2000), https://crtc.gc.ca/eng/archive/2000/pb2000-1.htm</p> <p><i>Licences for CBC English-language television and radio renewed for a seven-year term</i>, Decision CRTC 2000-1 (Ottawa, 6 January 2000), https://crtc.gc.ca/eng/archive/2000/db2000-1.htm</p>

Date	Event
	<p><i>Licences for CBC French-language television and radio renewed for a seven-year term</i>, Decision CRTC 2000-2 (Ottawa, 6 January 2000), https://crtc.gc.ca/eng/archive/2000/db2000-2.htm</p> <p><i>Licences for Newsworld and RDI renewed for a seven-year term</i>, Decision 2000-3 (Ottawa, 6 January 2000), https://crtc.gc.ca/eng/archive/2000/db2000-3.htm</p> <p>Renews CBC's licences from 1 September 2000 to 31 August 2007</p>
March 2004	CBC says that it has "begun developing a fully costed strategic plan to enhance [its] local and regional programming" ¹²⁶
21 July 2006	<p><i>Administrative renewals</i>, Broadcasting Decision CRTC 2006-308 (Ottawa, 21 July 2006), https://crtc.gc.ca/eng/archive/2006/db2006-308.htm</p> <p>Administratively renews CBC's licences from 1 September 2007 to 31 August 2008</p>
March 2007	"In June 2006, French Services proceeded with the first phase of integrating all regional Radio, Television and Internet services within one general management structure. The primary purpose of this restructuring is to strengthen CBC Radio-Canada's roots in the regions by highlighting regional expertise and realities within our national programming and to improve services to the public in the regions. The first mission of this new structure was to develop a strategic plan, the impact of which will really begin to be felt in Fall 2007." ¹²⁷
5 March 2008	<p><i>Administrative renewals</i>, Broadcasting Decision CRTC 2008-59 (Ottawa, 5 March 2008), https://crtc.gc.ca/eng/archive/2008/db2008-59.htm</p> <p>Administratively renews CBC's licences from 1 September 2008 to 31 August 2009</p>
March 2009	"Leaders' Forum, November 2008, engaged senior executives and managers in the strategic planning process, with results informing the Corporation's Strategic Plan." ¹²⁸
12 May 2009	<p><i>Administrative renewals</i>, Broadcasting Decision CRTC 2009-9264 (Ottawa, 12 May 2009), https://crtc.gc.ca/eng/archive/2009/2009-264.htm</p> <p>Renews CBC's licences from 1 September 2009 to 31 August 2010</p>
March 2010	CBC is "completing a strategic planning process, <i>Driving Towards 2015</i> , which will bring more clarity to our decision making and allocation of scarce resources" ¹²⁹
March 2011	"The success of the Recovery Plan has allowed us to move to the next step in the Corporation's evolution. We spent much of this year developing the new five-year strategic plan <i>Everyone, Every way</i> , which we launched in February of 2011. It outlines what Canadians can expect from their public broadcaster over the next five years." ¹³⁰
17 June 2011	<p>CRTC calls for comments on CBC's licence renewals (<i>Licence renewals for the Canadian Broadcasting Corporation's French- and English-language services</i>, Broadcasting Notice of Consultation CRTC 2011-379), https://crtc.gc.ca/eng/archive/2011/2011-379.htm</p>
11 July 2011	CRTC postpones CBC's licence renewal proceeding to a later date (Broadcasting Notice of Consultation CRTC 2011-379-1 (11 Jul/11))

Date	Event
18 August 2011	<i>Various undertakings – Administrative renewals</i> , Broadcasting Decision CRTC 2011-511 (Ottawa, 18 August 2011), https://crtc.gc.ca/eng/archive/2011/2011-511.htm Administratively renews CBC's network licences to 31 August 2012
31 January 2012	On CBC asks CRTC to postpone its licence renewal process until after February or March 2012 (Broadcasting Notice of Consultation CRTC 2011-379-2 (1 Feb/12))
26 July 2012	<i>Amendments to the Exemption order for new media broadcasting undertakings (now known as the Exemption order for digital media broadcasting undertakings)</i> , Broadcasting Order CRTC 2012-409 (Ottawa, 26 July 2012), https://crtc.gc.ca/eng/archive/2012/2012-409.htm .
5 September 2012	On CRTC announces public hearing to hear CBC's renewal applications, for 19 November 2012 (Broadcasting Notice of Consultation CRTC 2011-379-3 (5 Sep/12), https://crtc.gc.ca/eng/archive/2011/2011-379-3.htm)
17 October 2012	On CRTC publishes "revised programming budgets broken down by genre" filed by CBC; comments to be filed on or before 23 October 2012; CBC to reply by 1 Nov/12 (Broadcasting Notice of Consultation CBC 2011-379-5 (7 Oct/12))
19 November 2012 – 30 November 2012	CRTC public hearing to hear CBC's licence renewal applications (CRTC hearing transcripts)
30 November 2012	On CRTC announces deadline for submission of final written replies – 11 December 2012; CBC's final reply due 18 December 2012 (Broadcasting Notice of Consultation CRTC 2011-379-6 (30 Nov/12))
28 May 2013	CRTC renews CBC's radio and television network and station licences from 1 September 2013 to 31 August 2018 in <i>Canadian Broadcasting Corporation – Licence renewals</i> , Broadcasting Decision CRTC 2013-263 and Broadcasting Orders CRTC 2013-264 and 2013-265 (Ottawa, 28 May 2013)
27 July 2017	CRTC administratively renews CBC's radio and television licences from 1 September 2018 to 31 August 2019 in <i>Various television and radio programming undertakings – Administrative renewals</i> , Broadcasting Decision CRTC 2017-269 (Ottawa, 27 July 2017), https://crtc.gc.ca/eng/archive/2017/2017-269.htm
29 October 2018	CRTC administratively renews CBC's radio and television licences from 1 September 2019 to 31 August 2020 in <i>Various television and radio programming undertakings – Administrative renewals</i> , Broadcasting Decision CRTC 2018-407 (Ottawa, 29 October 2018), https://crtc.gc.ca/eng/archive/2018/2018-407.htm
22 May 2019	CBC announces it has a new 3-year strategic plan, <i>Your Stories, Taken to Heart</i>
23 May 2019	CRTC writes CBC regarding the renewal of its radio and television programming services [DM#3720733]
22 August 2019	Date when CBC's applications were last printed, as shown by the 'document properties' of DM#3720736 – InfoSupp-AddInfo – 30 September 2019 – 2019-02825_APP_CBC_Application_Form_TV_and_Radio_EN_Sep30.doc
23 August 2019	CBC submits applications to renew its radio and television programming services [DM#3754953; p. 1, para. 1]



Date	Event
30 September 2019	Date of applications as shown in CRTC's document titles: DM#3720736 – InfoSupp-AddInfo – 30 September 2019 – 2019-02825_APP_CBC_Application_Form_TV_and_Radio_EN_Sep30.doc [bold font added]
9 October 2019	CRTC writes CBC with 4 questions [DM#3754953]
30 October 2019	CBC response to CRTC's 9 October 2019 letter [DM#3755566]
31 October 2019	"follow-up e-mail from Céline Legault" to CBC [DM#3755566]
25 November 2019	<i>Notice of hearing</i> , Broadcasting Notice of Consultation CRTC 2019-379, (Ottawa, 25 November 2019), https://crtc.gc.ca/eng/archive/2019/2019-379.htm – calls for comments on CBC's licence renewal applications; Facebook consultation begins
9 December 2019	CRTC Facebook consultation ends
29 January 2020	Report of Broadcasting and Telecommunications Legislative Review panel published
13 February 2020	Interventions due
13 May 2020	CRTC public hearing of CBC's licence renewal applications begins



Appendix 2 CBC/Radio-Canada Strategic Plan

From: KERRY KELLY <kerry.kelly@cbc.ca>
Sent: January 13, 2020 4:13 PM
To: ml.auer@sympatico.ca
Subject: CBC/Radio-Canada Strategic Plan

Hello and thank you for your call.

The material you found on [our website](#) is in fact the full framework of our current three-year strategy. The examples shown under each of the five priorities are a living list that is updated regularly.

In terms of measuring our progress and performance, you can find KPI (performance indicators) in our corporate plan, the most recent of which covers 2019–2020 to 2023–2024; it's available [here](#) (PDF download). Section 7 (p. 30) recaps the current strategy in slightly more detail and the strategic and operational KPIs are outlined on pp. 33–34.

You can also review our quarterly reports. The most recent one is for Q2 and is available [here](#) (PDF download). Page 7 is the start of the performance update section that will be of interest to you.

Information on our Women's Action Plan can be found [here](#). And our announcement re: Gender Parity can be found [here](#).

