



28 October 2020

Claude Doucet
Secretary General
CRTC
Ottawa, ON K1A 0N2

Via GC Key

Dear Secretary General,

Re: Broadcasting Notices of Consultation CRTC [2019-379](#) (Ottawa, 25 November 2020), [2019-379-1](#) (Ottawa, 28 January 2020), [2019-379-2](#) (Ottawa, 8 April 2020) and [2019-379-3](#) (Ottawa, 22 June 2020) – Procedural request – addition of CBC's Tandem initiative to the proceeding

- 1 The Forum is submitting this request to ask that the CRTC exercise its authority under the *Canadian Radio-television and Telecommunications Rules of Practice and Procedure*¹ to add consideration of the recent “Tandem” proposal by the Canadian Broadcasting Corporation (CBC) to the public record of the above-noted proceeding. That proceeding began in November 2019 when the CRTC published CBC's applications to renew its broadcasting licences and to continue operation of its digital services that are currently exempted from regulation.
- 2 After briefly setting out the background to this request, the Forum addresses the relevance, credibility and important questions raised by CBC's Tandem initiative.

¹ The *Rules* provide as follows:

S. 5(1): “The Commission may exercise any of its powers under these Rules at the request of a party or interested person or on its own initiative.”

S. 7: “If the Commission is of the opinion that considerations of public interest or fairness permit, it may dispense with or vary these Rules.” (This section is relevant due to s. 24 – “An applicant must not amend an application or file any supplementary documents related to the application with the Commission after the application has been posted on the Commission's website.”)

S. 10: “The Commission may

...

(d) order to be amended or struck out a document or part of a document that, in its opinion, might prejudice a party or delay the hearing of the matter on the merits;

(e) provide an opportunity for the parties to make written or oral representations;

S. 11: “In broadcasting matters, the Commission may approve the whole or any part of an application or grant any relief in addition to or in substitution for the relief applied for.”

S. 28(1): “The Commission may require a party

(a) to provide information, particulars or documents that it considers necessary to enable the Commission to reach a full and satisfactory understanding of the subject matter of the proceeding; or

(b) to make written or oral representations on any matter related to the proceeding.”

I Background

- 3 On 17 September 2020 CBC announced the Tandem initiative, “a dedicated service for the creation of unique and distinctive branded content under the name CBC/Radio-Canada Tandem.”² It explained that brands could pay to use CBC's conventional, discretionary and digital services to direct news, entertainment and sports programs with messaging to specific target audiences:

For a brand message to reach its target audience, brands need to be agile, relevant and have a strong presence. By leveraging the cross country reach of the CBC/Radio-Canada network, Tandem offers unparalleled strength across all platforms; written, audio and video. Its arsenal of powerful tools includes: CBC, ICI TÉLÉ, specialty channels (ARTV, EXPLORA, CBC News Network), CBC.ca, Radio-Canada.ca, CBC Gem, ICI TOU.TV, CBC Listen and Radio-Canada OHdio. These platforms cover a wide array of genres that range from news and entertainment to the Olympic Games and lifestyle.³

- 4 Although, in early October 2020, CBC subsequently announced that it had decided to review its Tandem initiative, CBC's Media Solutions division continues to advertise Tandem (see Appendix 1) and to provide interested persons with a page for obtaining more information about Tandem (see Appendix 2). The Forum's concern is that this evidence shows that CBC has not just concluded its review of its Tandem initiative, but has decided to continue with it.

- 5 The Forum respectfully proposes that the Commission amend BNoC 2019-379 to include the Tandem initiative as a matter for consideration, as the issues it raises are relevant to the CBC's applications, as the information about CBC's Tandem initiative is credible and because the Tandem initiative raises important questions related to the CRTC's notice of consultation.

II Relevance of Tandem to CRTC's proceeding to consider CBC's applications

- 6 CBC's Tandem initiative is relevant to the CRTC's 2019-379 proceeding because it raises questions about CBC's current decision-making process about the best programming to meet Canadians' needs and about CBC's transparency and accountability.