Regards,

Kerry Kelly

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Kerry Kelly

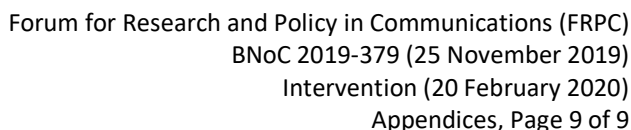
Public Affairs

Office: 416-205-7831

Cell: 416-522-2962

Appendix 3 Analysis of television logs from November 2002, 2012, 2013 and 2019

CBLT-DT Toronto	Broadcasting Decision CRTC 2000-1		Broadcasting Decision CRTC 2013-264		% change	
	Nov-02	Nov-12	Nov-13	Nov-19	2013-19	2002-19
Hours of advertising	58.3	121.7	117.8	120.7	2.4%	107.0%
Number of advertisements	7,302	13,821	13,466	19,474	44.6%	166.7%
Total program hours*	614.08	721.00	720.96	721.00	0.0%	17.4%
Advertising as % of total program hours	9.5%	16.9%	16.3%	16.7%	+0.4	+7.2
Accessible programming						
- hours captioned	614.1	544.4	518.9	346.7	-33.2%	-43.5%
- hours captioned with described video		203.9	205.8	370.3	79.9%	
- hours captioned with audio description				149.6		
Captioned hours – all programming (incl'g ads)	614.1	748.3	724.7	866.6	19.6%	41.1%
Captioned hours – all programs	614.1	721.0	721.0	721.0	0.0%	17.4%
Types of programming by CRTC category						
News (Category 1)	78.1	119.0	137.0	109.7	-19.9%	40.5%
Analysis and interpretation (Category 2A)	29.0	88.8	74.0	41.0	-44.6%	41.2%
Long-form documentary (Category 2B)	17.5	30.0	29.3	42.0	43.2%	140.0%
Reporting and actualities (Category 3)	0.5					
Formal education (Category 5A)	38.9	8.8	11.3	61.3	441.3%	57.4%
Informal education (Category 5B)	15.0	172.2	111.1	42.6	-61.6%	185.0%
Professional sports (Category 6A)	83.7	8.0	50.7	45.6	-10.2%	-45.6%
Amateur sports (Category 6B)	26.1	33.5	33.9	16.2	-52.2%	-37.8%
Ongoing dramatic series (Category 7A)	75.1	97.2	95.2	102.7	7.9%	36.7%
Ongoing comedy series (Category 7B)	4.0	4.0	0.5	51.0		
Specials, mini-series, made-for-TV films (Cat 7C)	17.0	5.8		5.0		-70.7%
Theatrical films (Category 7D)	38.6	13.4	10.0	10.0	0.0%	-74.1%
Animated TV programs and films (Category 7E)	114.6	86.0	78.5	48.6	-38.1%	-57.6%
Comedy sketches, improv, unscripted (Cat 7F)	34.2	17.7	51.3	30.0	-41.5%	-12.2%
Other drama (Category 7G)	1.3	2.4	2.0	2.0	0.0%	57.5%
Music and dance (Category 8A)	8.8	5.5	2.6	4.5	73.6%	-48.9%
Variety (Category 9)	20.0					
Award shows (Category 11)	6.2					
General entertainment (Category 11A)		7.0	13.0	8.0	-38.5%	
Reality Television (Category 11B)				84.9		
Interstitials (Category 12)	6.6	21.6	20.5	15.9	-22.3%	140.9%
Total programs	615.3	721.0	721.0	721.0	0.0%	17.2%
Grand Total	791.0	872.8	867.6	866.6	-0.1%	9.6%
(blank)	175.8	151.8	146.7	145.6	-0.8%	-17.2%
Simplified categories						
News	78.1	119.0	137.0	109.7	-19.9%	40.5%
Analysis / documentaries	46.5	118.8	103.4	83.0	-19.7%	78.4%
Reporting	0.5					
Education (informal, formal)	53.9	181.0	122.4	103.9	-15.1%	92.8%
Sports (professional, amateur)	109.8	41.5	84.6	61.8	-27.0%	-43.7%
Drama & comedy	284.8	226.6	237.5	249.3	5.0%	-12.5%
Music and dance	8.8	5.5	2.6	4.5	73.6%	-48.9%

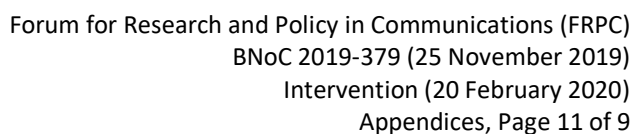


CBLT-DT Toronto	Broadcasting Decision CRTC 2000-1		Broadcasting Decision CRTC 2013-264		% change	
	Nov-02	Nov-12	Nov-13	Nov-19	2013-19	2002-19
General entertainment / reality tv		7.0	13.0	92.9		
Variety	20.0					-100.0%
Award shows	6.2					-100.0%
Interstitials	6.6	21.6	20.5	15.9	-22.3%	140.9%
Total program hours	615.3	721.0	721.0	721.0	0.0%	17.2%
Hours of Canadian programming	477.2	665.1	676.8	547.5	-19.1%	14.7%
As % of all programming	77.6%	92.3%	93.9%	75.9%		
As % of all programming from 7pm to 11pm	91.5%	85.0%	88.9%	83.4%		
% consisting of original programming	53%	8%	10%	15%		
% consisting of repeat programming	47%	92%	90%	85%		
Hours of non-Canadian programming	138.0	55.9	44.1	173.5	293.3%	25.7%
% consisting of original programming	59%	31%	31%	34%		
% consisting of repeat programming	41%	69%	69%	66%		
Drama and comedy – total hours	284.8	226.6	237.5	249.3	5%	-12%
Canadian	176.6	171.0	194.3	196.1	1%	11%
As % of total drama and comedy hours	62.0%	75.5%	81.8%	78.75		
% original	53%	8%	10%	15%		
Non-Canadian	108.2	55.6	43.1	53.2	23%	-51%
% original	59%	31%	31%	34%		
Hours of local programming**	10.8	47.0	60.0	69.7	16.1%	543.2%
% consisting of original programming	98%	100%	87%	90%		
% consisting of repeat programming	2%	0%	13%	10%		
Hours of local news	10.5	47.0	47.0	36.7	-22.0%	249.4%
Minutes per day ((hours * 60 minutes)/ 30)	21.0	94.0	94.0	73.4		
% consisting of original programming	100%	100%	100%	100%		
Hours of local non-news			13.0	33.0	153.8%	
% consisting of original programming			38%	79%		
% consisting of repeat programming			62%	21%		
Hours of programming for young people						
Preschool (0-5 years)				102.9		
Children (6-12 years)				18.4		
Children (up to 11 years)	151.1	111.6	95.8	121.3	26.6%	-19.7%
Youth (12 to 17 years)	21.8	1.6	2.0			
All children and youth	172.9	113.2	97.8	121.3		
Adults (18 years and older)				599.7		
General audience	442.4	607.8	623.1			
Total hours	615.3	721.0	721.0	721.0	0.0%	17.2%

* In 2002 consists of programs (PGR), program segment (PFS), second and subsequent segments (SEG), and regionally produced programs (REG)

** 2002, 2012, 2013 – local station; 2019 – licensee station

CBFT-DT Montreal	Nov-00	12-Nov	13-Nov	19-Nov	% change	
					2000-19	2013-19
Hours of advertising	85.55	114.881	103.654	95.224	-8.1%	11.3%
Number of advertisements					10.6%	39.9%
	11,454	16,275	14,491	16,021		
Total program hours*	716.9	703.5	720.1	720	0.0%	0.4%
Advertising as % of total program hours	11.9%	16.3%	14.4%	13.2%	-8.1%	10.8%
Accessible programming						
- hours captioned (programs)	419.2	671.8	666.9	388.6	-41.7%	-7.3%
- hours captioned with described video		28.0	31.5	100.3	218.9%	
- hours captioned with audio description				231.1	0.0%	
Captioned hours – all programming (incl'g ads)	984.4	862.6	856.8	840.5	-1.9%	-14.6%
Captioned hours – all programs	716.9	703.5	720.1	720.0	0.0%	0.4%
Types of programming by CRTC category						
News (Category 1)	98.526	145.667	158.472	146.171	-7.8%	48.4%
Analysis and interpretation (Category 2A)	117.916	94.43	86.758	81.287	-6.3%	-31.1%
Long-form documentary (Category 2B)	11.913	1	3.967	10.879	174.2%	-8.7%
Reporting and actualities (Category 3)	122.654	1.905	1.888	1.5	-20.6%	-98.8%
Religion (Category 4)	8.532	4.059	4.068	4.032	-0.9%	-52.7%
Formal education (Category 5A)	9.856					
Informal education (Category 5B)	5.311	14.987	13.985	14.807	5.9%	178.8%
Professional sports (Category 6A)	12.067					
Amateur sports (Category 6B)		11.346	19.351			
Ongoing dramatic series (Category 7A)	79.956	82.368	66.806	159.963	139.4%	100.1%
Ongoing comedy series (Category 7B)	7.971	6	6.5	4.5	-30.8%	-43.5%
Specials, mini-series, made-for-TV films (Cat 7C)	7.983	3.078	13.791	17.949	30.2%	124.8%
Theatrical films (Category 7D)	47.094	33.773	39.725	37.379	-5.9%	-20.6%
Animated TV programs and films (Category 7E)	104.109	63.075	71.987	61.771	-14.2%	-40.7%
Comedy sketches, improv, unscripted (Cat 7F)	2.01	0.467				
Other drama (Category 7G)	5.296	6	1.8		-100.0%	-100.0%
Music and dance (Category 8A)	5.355	14.93	19.37	8.017	-58.6%	49.7%
Variety (Category 9)		4.967	1.984	9.918	399.9%	
Game shows (Category 100)	24	48.503	25.842	34.119	32.0%	42.2%
Award shows (Category 11)	41.677					
General entertainment (Category 11A)		155.388	171.693	116.448	-32.2%	
Reality Television (Category 11B)						
Interstitials (Category 12)	4.573	11.508	12.075	11.247	-6.9%	145.9%
Total programs	716.937	703.451	720.062	719.987	0.0%	0.4%
Simplified categories						
Analysis & documentaries	129.829	95.43	90.725	92.166	1.6%	-29.0%
Drama & comedy	254.419	194.761	200.609	281.562	40.4%	10.7%
Formal & informal education	15.167	14.987	13.985	14.807	5.9%	-2.4%
Game shows	24	48.503	25.842	34.119	32.0%	42.2%
General entertainment, human interest & reality TV	41.677	155.388	171.693	116.448	-32.2%	179.4%
Interstitials	4.573	11.508	12.075	11.247	-6.9%	145.9%
Music & dance	5.493	14.93	19.37	8.017	-58.6%	45.9%
News	98.526	145.667	158.472	146.171	-7.8%	48.4%
Professional & amateur sports	12.067	11.346	19.351			
Religion	8.532	4.059	4.068	4.032	-0.9%	-52.7%
Reporting	122.654	1.905	1.888	1.5	-20.6%	-98.8%
Variety		4.967	1.984	9.918	399.9%	

[illegible]



Appendix 4 Information submitted to CRTC as part of its 'annual return' process

CRTC - PROGRAMMING AND PRODUCTION EXPENSES - CANADIAN BROADCASTING CORPORATION - CONVENTIONAL TELEVISION																
2018 - CBC - Canada	Information				Sports	Music and Entertainment								Others		Total
(\$ Reporting units: 27)	News	Analysis / Interpretation	Long Form Documentary	Other		Drama & Comedy	Films	Animation	Music / Variety	Game Shows	Human Interest	Reality Television	Award Shows	(excl. Info-commercials)	Info-commercials	
	Cat 1	Cat 2a	Cat 2b	Cat 3 to 5	Cat 6	Cat 7a,b,f,g	Cat 7c & 7d	Cat 7e	Cat 8 & 9	Cat 10	Cat 11a	Cat 11b	not in 11a	Cat 12, 13&15	Cat 14	Cat 1 to 15
1. PROGRAMMING - CANADIAN																
Canadian Programs Telecast:																
1.1 Station production (incl coop)	90,303,437	6,145,262	558,495	2,257,777	41,362	70,807	0	0	391,863	0	3,786,510	0	284,618	11,988	0	103,852,119
1.2 Produced by affiliate production	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.3 Acquired from other stations	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.4 Network origination	30,345,022	18,047,591	4,813,873	11,471,192	108,094,591	1,398,457	135,411	0	1,638,852	5,471,641	13,542,681	1,259,735	2,849,793	1,939,557	0	201,008,396
1.5 Acquired from independent producers	0	2,008,104	19,656,172	5,206,597	0	157,552,016	12,663,531	7,388,533	25,644,892	2,206,259	20,284,956	7,495,790	7,316,405	574,567	0	267,997,822
1.6 Special recognition programs	0	0	0	0	0	0	0	357	0	0	0	0	0	0	0	357
1.7 Other Canadian programs	0	0	20,759	0	0	0	0	0	0	0	0	0	0	0	0	20,759
1.8 Total - Canadian programs telecast	120,648,459	26,200,957	25,049,299	18,935,566	108,135,953	159,021,280	12,798,942	7,388,890	27,675,607	7,677,900	37,614,147	8,755,525	10,450,816	2,526,112	0	572,879,453
Other Canadian Programming Expenses:																
1.9 Inventory write-downs - Canadian programs	0	111,722	139,738	45,352	0	1,901,076	43,590	0	2,798,687	124,406	2,188,017	0	0	0	0	7,352,588
1.10 Script & concept - Canadian - not telecast	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.11 Loss on equity - Canadian programs	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.12 Third-party promotion (non-VI services only)	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.13 Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
1.14 Total - Other Canadian Programming Expenses	0	111,722	139,738	45,352	0	1,901,076	43,590	0	2,798,687	124,406	2,188,017	0	0	0	0	7,352,588



Forum for Research and Policy in Communications (FRPC)
BNoC 2019-379 (25 November 2019)
Intervention (20 February 2020)
Appendices, Page 13 of 9

CRTC - PROGRAMMING AND PRODUCTION EXPENSES - CANADIAN BROADCASTING CORPORATION - CONVENTIONAL TELEVISION																
2018 - CBC - Canada	Information				Sports	Music and Entertainment									Others	Total
(\$ Reporting units: 27)	News	Analysis / Interpretation	Long Form Documentary	Other		Drama & Comedy	Films	Animation	Music / Variety	Game Shows	Human Interest	Reality Television	Award Shows	(excl. Info-commercials)	Info-commercials	
	Cat 1	Cat 2a	Cat 2b	Cat 3 to 5	Cat 6	Cat 7a,b,f,g	Cat 7c & 7d	Cat 7e	Cat 8 & 9	Cat 10	Cat 11a	Cat 11b	not in 11a	Cat 12, 13&15	Cat 14	Cat 1 to 15
1.15 TOTAL CANADIAN PROGRAMMING EXPENSES	120,648,459	26,312,679	25,189,037	18,980,918	108,135,953	160,922,356	12,842,532	7,388,890	30,474,294	7,802,306	39,802,164	8,755,525	10,450,816	2,526,112	0-	580,232,041
2. PROGRAMMING - NON-CANADIAN																
2.1 Non-Canadian Programs Telecast	0	21,069	1,066,757	500,445	0	12,926,596	4,298,829	3,163,849	11,000	0	30,000	1,004,064	0	168,592	0	23,191,201
2.2 Inventory write-downs - Non-Canadian programs	0	3,000	51,150	0	0	252,000	6,600	15,000	0	0	0	12,500	0	53,750	0	394,000
2.3 Other	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2.4 TOTAL NON-CANADIAN PROGRAMMING EXPENSES	0	24,069	1,117,907	500,445	0	13,178,596	4,305,429	3,178,849	11,000	0	30,000	1,016,564	0	222,342	0	23,585,201
3. TOTAL - PROGRAMMING - CANADIAN & NON-CANADIAN	120,648,459	26,336,748	26,306,944	19,481,363	108,135,953	174,100,952	17,147,961	10,567,739	30,485,294	7,802,306	39,832,164	9,772,089	10,450,816	2,748,454	0	603,817,242
4. CANADIAN MEDIA FUND CREDIT	0	0	0	0	0	0	0	0	0	0	0	0	0	410,802	0	410,802



Appendix 5 Examples of evasiveness in CBC's answers

	CRTC question	CBC answer	Comment
1.	5b) Please detail what type of user data is collected for each of the CBC/SRC's paid and free services on online platforms. ¹³¹ DM#3754953 – Responses to requests for additional information (30 October 2019), at 8	CBC/Radio-Canada collects registration data and usage data for its paid and free services on online platforms. In addition, we collect information necessary to process credit card payments for our subscription services.	When asked about the type of user data CBC collects, CBC says it collects usage data.
2.	11) If an expenditure-based approach is used, how would such an approach affect the CBC/SRC's ability to fulfill the objectives of the Act regarding the provision of programming that reflects Canada's linguistic duality, Indigenous languages, official language minority communities (OLMCs), and Canada's multicultural communities on all of its platforms. What conditions of licence, expectations or encouragements could be used to ensure that CBC/SRC fulfills these objectives? DM#3733727 – Application form (30 October 2019), at 16	<u>ANSWER</u> CBC/Radio-Canada does not support an expenditure-based group licensing regime for the Corporation.	CBC was not asked whether it supports an expenditure-based group licensing regime.
3.	12) To ensure that CBC/SRC's services offer a reasonably balanced programming schedule on its French- and English-language television stations, the Commission imposed a requirement that prime time programming (between 7:00 p.m. and 11:00 p.m.) include original programming, programs produced by independent producers and programs that	Attached as Annexe 1-SRC Q12 Horaire de l'automne 2019 and Appendix 2-CBC Q12 Program Schedule Fall 2019, are the Fall 2019 prime time schedules for French and English Television. These schedules demonstrate the diversity of prime time programming on these two networks.	The CRTC asked CBC to show how its 7pm-11pm schedule included or includes original programming, independent production and regional reflection – CBC provided copies of its program schedule for Fall 2019.