- 7 In publishing CBC's applications, the CRTC invited comments from the public. It stated in BNoC 2019-379 that CBC should be regulated in its next licence term with a view to ensuring that it remains “transparently accountable to Canadians” and the CRTC concerning its “programming and activities.”⁴ The Commission therefore proposed an approach based on four objectives, at least two of which are affected by the Tandem initiative.

A. CBC decisions about programming

- 8 The CRTC's first objective was that CBC “should produce, commission and make available audio and audio-visual content on multiple platforms that meets the needs of and reflects the diverse Canadian population”.⁵ CBC's Tandem initiative is relevant to the issue of reflecting Canadians' needs because it raises a question as to whether CBC's programming will going forward continue to reflect the needs and

² CBC Media Solutions, “Introducing CBC/Radio-Canada Tandem: A dedicated service for branded content” (17 September 2020), <https://solutionsmedia.cbrc.ca/en/news/introducing-cbc-radio-canada-tandem-a-dedicated-service-for-branded-content/>.

³ *Ibid.*

⁴ *Ibid.*

⁵ BNoC 2019-379, para. 17.

desires of the parties that can afford to pay for programming: according to CBC's own description, its Tandem initiative is a client-centred activity designed to meet commercial customers' programming needs, rather than the programming needs of Canadian audiences.

B. CBC's transparency and accountability

9 The CRTC's fourth objective involved CBC's role in providing "trustworthy, verified and non-biased news and information".⁶

10 The CRTC specifically asked what the CBC should do to continue to be trusted and unbiased:

In an era where false and misleading news is increasingly being shared on the Internet, what should the Corporation do to continue being a trusted, verified and non-biased source of news and information? What key role will the Corporation play in the future online world of trustworthy news and information?⁷

11 CBC's Tandem initiative is relevant with respect to trustworthiness because it raises a question as to whether CBC has implemented any policies, procedures and practices to ensure that its news and information programming is clearly separate from programming generated by the Tandem initiative. The initiative also raises a question as to the separation of programming decisions about news and information programming from decisions to produce and/or broadcast programming purchased by parties through CBC's Tandem initiative. Further, CBC's Tandem initiative is relevant to interveners' answers to this question because it may weaken if not erase the distinction between programming produced for journalistic reasons and programming broadcast for advertising reasons.

12 The Tandem initiative is also relevant to the issue of trust because CBC's November 2019 application referred dozens of times to the importance of trust.⁸ Its strategic plan summary said CBC wants to "earn" the public's trust and "be a beacon for truth and trust", and that trust is CBC's "most precious asset" (Appendix 3). As CBC's strategic plan summary said nothing about its Tandem initiative, it is unknown how the initiative will help CBC "to build on that trust and use it to support better-informed communities and enlightened exchanges of ideas and perspectives". One might well argue that the ability of some parties to buy branded programming from CBC will not build but will weaken Canadians' trust in CBC – even if they are able to know which programs are, for all intents and purposes, promotional vehicles purchased by parties that may or may not be identified in the branded programming.

III Credibility of new information about CBC's Tandem initiative

13 As mentioned previously, CBC first announced its Tandem initiative in September 2020, and announced it would review the initiative in early October 2020. Currently, though, CBC is not only advertising the program – see screen snapshots in Appendix 1 – but is also offering interested parties the opportunity to participate – see Appendix 2.

14 This information about CBC's Tandem initiative is credible in that CBC itself has posted it.

⁶ *Ibid.*, para. 24.

⁷ *Ibid.*, Q. 20.

⁸ See e.g. CBC's 9 October 2019 answers to the CRTC (DM#3733727), at pages 34, 56, 66, 67, 90, 132 and 136, among others.

IV Important questions raised by CBC's Tandem initiative

15 CBC's Tandem initiative is important to the CRTC's consideration of CBC's applications for two reasons.

16 The first involves due process. Interveners in the 2019-379 proceeding submitted their comments in February 2020, and therefore had no opportunity to comment on the Tandem initiative announced by CBC in September 2020. Neither CBC's application nor the last five years of CBC's *Annual Reports*⁹ provided any information about the Tandem initiative, meaning that interveners could not have informed themselves about the initiative so as to comment on it in their February 2020 interventions. Adding the Tandem initiative matter to the 2019-379, along with a period for supplementary comments, would enable interested parties to provide the CRTC with more informed comments about aspects of the 2019-379 proceeding whose importance was highlighted by the CRTC.

17 The second reason that CBC's Tandem initiative is important to the 2019-379 proceeding is that, even apart from the questions raised in Part II, above, the initiative raises serious questions about the CBC's programming:

- a. Does CBC have a business plan for its Tandem initiative? (Does this plan address the income CBC expects to earn through the Tandem initiative in each year of the current and next licence term, or its expenditures on the initiative over the same periods?)
- b. Are there any limits to the amount of Tandem programming that CBC would broadcast under the initiative?
- c. How will programming broadcast under the Tandem initiative be identified?
- d. Will CBC accept programming from non-Canadians under the Tandem initiative, either directly or indirectly?
- e. In cases of conflict between the editorial and commercial sales divisions of CBC, which side will prevail?
and
- f. Will the CBC's current *Journalistic Standards and Practices (JSP)* apply to programming of the Tandem initiative, and if not, how will audiences be alerted to the distinctions between Tandem-generated programming and programming governed by the Corporation's *JSP*?

⁹ A search of CBC's use of the word, "tandem", in its annual reports did not locate instances related specifically to the Tandem initiative:

CBC, *Annual Report 2015-2016*, at 40:

The strategic framework will position the Corporation to succeed now, as well as in an age beyond traditional broadcasting. It will ensure that the services we provide, and the operating model that supports those services, evolve in tandem with the changing expectations of Canadians and the movements of our industry.

CBC, *Annual Report 2019-2020*, at 47:

Continue implementing our strategic plan, which outlines what we need to do to succeed now, as well as in an age beyond traditional broadcasting. It will ensure that the public media services we provide, and the operating model that supports those services, evolve in tandem with the changing expectations of Canadians and the shifts within our industry.

- 18 In light of the relevance and credibility of CBC's Tandem initiative and the important questions it raises, the Forum respectfully requests that the Commission add consideration of the initiative to the 2019-379 proceeding.
- 19 The Forum appreciates the CRTC's consideration of this procedural request. Should the CRTC or its staff have any questions, we would be pleased to respond. We look forward to the Commission's response.

Sincerely yours,



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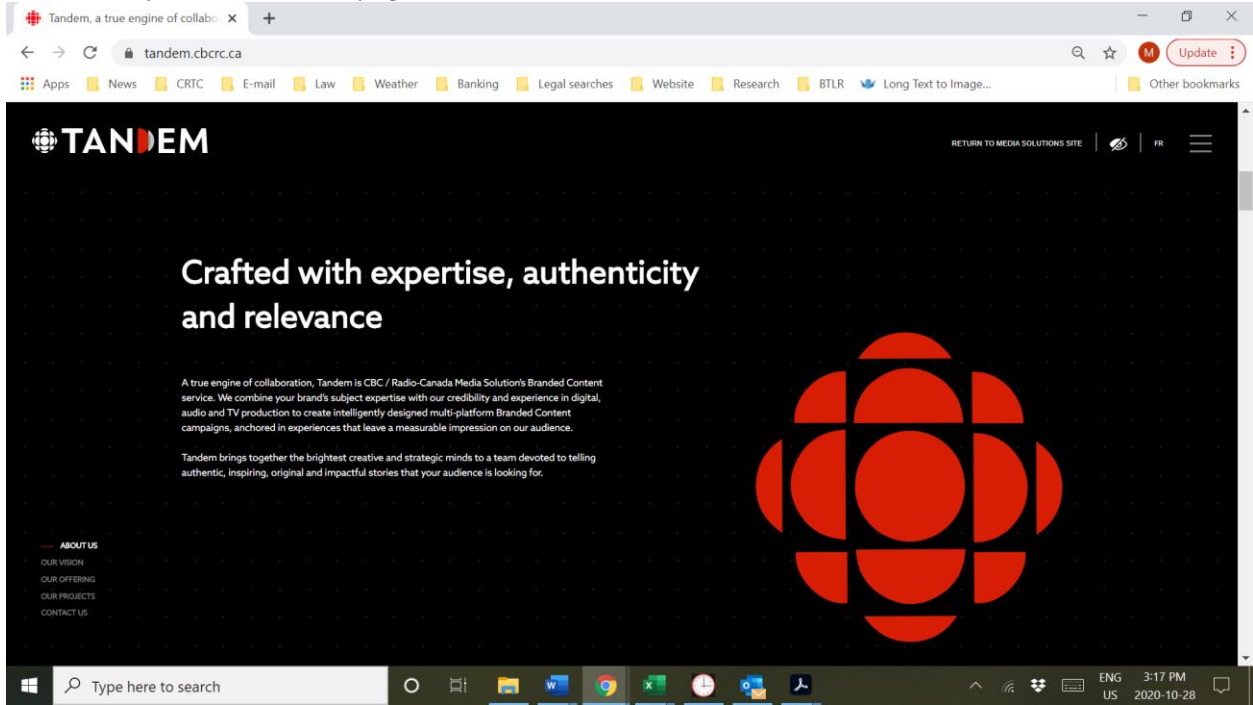
Attachment: Appendices