	CRTC question	CBC answer	Comment
	reflect all the regions of Canada, including OLMCs. a. For the current licence term, explain how the programming broadcast by CBC/SRC's French- and English-language services met this requirement which permitted Canadians to have access to programming from a variety of program categories reflecting their needs and interests.	CBC Television and ICI RADIO-CANADA TÉLÉ's prime time programming is composed of various types and categories of programming, including original programs, programs from independent producers, and programs originating from and reflecting all regions of Canada, as demonstrated in the detailed annual reports filed with the Commission.	Were CBC's prime-time schedules in other years and seasons identical to the Fall 2019 schedule?
4.	12b) In the event that the Commission were to adopt a flexible licensing approach that would allow CBC/SRC to include content distributed on its online platforms towards its overall licensing obligations for the next licence term, how would CBC/SRC ensure that content is provided in a balanced manner across all of its audio and audiovisual services?	As indicated in response to question 6, CBC/Radio-Canada believes the Corporation should continue to be subject to the Digital Media Exemption Order. The Corporation believes that in order to fulfill its statutory mandate it must ensure that its digital program offering is balanced when considered across all digital platforms. At this time, given the limitations of the current Broadcasting Act, CBC/Radio-Canada does not believe any regulatory action is either required or appropriate with regard to its digital services. In fact, without regulatory intervention, the content on CBC/Radio-Canada's traditional radio and television platforms is already made available on our audio and audiovisual digital platforms. DM#3733727 – CBC Application Form (30 October 2019)	When asked how CBC would ensure content is provided in a balanced manner across all of its programming services, CBC said that it must ensure that its digital programming is balanced across all digital platforms. CBC has not answered how all CBC programming would be balanced across all its services, and has also answered with a tautology (the programming will be balanced Because the programming will be balanced)
5.	22a) Please provide details on why CBC/SRC has not been tracking programming produced by Indigenous	Currently, our systems are not set up to track any programs based on its [sic] production source. For the next licence	Each month CBC send the CRTC a program log detailing production source information or its television



	CRTC question	CBC answer	Comment
	producers given the important role CBC/SRC plays to reflect and serve Indigenous peoples?	term, CBC/Radio-Canada has put forward a proposal to track this type of programming on both television and radio. Please see details in response to question 22(b). From DM#3754953, at 31	programs, and is therefore familiar with the concept of collecting producti on-source information.
6.	59) In the last renewal decision, the Commission set out expectations for CBC/SRC's English- and French-language television networks regarding the broadcast of children's programming (under 12 years of age) and youth programming (12 to 17 years of age). a) Explain how CBC/SRC's programming has met these expectations for each age group and for each network.	The expectations for French- and English-language television networks concerning children and youth programming are identical and are as follows: <ul style="list-style-type: none">• That the hours of programming for children under 12 years of age are to be reasonably allocated between programs for preschool and school-age children; and• To broadcast a minimum of five hours per week, averaged over the broadcast year, of Canadian programming aimed at youth aged 12-17 years. Over the licence term, the vast majority of the children's programming on CBC Television and about half of the children's programming on ICI RADIO-CANADA TÉLÉ was allocated to preschool (0-5 years). Based on the media consumption habits of today's youngest audiences, we have supplemented this programming with digital content.	CBC does not disclose how many hours of programming it has provided to children under or over 12 years of age: "vast majority" and "about half" are imprecise terms with no objective meaning, while "digital content" is a descriptive term, not an empirical measure.
7.	20) Indicate how you have defined "local" and "regional" programming in the past licence term. Will this definition change over the next licence term? If yes, what	CBC/Radio-Canada is mandated by the Broadcasting Act to reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions. The Commission has long	The CRTC asked CBC how it defines local and regional programming. CBC did not respond.



	CRTC question	CBC answer	Comment
	are those changes and their implications for viewers and listeners?	recognized the regional nature of CBC/Radio-Canada's conventional television and radio stations operating in Canada, and has permitted us to count programming that reflects regions towards meeting local programming obligations imposed on our television stations. We believe it remains appropriate to continue to do so in the next licence term. We do not anticipate making changes to the nature of our regional/local television and radio programming.	The CRTC asked CBC if its definitions of local programming would change over the next licence term; CBC instead said that the "nature" of its local and regional programming would not change.
8.	<p>For your radio stations and for your television services across the country, describe CBC/SRC's performance in its current licence term and its plans in next licence term with regard to journalists and journalism. In doing so, explain:</p> <p>21 ... explain:</p> <p>a) How CBC/SRC serves local communities and if you intend to implement any changes to put CBC/Radio-Canada in closer touch with the communities you serve;</p> <p>b) If such changes have already taken place, how they have been reflected in the programming you broadcast including a particular emphasis on the local news you provide;</p>	<p>Today, CBC/Radio-Canada reaches communities across the country through our 88 radio stations, 27 television stations and 42 regional websites (20 English websites; 22 French websites). Our national regional news services are now aggregated in mobile applications.</p> <p>The continued presence of journalists in regions is an integral part of CBC/Radio-Canada's strategy and its objective constantly improve the quality of the journalistic coverage on regions, which will increase the quality of local/regional news on all CBC/Radio-Canada platforms, radio, television and online.</p> <p>All of our stations have been integrated into television and/or radio/digital broadcast centres. At CBC/Radio-Canada,</p>	<p>The CRTC asked how CBC has served local communities since 2013 – CBC did not answer this question.</p> <p>It told the CRTC instead how many stations and websites CBC operates, and that – in some undefined way – it will "offer more local/regional presence and reflection".</p>



	CRTC question	CBC answer	Comment																					
		local/regional is key on all platforms and is the future of the public broadcaster. In the next licence term, we will continue to build on this strategy and offer more local/regional presence and reflection in a multiplatform environment.																						
9.	18c) how adequate regional reflection will continue as CBC/SRC migrates its programming (including radio services from traditional broadcasting services to online services,	CBC/Radio-Canada is embracing digital platforms to reach audiences and renewing and strengthening its regional reflection on all platforms, including traditional broadcasting services. DM#3733727 – Application form (30 October 2019), p. 35	CBC chose not to provide evidence in response to this question describing its exhibition of programming hours by production source (showing, for instance, the level of programming from regional stations)																					
10.	28a) Based on the historical data provide in the Local Programming table mentioned above, indicate the number of broadcast hours that the Commission should require from each station for the follow: - local programming (local shows other than news and information) - locally reflecting news and information programs	CBC/Radio-Canada has not tracked expenditures and exhibition levels based on this breakdown and therefore is unable to provide historical data in the manner the Commission has requested. Our local programming commitments are set out in response to question 100. DM#3733727 – Application form (30 October 2019), at 55, Answer 28A	<table><tr><td colspan="3">Hours of programming broadcast in 2013 by CBLT-DT Toronto and CBFT-DT Montreal, by CRTC programming category, according to CBC's program logs:</td></tr><tr><td>CBLT-DT Toronto</td><td>Nov/13</td><td>Nov/19</td></tr><tr><td>010</td><td>47.0 hrs</td><td>36.7 hrs</td></tr><tr><td>02A</td><td>13.0 hrs</td><td>33.0 hrs</td></tr><tr><td colspan="3">CBFT-DT Montreal</td></tr><tr><td>010</td><td>28.0 hrs</td><td>26.5 hrs</td></tr><tr><td>120</td><td></td><td>0.04 hrs</td></tr></table>	Hours of programming broadcast in 2013 by CBLT-DT Toronto and CBFT-DT Montreal, by CRTC programming category, according to CBC's program logs:			CBLT-DT Toronto	Nov/13	Nov/19	010	47.0 hrs	36.7 hrs	02A	13.0 hrs	33.0 hrs	CBFT-DT Montreal			010	28.0 hrs	26.5 hrs	120		0.04 hrs
Hours of programming broadcast in 2013 by CBLT-DT Toronto and CBFT-DT Montreal, by CRTC programming category, according to CBC's program logs:																								
CBLT-DT Toronto	Nov/13	Nov/19																						
010	47.0 hrs	36.7 hrs																						
02A	13.0 hrs	33.0 hrs																						
CBFT-DT Montreal																								
010	28.0 hrs	26.5 hrs																						
120		0.04 hrs																						



Appendix 6 CBC's evidence about its compliance with Broadcasting Decision CRTC 2013-263

**Appendix 7 Summary of results regarding CBC's compliance with the terms and conditions of
Broadcasting Decision CRTC 2013-263**

Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
OLMCs	1	CoL 1	Partially met	Missing – feedback report	0.5
Exceed Expectations	2	CoL2	Unclear	Condition is vague, no clear info	0.0
Ombudsman: Office	3		Met	Yes	1.0
Ombudsman Annual Report to Directs	4		Partial	Ombudsman files report on quantity of complaints and some major issues. No recommendations	0.5
Board of Directors will respond to Ombudsman Report	5		Partial	Response is made by management	0.5
Ombudsman hiring Process	6		Unclear	No evidence	0.0
Committee members select chair of hiring committee	7		Unclear	No evidence	0.0
Membership of Committee	8		Unclear	No evidence	0.0
Committee selects shortlist of Ombudsman candidates	9		Unclear	No evidence	0.0
Ombudsman's term is for five years	10		Met	Yes	1.0
Licensee will submit Ombudsman's report to CRTC	11		Met	Yes	1.0
French-language TV will present a reasonably-balanced schedule, material from Independent producers	12		Partially	Not enough information	0.5
Licensee will devote a minimum of 75% of broadcast time to CanCon	13		Met	Yes	1.0
News will reflect regions, OLMCs, promote respect	14		Unclear	No data Vague condition	0.0
Network Closed captioning	15		Met	Yes	1.0
Ads to be close captioned	16		Likely not met	Says it will meet condition in new license period	0.0
Adhere to industry standards on closed captioning	17		Unclear	No data	0.0
Monitor quality of captions	18		Unclear	No data	0.0
Audio descriptions on info programs	19		Met	Yes	1.0
Minimum amount of network described audio	20		Met	Yes	1.0
Adhere to ad standards for kids programs	21		Likely met/Partial	Partial data	0.5
No commercials in pre-school programs	22		Met	Yes	1.0



Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
Join CBSC or adhere to codes (CBC)	23		Met	Yes	1.0
Broadcast 5 hrs per week to youth 12-17 (CBC)	24		Partial	Says family-oriented programming fulfills condition	0.5
Split of hours between school-age and pre-school children	25		Met	Yes	1.0
French TV to meet broadcast category PNI targets	26		Met	Yes	1.0
75% of French PNI broadcasting from Independent producers	27		Met	Yes	1.0
SRC broadcast 15 hrs/wk for kids <12	28		Met	Yes	1.0
SRC broadcast 100 hours of original Canadian programming for kids <12	29		Met	Yes	1.0
75% of kids programming under 12 produced by Canadian Independents	30		Met	Yes	1.0
SRC will produce five hours of local programming per week	31		Unclear	No evidence	0.0
Programming in French OLMCs can be averaged over year.	32		Unclear	No evidence	0.0
SRC to broadcast news seven days/wk	33		Unclear	No evidence	0.0
SRC to broadcast 5 hours a week of content produced outside Quebec	34		Unclear	No evidence	0.0
SRC to buy programming from independent producers outside QC	35		Unclear	No evidence	0.0
SRC to make agreement with AQPM	36		No	Data not provided. FRCP able to obtain it from AQPM	0.0
Until AQPM agreement is reached, SRC to keep CRTC updated on progress	37		Unclear	No evidence	0.0
SRC to file data on OLMC PNI programming to CRTC	38		Unclear	No clear evidence	0.0
Info on OLMC programs (SRC)	39		Met	Yes	1.0
Info on local programming French OLMCs outside QC	40		Met	Yes	1.0
Perception survey of OLMC services	41		Met	Yes	1.0
OLMC Regions to be adequately represented in programs	42		Unclear	Criteria is vague, no data. Arguably. Perception survey shows satisfaction	0.5



Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
CBC defines Canadian producer	41		Unclear	Applicant does not provide info on Independents' ownership	0.0
CBC: 9 hrs/wk of PNI in Prime Time (docs, drama, comedy, awards)	42		Met	Yes	1.0
Of that, 2 hrs of Cat 2(b)	43		Met	Yes	1.0
5.25 hrs/wk from Independent producers	44		Met	Yes	1.0
Broadcast 15 hrs/wk to children <12	45		Unclear	Does not say in filings that it actually met this condition	0.0
At least 75% from Independent producers	46		Met	Yes	1.0
CBC broadcast at least 14 hours of Canadian local programming, at least 1 hr non-news	47		Met	Yes	1.0
Broadcast at least 7 hours of Canadian local programs in non-metro markets	48		Met	Yes	1.0
At least one 7(d) feature film per month	49		Not met	Admits not met.	0.0
At least 6% of programming from Quebec producers	50		Met	Yes	1.0
10% of development expenditures from QC OLMCs	51		Unclear	No data	0.0
CBC join CMPA	52		No	No data. Info from CMPA	0.0
Provide monthly reports to CRTC on CMPA negotiations	53		Unclear	No data in filings	0.0
Provide detailed info on PNI for OLMCs, including producers	54		Met	Yes	1.0
Provide info on non-PNI OLMC broadcasts	55		Met	Yes	1.0
CBC do OLMC satisfaction survey	56		Met	Yes	1.0
CBC report to CRTC on OLM PNI	57		Met	Yes	1.0
Report on Montreal English programming	58		Met	Yes	1.0
Regional OLMC satisfaction survey	59		Met	Yes	1.0
Maintain the current level of local programming	60		Unclear	No data	0.0
Radio networks provide at least 50% of category 2 music from Canadians	61		Unclear	Data in response 9 October 2019 unclear	0.0
At least 20% of music in Category 3 from Canadians	62		Met	Yes	1.0



Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
25% of subcategory 31 to be Canadian	63		Met	Yes	1.0
20% of Category 31 to be Canadian	64		Met	Yes	1.0
20% of Category 34 to be Canadian	65		Met	Yes	1.0
Alert system to become functional	66		Met	Yes	1.0
Radio broadcasting to reflect OLMC, promote understanding	67		Unclear	Vague condition, no solid data	0.0
English radio to join CBSC or adhere to Equitable Portrayal Code	68		Unclear	Did not join CBSA and does to say how it adhered to EPC	0.0
PC and EM French networks devote at least 85% of Category 2 broadcasts to French vocal. 50%+ of non-French must be Canadian	69		Met	Yes	1.0
French-language OMLC radio survey	70		Met	Yes	1.0
Report survey results to CRTC	71		Met	Yes	1.0
Radio 2 and Espace will not broadcast commercials except paid national ads	72		Unclear	Condition has expired. No data on whether the condition was met.	0.0
Or ads related to elections, as required by Parliament	73		Unclear	Condition has expired. No data on whether the condition was met.	0.0
No more than 4 mins of commercials per hour	74		Unclear	Condition has expired. No data on whether the condition was met.	0.0
Programming may not be interrupted more than twice per hour for ads	75		Unclear	Condition has expired. No data on whether the condition was met.	0.0
At least 3,000 distinct musical selections on EM and 2,800 on Radio 2	76		Unclear	Condition has expired. No data on whether the condition was met.	0.0
Provide music lists to CRTC	77		Unclear	Condition has expired. No data on whether the condition was met.	0.0
Radio 1 and PC can broadcast as only on a sponsored basis	78		Met	Yes	1.0
Or to fulfill law passed by Parliament	79		Met	Yes	1.0
CBEF Windsor must have minimum of 15 hours of local programming	80		Met	Yes	1.0



Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
RDI must meet standard conditions in Appendix 2 of CLCCSS re: sports broadcast day	81		Met	Yes	1.0
Reflect concerns of OLMCs, get programming from regions	82		Met	Yes	1.0
RDI shall log geographic origin of regional programs	83		Met	Yes	1.0
RDI to charge .10 wholesale rate	84		Met	Yes	1.0
Enter into agreement with APTQ	85		Not met	No	0.0
Update CRTC on negotiations	86		Unclear	No data	0.0
Provide to the CRTC any supply agreement with non-Canadian company	87		Unclear	No data	0.0
Join CBSA or adhere to policy 1.3.8 re children's ads	88		Met	Did not join CBSA. Says adhered to policy	1.0
No commercials directed at pre-schoolers	89		Met	Yes	1.0
Expectation regions to be adequately represented in expenditures.	90		Unclear	No data	0.0
ARTV will meet CRTC 2011-143	91		Unclear	No data	0.0
ARTV provide national French-language arts service	92		Met	Yes	1.0
Draw programming from Schedule I of Specialty Services Regulations	93		Unclear	No data	0.0
No more than 10% of programming from 6(a), 7(b) and 8(c)	94		Unclear	No data	0.0
Canadian programming on >60% of broadcast day	95		Unclear	No data	0.0
At least 50% of gross revenues to be spent on Canadian programs	96		Unclear	No data	0.0
Condition re: make up underspending and 5% more	97		Unclear	No data	0.0
Carry-over for over-spending	98		Unclear	No data	0.0
Must still meet minimum amount of Canadian content purchases required by license	99		Unclear	No data	0.0
50% of programs from Canadian production companies.	100		Met	Yes	1.0
Devote 20% of spending for programs made outside Quebec,	101		Met	Yes	1.0



Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
at least 50% of that from independent producers					
Required to file to CRTC any agreements with non-Canadian producers	102		Unclear	No data saying whether this happened.	0.0
Make agreement with APTQ	103		Not met	No agreement. No data in filings, but APTQ responded.	0.0
Report to CRTC until agreement with APTQ is made	104		Unclear	Reports could not be found	0.0
Category A Documentary to adhere to CRTC 2011-143	105		Unclear	Nothing in filings specifically says this condition has been met.	0.0
Documentary network will cover "full range of documentary experience".	106		Unclear	The license condition is unclear. Applicant did not address it in filings.	0.0
May draw its programming from all categories in Item 6 of Sched. 1 of Specialty Services Regulations	107		Unclear	No data	0.0
Shall not broadcast live news or sports	108		Unclear	No data specifically saying the condition was met.	0.0
Shall devote no more than 10% of time to categories 6(a) and 7 programming	109		Unclear	No data specifically saying the condition was met.	0.0
No more than 10% from categories 8(b) and (c) combined	110		Unclear	No data specifically saying the condition was met.	0.0
At least 75% of broadcast day for Canadian programs	111		Met	Yes	1.0
75% from Independent Canadian producers	112		Met	Yes	1.0
No more than 25% of broadcasts from certain categories	113		Met	Yes	1.0
Expend at least 43% of previous year's subscription, ad and infomercial revenues on Canadian broadcasts	114		Unclear	No data specifically saying the condition was met.	0.0
May make up shortfalls on expenditures in following year	115		Unclear	No data specifically saying the condition was met.	0.0
May deduct previous year over-expenditure	116		Unclear	No data specifically saying the condition was met.	0.0
May carry over over-expenditure as credit to next year	117		Unclear	No data specifically saying the condition was met.	0.0



Area	#	2013-263 CoLs Expect'ns Encour'ts	Result	Explanation Yes: fully met + evidence Partial: fully met + some evidence No: unmet or no evidence	Score Yes: 1 Partial: 0.5 No: 0
Must still meet expenditures required by license	118		Unclear	No data specifically saying the condition was met.	0.0
Documentary must join CMPA	119		No	Did not join	0.0
Must report to the CRTC until it joins CMPA	120		Unclear	No data specifically saying the condition was met.	0.0
CBC News Network will adhere to Appendix 2 of Conditions of License for competitive specialty services operating in genres of sports and national news	121		Unclear	No data specifically saying the condition was met.	0.0
CBCNN to charge .15 when distributed on Basic cable in French-language markets	122		Met	Yes	1.0
Will enter into agreement with CMPA	123		Not Met	No	0.0
Will adhere to Policy 1.3.8	124		Met	Yes	1.0
Total CBC discussed and provided evidence of its performance CBC stated that it had met requirements or provided partial evidence CBC did not discuss and provided no evidence of its performance					56 cases at 1.0 point each 7 cases at 0.5 point each 63 cases at 0 points 59.5/124