Appendices

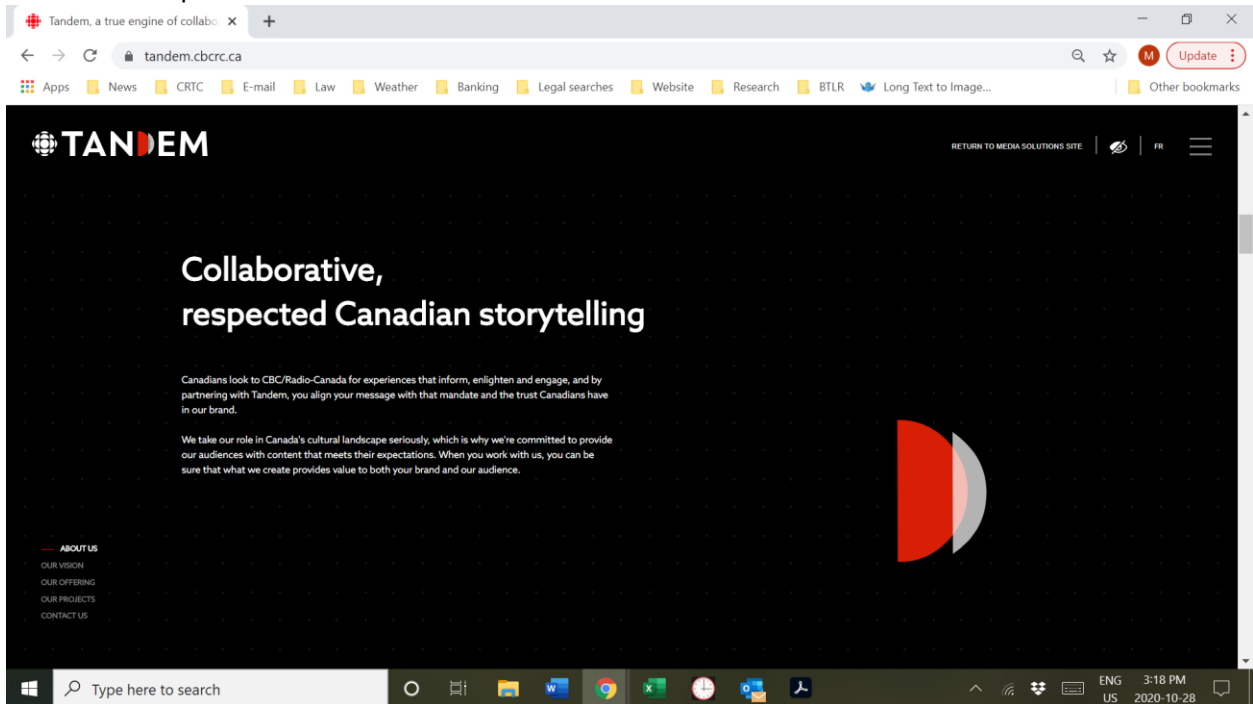
- Appendix 1 Tandem page on CBC/Radio-Canada website
- Appendix 2 Tandem order page from CBC website
- Appendix 3 CBC's Strategic Plan summary

Appendix 1 Tandem page on CBC/Radio-Canada website

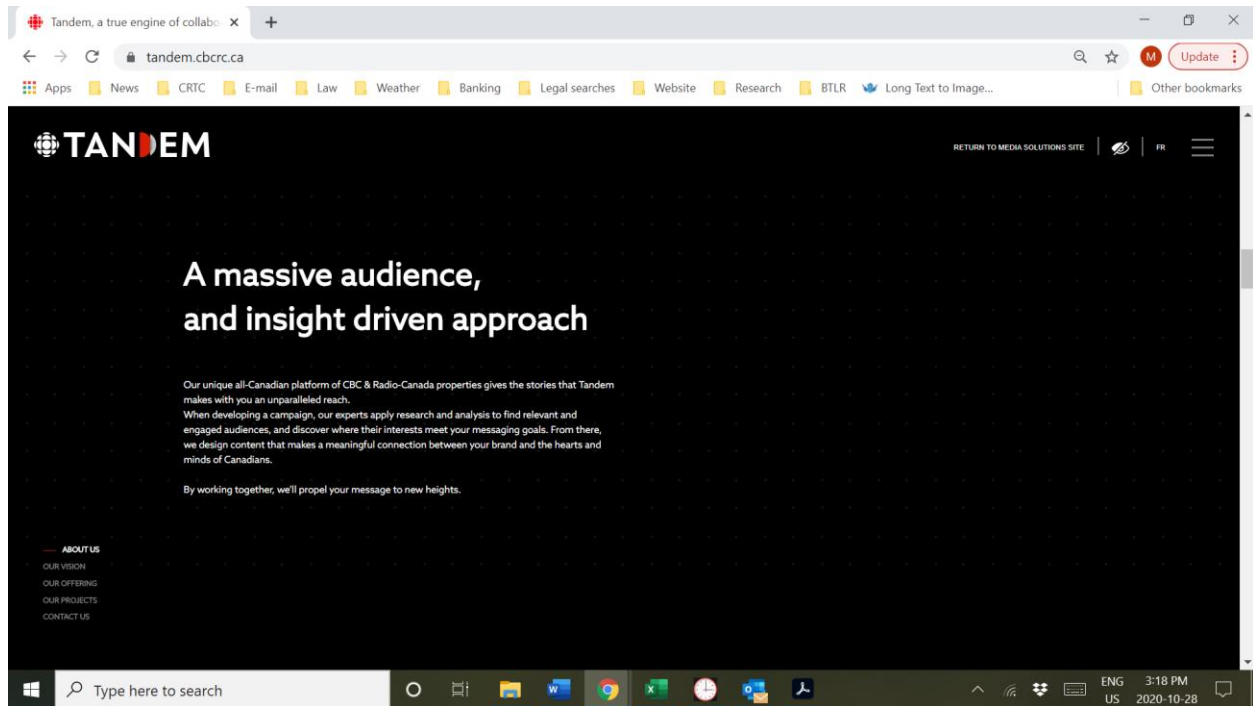
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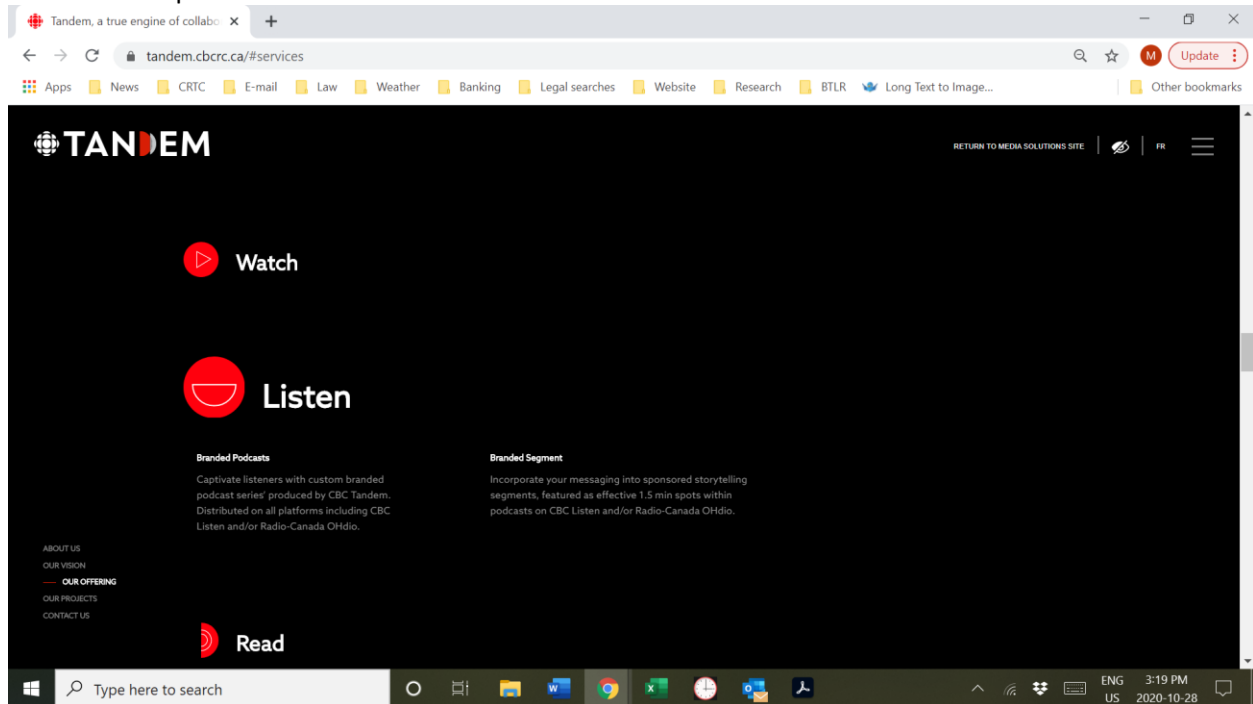