Appendix 8: Results from November 2000/02, 2012, 2013 and 2019 logs of CBLT-DT Toronto and CBMT-DT Montreal

Hours of news produced by local station (or in 2019, licensee station): CBLT-DT Toronto (November)				
Date	2002	2012	2013	2019
1	3.4	5.0	6.0	4.5
2		5.0	0.5	0.5
3	0.5	0.5	1.5	2.5
4	3.4	1.2	6.0	4.5
5	3.4	5.0	6.5	4.5
6	3.4	5.0	6.0	4.5
7	3.4	5.0	6.0	4.5
8	3.4	5.0	6.0	4.5
9	0.5	5.0	0.5	0.5
10	0.5	0.5	1.5	2.5
11	5.4	3.2	8.0	6.5
12	3.4	5.0	6.0	4.5
13	3.4	5.0	6.0	4.5
14	3.4	5.0	6.0	4.5
15	3.4	5.0	6.0	4.5
16	0.5	5.0	0.5	0.5
17	0.5	0.5	1.5	2.5
18	3.4	1.2	6.0	4.5
19	3.4	5.0	6.0	4.5
20	3.4	5.0	6.0	4.5
21	3.4	5.0	6.0	4.5
22	3.4	5.0	6.0	4.5
23	0.5	5.0	0.5	0.5
24	0.5	0.5	1.5	2.5
25	3.4	1.5	6.0	4.5
26	3.4	5.0	6.0	4.5
27	3.4	5.0	6.0	4.5
28	3.4	5.0	6.0	4.5
29	3.4	5.0	6.0	4.5
30	0.5	5.0	0.5	0.5
Total	78.1	119.0	137.0	109.7
# of dates with less time than in 2013				21 of 30



Hours of news from CBLT-DT Toronto, showing 1 st play and repeat programming										
Date in November	2002			2012		2013		2019		
	1 st play	Repeat	Total	1 st play	Total	1 st play	Total	1 st play	Repeat	Total
1	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
2				5.0	5.0	0.5	0.5	0.5		0.5
3	0.5		0.5	0.5	0.5	1.5	1.5	2.0	0.5	2.5
4	3.0	0.4	3.4	1.2	1.2	6.0	6.0	3.5	1.0	4.5
5	3.0	0.4	3.4	5.0	5.0	6.5	6.5	3.5	1.0	4.5
6	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
7	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
8	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
9	0.5		0.5	5.0	5.0	0.5	0.5	0.5		0.5
10	0.5		0.5	0.5	0.5	1.5	1.5	2.0	0.5	2.5
11	5.0	0.4	5.4	3.2	3.2	8.0	8.0	5.5	1.0	6.5
12	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
13	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
14	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
15	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
16	0.5		0.5	5.0	5.0	0.5	0.5	0.5		0.5
17	0.5		0.5	0.5	0.5	1.5	1.5	2.0	0.5	2.5
18	3.0	0.4	3.4	1.2	1.2	6.0	6.0	3.5	1.0	4.5
19	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
20	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
21	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
22	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
23	0.5		0.5	5.0	5.0	0.5	0.5	0.5		0.5
24	0.5		0.5	0.5	0.5	1.5	1.5	2.0	0.5	2.5
25	3.0	0.4	3.4	1.5	1.5	6.0	6.0	3.5	1.0	4.5
26	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
27	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
28	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
29	3.0	0.4	3.4	5.0	5.0	6.0	6.0	3.5	1.0	4.5
30	0.5		0.5	5.0	5.0	0.5	0.5	0.5		0.5
Total	69.3	8.8	78.1	119.0	119.0	137.0	137.0	86.7	23.0	109.7
Repeats as % of total	11%			0%		0%		21%		

Endnotes

- ¹ Such as the *Official Languages Act*, R.S.C., 1985, c. 31 (4th Supp.), and the *Canadian Multiculturalism Act*, R.S.C., 1985, c. 24 (4th Supp.).
- ² More specifically, CBC has implied that it will not accept anything else: “CBC/Radio-Canada will accept a (5) five year licence term.” DM#3733727 Application form, Answer 2.
- ³ Standing Senate Committee on Transport and Communications, *Time for change: the CBC/Radio-Canada in the twenty-first century*, Report, (Ottawa, 2015), <http://publications.gc.ca/site/eng/9.802332/publication.html>.
- ⁴ Department of Canadian Heritage, “Consultations Launched on Canadian Content in a Digital World”, *News Release* (13 September 2016), <https://www.canada.ca/en/canadian-heritage/news/2016/09/consultations-launched-canadian-content-digital-world.html>; Canadian Heritage, *Creative Canada – A Vision for Canada’s Creative Industries*, (Ottawa, 28 September 2018), <https://www.canada.ca/en/canadian-heritage/campaigns/creative-canada/framework.html>.
- ⁵ House of Commons Standing Committee on Canadian Heritage, *INTERIM REPORT ON MEDIA STUDY: The Impact of Digital Technology*, Report 3, Presented to the House: December 8, 2016; Standing Committee on Canadian Heritage, *Disruption: Change and churning in Canada’s media landscape* (Ottawa, 15 June 2017), <http://www.ourcommons.ca/DocumentViewer/en/42-1/CHPC/report-6/>.
- ⁶ Canadian Heritage, “Government of Canada launches review of Telecommunications and Broadcasting Acts” *News Release* (5 June 2018), <https://www.canada.ca/en/canadian-heritage/news/2018/06/government-of-canada-launches-review-of-telecommunications-and-broadcasting-acts.html>.
- ⁷ BCE is Canada’s largest broadcaster, with 109 radio stations, 30 TV stations and more than 25 discretionary services.
- ⁸ S. 3(2).
- ⁹ Broadcasting Notice of Consultation CRTC 2019-379, at para. 12.
- ¹⁰ SOR/2010-277.
- ¹¹ S. 22(2)(e).
- ¹² DM#3733727 – Application form (30 October 2019) at 29-34, Answer 18(a), Answer for Radio-Canada.
- ¹³ See Appendix 1.
- ¹⁴ More recently CBC also refused to cooperate with the Commissioner of Official Languages when the latter began to investigate cuts to French-language programming in Ontario: see *CBC/Radio-Canada v. Canada (Commissioner of Official Languages)*, 2015 FCA 251 (CanLII), [2016] 3 FCR 55, at para. 6: “[6] CBC refused to cooperate with the Commissioner’s investigation. In its view, the Commissioner did not have jurisdiction to review its programming activities and those activities were not subject to OLA-related obligations. Instead, it argued that those matters were properly within the CRTC’s jurisdiction.”
- ¹⁵ See Appendix 1.
- ¹⁶ DM#3745953 (30 October 2019), Answer 5e.
- ¹⁷ DM#3745953 (30 October 2019), Answer 7a.
- ¹⁸ S. 3(1)(m)(vii).
- ¹⁹ DM#3733727 – Application form (30 October 2019) at 13, Answer 6.
- ²⁰ *Broadcasting Act*, s. 3(2).
- ²¹ Section 3 of the 1968 *Broadcasting Act* declares “that the objectives of the broadcasting policy for Canada enunciated in this section can best be achieved by providing for the regulation and supervision of the Canadian broadcasting system by a single independent public authority.”

- ²² *CRTC v. CTV Television Network Ltd. et al.*, [1982] 1 SCR 530, 1982 CanLII 175 (SCC).
- ²³ Commission Letters: 2019 - <https://crtc.gc.ca/eng/8045/lc2019.htm>; 2020 - <https://crtc.gc.ca/eng/8045/lc2020.htm>.
- ²⁴ Subsections 35(2), 40, 46(5) and 52.
- ²⁵ The Forum is not suggesting that governments or their officials explicitly issue directions about CBC's news coverage; the intent to influence may not even exist – yet individuals' awareness of CBC's financial dependence on government may nevertheless have an effect on what they do.
- ²⁶ Office of the Ombudsman, *ombudsman English services: Annual Report 2018-2019*, <https://site-cbc.radio-canada.ca/documents/ombuds/english-services-ombudsman-annual-report-2018-2019.pdf>, at 6.
- ²⁷ S. 2(3).
- ²⁸ S. 24(2) prohibits CBC licences from being suspended or revoked without CBC's consent, but does not require (mandate that) the CRTC to renew CBC's licences.
- ²⁹ S. 9(4):
The Commission shall, by order, on such terms and conditions as it deems appropriate, exempt persons who carry on broadcasting undertakings of any class specified in the order from any or all of the requirements of this Part or of a regulation made under this Part where the Commission is satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1).
- ³⁰ Ss. 9(1), 12(1) and 12(2).
- ³¹ S. 39.
- ³² S. 40.
- ³³ Breaches of regulations and orders are addressed by s. 32(2); breaches of conditions of licence are addressed by s. 33.
- ³⁴ *Act*, s. 25:
25 (1) Where the Commission is satisfied, after a public hearing on the matter, that the Corporation has contravened or failed to comply with any condition of a licence referred to in the schedule, any order made under subsection 12(2) or any regulation made under this Part, the Commission shall forward to the Minister a report setting out the circumstances of the alleged contravention or failure, the findings of the Commission and any observations or recommendations of the Commission in connection therewith.
Marginal note: Report to be tabled
(2) The Minister shall cause a copy of the report referred to in subsection (1) to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the report is received by the Minister.
- ³⁵ Broadcasting without a licence, breaching CRTC regulations and failing to comply with conditions of licence – which are offences under the Broadcasting Act – have also been prosecuted, though very rarely. See M.L. Auer, “The CRTC’s Enforcement of Canada’s Broadcasting Legislation: “Concern”, “Serious Concern”, and “Grave Concern”, *Canadian Journal of Law and Technology*, Vol. 5, No. 3 (2006), <https://ojs.library.dal.ca/CJLT/article/view/6051/5378>, at 126-127 (Table 3).
- ³⁶ In *Update on the Commission’s approach to non-compliance by radio stations*, Information Bulletin CRTC 2014-608, (Ottawa, 21 November 2014), <https://crtc.gc.ca/eng/archive/2014/2014-608.htm>.
- ³⁷ *CISO-FM Sorel-Tracy – Licence renewal and issuance of mandatory orders*, Broadcasting Decision CRTC 2019-408 and Broadcasting Orders CRTC 2019-409 and 2019-410, (Ottawa, 11 December 2019), <https://crtc.gc.ca/eng/archive/2019/2019-408.htm>, para. 20.

38 *Re: Application 2012-0200-4 – Application by Wild TV to amend the broadcasting licence for the national, English language Category 2 specialty programming service Wild TV*, CRTC staff letter (29 May 2012), <https://crtc.gc.ca/eng/archive/2012/lb120529b.htm>.

39 *Procedures for television services in non-compliance with logging requirements*, Broadcasting Information Bulletin CRTC 2011-650, (Ottawa, 18 October 2011), <https://crtc.gc.ca/eng/archive/2011/2011-650.htm>, at para. 7.

40 S. 24(2); Schedule.

41 *Radio Regulations, 1986*, ss. 8(4).

42 *Television Broadcasting Regulations, 1987*, ss. 10(3).

43 *Discretionary Services Regulations*, ss. 8(1)(d).

44 *Television Broadcasting Regulations, 1987*, s. 10(3):

Except as otherwise provided under a condition of its licence, a licensee shall furnish to the Commission, within 30 days after the end of each month, a program log or machine-readable record of its programming for the month, with a certificate by or on behalf of the licensee attesting to the accuracy of the contents of the log or record.

45 *New methods to monitor the amount of Canadian children's and youth television programming and the expenditures on such programming in the Canadian broadcasting system*, Broadcasting Regulatory Policy CRTC 2015-323 (Ottawa, 21 July 2015), <https://crtc.gc.ca/eng/archive/2015/2015-323.htm>, Preamble.

46 DM#3745953 (30 October 2019), at 133, answer to question 59.

47 CBC writes at 133 of its application form (DM#3733727) that the CRTC “modified youth programming to be 13-17 years of age, instead of 12-17.” Broadcasting Regulatory Policy CRTC 2015-323 clarifies the target audience markers as follows, at para. 7:

The Commission therefore intends to replace the target audience markers found in item 5 of Schedule I to the Regulations with the following proposed markers:

Target audience

(1) Preschool children (0-5 years)

(2) Children (6-12 years)

(3) Teenagers (13-17 years)

(4) Adults (18 years and over)

48 *Amendments to the Television Broadcasting Regulations, 1987, the Pay Television Regulations, 1990, and the Specialty Services Regulations, 1990, relating to target audience markers*, Broadcasting Regulatory Policy CRTC 2016-146, (Ottawa, 21 April 2016), <https://crtc.gc.ca/eng/archive/2016/2016-146.htm>:

Commission’s analysis and decision

With respect to the addition of a marker for family programming, in Broadcasting Regulatory Policy 2015-323, the Commission stated that the amendments to the target audience markers would eliminate overlaps in target audience age. The target audience markers would then be a more accurate tool for the purpose of monitoring the amount of children’s and youth programming in the Canadian broadcasting system. The addition of another marker for family programming as suggested by the Shaw Rocket Fund would not be consistent with the Commission’s intent in making these amendments and would not contribute to the Commission’s stated goals.

Further, the introduction of such a marker may cause confusion among licensees, as it would undercut the focus of the remaining markers on mutually exclusive age ranges. The Commission will therefore not add an additional target audience marker to the markers it proposed in Broadcasting Notice of Consultation 2016-30.

49 See *e.g. R. v. Gauthier*, [2013] 2 SCR 403, at para. 31: “The passage from *Wu* quoted in the Court of Appeal’s reasons, at para. 71, in support of the proposition that the trial judge is not required to put to

the jury an alternative defence that is incompatible with the primary defence is merely an obiter dictum that could be a source of confusion and should not be relied on.”

⁵⁰ *R. v. Henry*, 2005 SCC 76 (CanLII), [2005] 3 SCR 609, at para. 57.

⁵¹ Reconsideration of licence renewals decisions regarding the licence renewals for the television services of large French-language private ownership groups, Broadcasting Decision CRTC 2018-334 (Ottawa, 30 August 2018), <https://crtc.gc.ca/eng/archive/2018/2018-334.htm>, at para. 16: “The Commission must regulate with certainty and predictability so that licensees are able to operate in a stable regulatory environment.”

Reconsideration of licence renewal decisions for the television services of large English-language private ownership groups, Broadcasting Decision CRTC 2018-335 (Ottawa, 30 August 2018), <https://crtc.gc.ca/eng/archive/2018/2018-335.htm>, at para. 18: “The Commission must regulate with certainty and predictability so that licensees are able to operate in a stable regulatory environment.”

⁵² RNC MEDIA Inc. – Reallocation of funding from the Independent Local News Fund, Broadcasting Decision CRTC 2018-490 (Ottawa, 20 December 2018), <https://crtc.gc.ca/eng/archive/2018/2018-490.htm>, at para. 25:

However, given that ILNF funding is partially calculated in proportion to the number of hours of locally reflective news broadcast and not in proportion to the number of hours of local programming broadcast, the Commission also amends the condition of licence relating to the broadcast of locally reflective news such that the licensee will be required to broadcast at least 3 hours and 45 minutes of locally reflective news programming per broadcast week. **This measure will provide greater certainty that RNC will fulfill its commitment** relating to the transfer of all of CKRN-DT’s local news to CFVS-DT.

⁵³ DM#3720698, *Supplementary Brief*, (30 September 2019), at 8.

⁵⁴ *Citytv – Licence renewals*, Broadcasting Decision CRTC 2009-408 (Ottawa, 6 July 2009), <https://crtc.gc.ca/eng/archive/2009/2009-408.htm>, para. 26: “[t]he Commission received insufficient evidence regarding the impact the removal of this condition would have.”

⁵⁵ DM#3720698, *Supplementary Brief*, (30 September 2019), at para 16.

⁵⁶ DM#3720698, *Supplementary Brief*, (30 September 2019), at para. 40.

⁵⁷ DM#3720698, *Supplementary Brief*, (30 September 2019), at para 14.

⁵⁸ DM#3720698, *Supplementary Brief*, (30 September 2019), at para 42.

⁵⁹ DM#3720698, *Supplementary Brief*, (30 September 2019), at para. 12.

⁶⁰ DM#3720698, *Supplementary Brief*, (30 September 2019), at para 13.

⁶¹ DM#3720698, *Supplementary Brief*, (30 September 2019), at para 335.

⁶² DM#3754953 (30 October 2019), page 16, Answer 11a)

⁶³ At DM#3733727 – CBC Application Form (30 October 2019), p. 55, quoting the CRTC:

For its part, as the national public broadcaster, the CBC is mandated by the Act to reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions. To meet this mandate, the CBC benefits from significant resources. This includes a dual revenue stream for its television services as a result of its ability to generate commercial revenues and it receiving [sic] parliamentary **appropriations**. ...

Ibid., at p. 113:

... We support important public conversations around Indigenous issues with community town halls on “reconciliation and cultural **appropriation**” and the immersive Virtual Reality documentary, *Highway of Tears*.

⁶⁴ DM#3733727 – CBC Application Form (30 October 2019), CBC answer to question 14, at p. 18.

⁶⁵ DM#3733727 – CBC Application Form (30 October 2019), at 24 (in the context of CBC’s strategic plan, however, implying that the impetus for cuts came from CBC rather than Parliament); at 188 (in discussing the “2016 [Federal, presumably] budget reinstatement of \$675 million over 5 years”, which

CBC then reframes as the government's 'reinvestment'); and at 190 (where CBC refers to "the enhanced funding provided by the government", rather than the appropriations granted by Parliament).

⁶⁶ DM#374953 (30 October 2019), at page 16, Answer 11a).

⁶⁷ Forum for Research and Policy in Communications (FRPC), *An analysis of CBC's financial history from 1937 to 2019: We tried to follow the money. Frodo had it easier.*, Research Paper (Ottawa, February 2020), <http://frpc.net/wp-content/uploads/2020/02/Public-funding-of-CBC-operations-2020-4-February.pdf>.

⁶⁸ S. 5(1).

⁶⁹ DM#3733727 Application form, Answer 2.

⁷⁰ DM#3733727 – CBC Application Form (30 October 2019), at 55, Question 28a):

...