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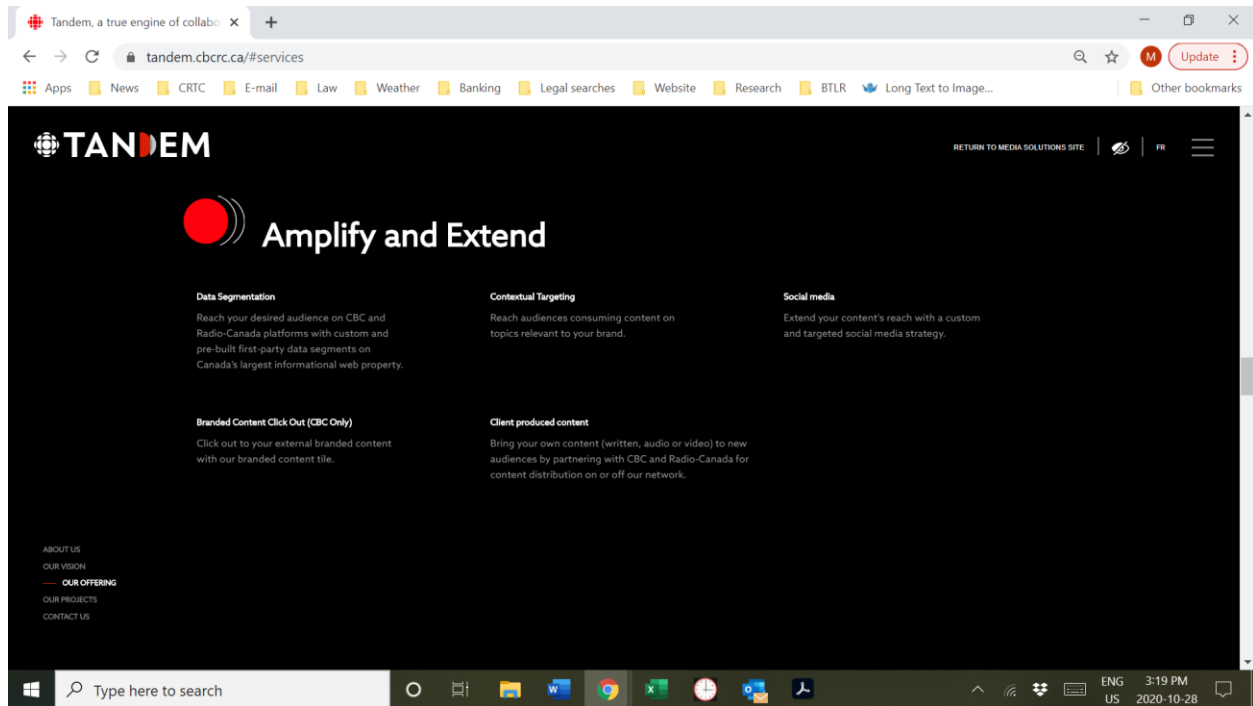
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Fourth of five parts