Based on the historical data provided in the Local Programming table mentioned above, indicate the number of broadcast hours that the Commission should require from each station for the following:
local programming (local shows other than news and information)
locally reflective news and information programs

ANSWER

CBC/Radio-Canada has not tracked expenditures and exhibition levels based on this breakdown and therefore is unable to provide historical data in the manner the Commission has requested. Our local programming commitments are set out in response to question 100.

⁷¹ DM#3733727 Application form, Answer 1b.

⁷² DM#3733727 Application form, Answer 1b.

⁷³ DM#3720698, *Supplementary Brief*, (30 September 2019), at 6.

⁷⁴ DM#3754953 – Responses to requests for additional information (30 October 2019), at 8, Answer 5a).

⁷⁵ DM#3733727 – CBC Application Form (30 October 2019)

⁷⁶ DM#3733727 – Application form (30 October 2019), at 190, Answer 106b; at 9, Answer 4: The premium subscription platform, EXTRA, offers ad-free video-on-demand content. ICI TOU.TV EXTRA premieres original series before their linear broadcast, presents exclusive content, including content from other French-language Canadian broadcasters: Bell Média, Groupe V Média, TV5 Québec Canada, Télé-Québec, TV5/Unis TV, as well as the National Film Board, and offers French versions of prestige foreign series. ICI.TOU.TV aggregates the best of francophone content to aid discoverability across Canada. Through our partnership with Telus, its subscribers receive complimentary access to ICI.TOU.TV EXTRA.

⁷⁷ CRTC, *Communications Monitoring Report 2019*, at 205, Figure 7.1.

⁷⁸ *Ibid.*, at page 206.

⁷⁹ *Ibid.*, at page 206.

⁸⁰ *Ibid.*, at page 137.

⁸¹ DM#3733727 – CBC Application Form (30 October 2019), at p. 18, Answer 13.

⁸² DM#3798544 – CBC – response to procedural request of Friends of Canadian Broadcasting (3 February 2020), at para 3.

⁸³ *Canadian Broadcasting Corporation*, Broadcasting Decision CRTC 87-904 (Ottawa, 1 December 1987), <https://crtc.gc.ca/eng/archive/1987/db87-904.htm>.

⁸⁴ *Ibid.*, ("Programming"), underlining added.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.* ("Financing and viability").

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*:

° by 30 November of each year a report for the broadcast year or part there of completed on the preceding 31 August identifying separately each of the types of incremental costs incurred as a result of providing the news and information service, with a detailed breakout, based on the cost separation accounting procedures filed with the Commission as part on this application.

° by 30 November of each year the results of an audit carried out by an independent outside auditor for the broadcast year or part there of completed on the preceding 31 August certifying that the news and information service is recovering fully the incremental costs incurred as a result of provision of the service and that funds paid to the Corporations out of Parliamentary appropriations are not being spent for the purpose of covering these incremental costs.

The audit report shall also certify that appropriate accounts have been maintained in respect of advertising revenue earned by the news and information service and that advertising revenue derived from joint sales by the news and information service and the existing radio and television services of the Corporation have been appropriately allocated between the news and information service and existing CBC services.

° by 30 November of each year, for the broadcast year or part there of completed on the preceding 31 August, a report identifying in detail the quantifiable and non-quantifiable benefits flowing to the Corporation's English-language radio and television network services from the news and information service and vice versa.

89 DM#3733727 – CBC Application Form (30 October 2019) at 55, Answer 28 a).

90 S. 82(A) of the 1933 *Rules and Regulations* of the Canadian Radio Broadcasting Commission required broadcasters to keep a program log “briefly describing each program broadcast”, including its program origin.

91 *Broadcast and Cable Television Regulatory Handbook*, compiled and annotated by Peter S. Grant, (Toronto, May 1973), Vol. 1 at page 179.

92 (DM#3745953 (30 October 2019), Answer 4a.

93 Decision CRTC 88-181, np (“I. The Changing Broadcasting Environment”),
<https://crtc.gc.ca/eng/archive/1988/db88-181.htm>.

94 CBC, *Annual Report 2017-2018*, at 14.

95 *Ibid.*

96 (DM#3745953 (30 October 2019), Answer 4d.

97 DM#3745953 (30 October 2019), Answer 1a).

98 DM#3745953 (30 October 2019), Answer 1a).

99 DM#3745953 (30 October 2019), Answer 2a).

100 DM#3745953 (30 October 2019), Answer 2b).

101 Forum for Research and Policy in Communications (FRPC), *An analysis of CBC’s financial history from 1937 to 2019: We tried to follow the money. Frodo had it easier.*, Research Paper (Ottawa, February 2020), <http://frpc.net/wp-content/uploads/2020/02/Public-funding-of-CBC-operations-2020-4-February.pdf>.

102 President of the CBC, Remarks and comments at the Canadian Club, (Ottawa, 21 January 2020), <https://www.mediaevents.ca/canadianclub-20200121/>.

103 Nordicity, *Analysis of Government Support for Public Broadcasting*, (11 April 2016), <https://site-cbc.radio-canada.ca/documents/vision/strategy/latest-studies/nordicity-public-broadcaster-comparison-2016.pdf>, at 9 (Figure 2)

104 DM#3733727 – Application form (30 October 2019) at 14, Answer 7.

105 Rachel Emmanuel, “Heritage Minister has path to expand CBC’s mandate, funding under new report”, *iPolitics* (4 February 2020), <https://ipolitics.ca/2020/02/04/heritage-minister-has-path-to-expand-cbcs-mandate-funding-under-new-report/>.

106 1997 CanLII 317 (SCC), [1997] 3 SCR 3.

¹⁰⁷ The two other questions had to do with the applicability of the concept of independence to provincial court judges, and whether the *Constitution* sets limits on judges' salaries. See para. 5.

¹⁰⁸ Treasury Board of Canada Secretariat, "Expenditure Review of Federal Public Sector - Volume Two - Compensation Snapshot [*sic*] and Historical Perspective, 1990 to 2003", <https://www.tbs-sct.gc.ca/report/orp/2007/er-ed/vol2/vol212-eng.asp> [accessed 1 December 2019].

¹⁰⁹ Of the 7-member panel Justice La Forest dissented in part.

¹¹⁰ As well as two dimensions relating to "the individual independence of a judge and the institutional or collective independence of the Court ... of which that judge is a member."; para. 118.

¹¹¹ At para. 134.

¹¹² Government of Canada, *Budget2019*, "Annex 4 – Modernizing Canada's Financial Sector", <https://www.budget.gc.ca/2019/docs/plan/anx-04-en.html>:

Canadians expect and deserve a stable financial system that safeguards their savings and investments and delivers the financial services they need at a fair price.

To that end, the Government proposes to modernize Canada's financial sector framework through measures that will support consumers, including new products and services, promote stability and innovation, and enhance the security and integrity of the financial system.

[bold font added]

¹¹³ At paras 133-134.

¹¹⁴ At para. 133.

¹¹⁵ Para. 147.

¹¹⁶ At para. 147.

¹¹⁷ Para. 171.

¹¹⁸ Para. 173.

¹¹⁹ Para. 173.

¹²⁰ Para. 180.

¹²¹ CBC, Annual Report 2010-2011, at 49.

¹²² Standing Committee on Communications and Culture, *A Broadcasting Policy for Canada*, (Ottawa, June 1988), at 246:

...the 1968 *Broadcasting Act* originally contained a provision for long-term operational funding, but this engendered so much opposition on the ground that it derogated from Parliament's control of the government's purse strings that it was withdrawn on the last day of debate to get the bill passed. The government's intention, according to the then Secretary of State, was to bring forward a special CBC financing bill, but this never happened.

¹²³ CBC, Annual Report 1994-1995, at 86:

The April 1993 CBC budget, as introduced by the Conservative Government, contained reductions to CBC's appropriations of \$50.0 million in the 1995-96 fiscal year, and a further \$50.0 million in 1996-97 for an ongoing amount of \$100.0 million. Following the tabling of the 1994 Budget, the Liberal Government reprofiled these reductions to take effect in 1996-97 and 1997-98. At that time the Heritage Minister also reconfirmed the Government's Red Book commitment to provide stable, multi-year funding to the Corporation, and its intention not to impose new cuts on CBC over the next five years. However, due to the national deficit, the February 1995 CBC budget contained substantial reductions to the Corporation's 1995-96 budget as well as to future years' budgets. Of the latter reduction, the Corporation anticipates further reductions of \$52.9 million in 1996-97 and \$68.3 million in 1997-98. ...

¹²⁴ S. 54(8): The Treasury Board may approve any item in a capital budget provide pursuant to paragraph [54](3)(b) for any financial year or years following the financial year for which the budget is submitted.

- ¹²⁵ Denis Carmel, “Just to be clear, that boosted CBC funding is permanent”, cartt.ca (11 December 2019), <https://cartt.ca/article/just-be-clear-boosted-cbc-funding-permanent>.
- ¹²⁶ CBC, *Annual Report 2003-2004*, at 9.
- ¹²⁷ CBC, *Annual Report 2006-2007*, at 23.
- ¹²⁸ CBC, *Annual Report 2008-2009*, at 20.
- ¹²⁹ CBC, *Annual Report 2009-2010*, at unnumbered page 2.
- ¹³⁰ CBC, *Annual Report 2010-2011*, at 10.
- ¹³¹ DM#3754953 – Responses to requests for additional information (30 October 2019) at 8, answer 5b.