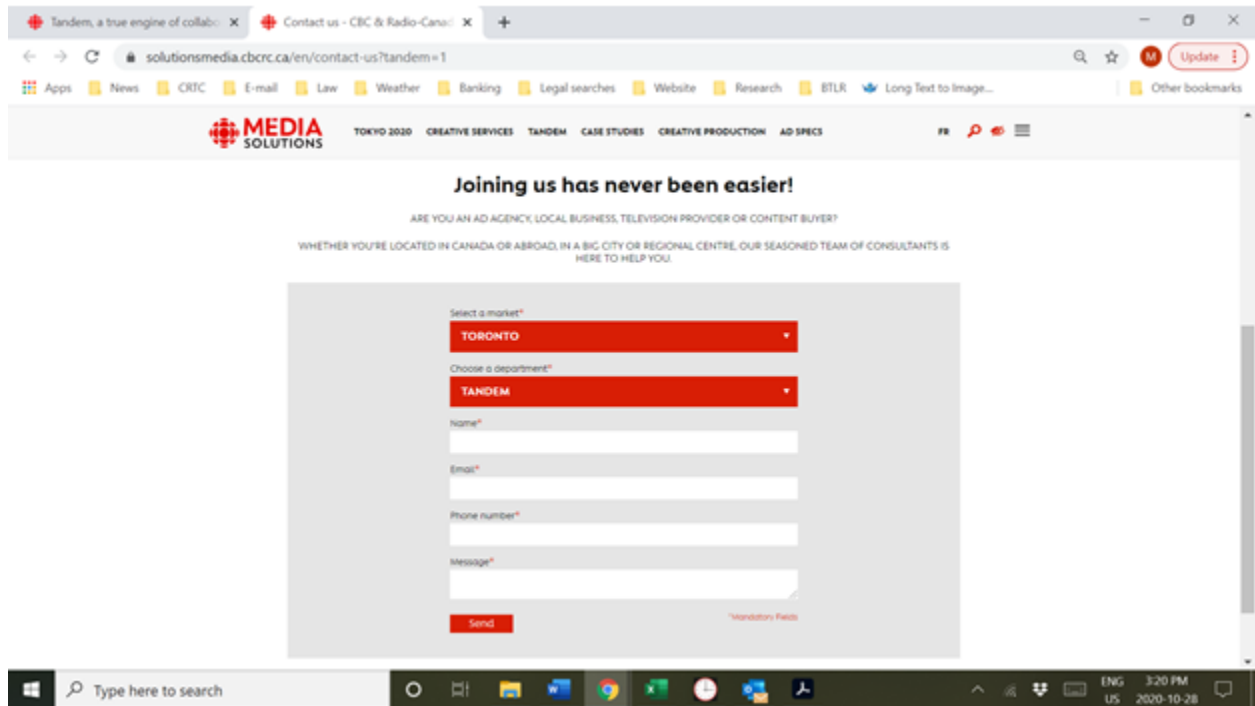


Fifth of five parts



(Accessed 28 October 2020)


Appendix 2 Tandem order page from CBC website



(Accessed 28 October 2020)

Appendix 3 CBC's Strategic Plan summary

Your Stories, Taken to Heart



Putting Audiences First

Your Stories, Taken to Heart is our new three-year strategy. It builds on the success of our existing services and aims to increase and deepen audience engagement. Most importantly, it's all about you, our audience!

The more we can get to know you, the better we can serve you.

And, you deserve our best. Our best means taking your stories to heart. Doing so with creativity and integrity. And striving for inclusiveness and relevance every day in the stories we tell and share.

Our promise is to put you, our audiences, first, to prioritize our role as Canada's most trusted media brand, to earn your trust and work hard to keep it every day, and to build lifelong relationships with as many Canadians as we can. We're inspired to grow our lifelong engagement with you.

We are also going to address the financial challenges that everyone in our industry is facing. We will find new, innovative ways to increase the revenue we earn so that we counter the decline in revenue and ensure the stability of jobs and services in the future.

A Champion of Canadian Culture

Given the growing dominance of global digital companies that threaten to drown out the country's stories, as well as its news and information, we are committed to ensuring that Canadian culture thrives in the future:

- We will be a champion for Canadian voices and stories in a world where the proliferation of foreign content could all too easily drown these out.
- We will be a beacon for truth and trust against "fake news" and algorithms that put democracy and the respect for different perspectives at risk.
- We will offer solutions to the rising dominance of digital global players. We will implement a plan to help make Canadian culture a strong, global business.
- We will continue to call for policy changes so that digital companies — both foreign and domestic — that are profiting from Canadians' love of content, contribute to the creation of Canadian culture, as traditional broadcasting companies already do.

Each and every decision we make over the life of this strategy will be made through the following principles:

Putting audiences, individuals and communities first

More than ever we will create audience-centric, audience-driven, tailored content and relevant experiences that connect Canadians to their communities, their country and the rest of the world.

Building a lifelong relationship with Canadians

We are going to strengthen our commitment to Canadians of all ages. That starts with more content for children that reflects their experiences and perspectives; that ignites and fuels their dreams and aspirations. It also means strengthening our services in local communities and to traditionally under-represented groups.

Strengthening our role as Canada's most trusted brand

Today we are the most trusted media brand in Canada. That trust is our most precious asset. We're going to build on that trust and use it to support better-informed communities and enlightened exchanges of ideas and perspectives.

Values

Relevance Creativity
 Integrity Inclusiveness

Our priorities to better serve Canadians

Customized digital services

We will create the personal, relevant, and engaging experiences that Canadians expect. Our goal is to make sure all Canadians see themselves reflected in our digital services while connecting them to the many communities and voices that make our country great.

Engaging with young audiences

We will become a leader in bringing the best content to our children and youth with the goal of enriching their lives and engaging them with their country.

Prioritizing our local connections

This is the heart of our connection with Canadians. We will strengthen this connection with significant local and regional content that is relevant to people in their communities, and bring those communities to the rest of the country.

Reflecting contemporary Canada

We will reflect the range and richness of this country's diversity, celebrating our different perspectives and all the things that bring us together. We will do this in our staffing, as well as our content choices.

Taking Canada to the world

Anyone who watches Netflix or uses iTunes knows that today we live in a global market. If Canadian culture is going to be strong, it needs to be part of the global market from which Canadians now consume more content. We will ensure our country and Canadian creators are seen and heard the world over.

Source: <https://site-cbc.radio-canada.ca/documents/vision/strategy/2019-strategic-plan-en.pdf>