



Ottawa, 21 December 2023

Our reference: [1011-NOC2023-0138](#)

BY E-MAIL

Distribution list

RE: Requests for information regarding the Contributions proceeding initiated by *The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*, Broadcasting Notice of Consultation CRTC 2023-138, 12 May 2023

This letter sets out questions (also called requests for information or RFIs) related to the proceeding initiated by *The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*, Broadcasting Notice of Consultation CRTC [2023-138](#), 12 May 2023 (the Contributions proceeding).

These RFIs will allow the Commission to further develop the record in relation to comments it received during the hearing held from 20 November to 8 December 2023, update certain information, and address any other gaps in the record collected to date. The RFIs focus on the three matters being examined as part of Phase 1 (applicability, initial base contributions and funds). To the extent that discussions or offers of further information at the hearing are beyond the scope of Phase 1, the Commission may request that information in future phases.

In addition to questions for some of the parties to the proceeding, the Commission is also posing questions of certain entities who are not parties to the proceeding (non-parties) as this information will facilitate the Commission's consideration of the issues. These non-parties (identified with an asterisk in the distribution list set out in Appendix 2) are **invited** to respond to question directed specifically to them.

Responses to the questions in this letter are due by **18 January 2024**. Please repeat the Commission's questions before answering them and use the secure service [My CRTC Account \(Partner Log In or GCKey\)](#) for filing the information.

All parties will have the opportunity to provide comments on the responses to these questions when they submit final written submissions. Note that the Commission has not yet set a date for parties to submit final written submissions – it will be announced later, in early 2024.

Filing Instructions

In your responses:

- When broadcast year is mentioned, it means the period that begins on September 1 of one year and ends on August 31 of the following year.
- If specific information is not available, provide estimates and assumptions.

- Indicate whether you are reporting separately or collectively for all of your relevant brands or affiliates, as applicable.
- Please use the definition of “annual Canadian gross revenues” set out in Broadcasting Order CRTC [2023-332](#).
 - In accordance with this definition, the CRTC is seeking information on Canadian broadcasting activities only.

Confidential information

As set out in Broadcasting and Telecom Information Bulletin CRTC [2010-961](#), *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, parties (and non-parties in this case) may designate certain information as confidential.

A party designating information as confidential must provide a detailed explanation of why the designated information is confidential and why its disclosure would not be in the public interest, including why the specific direct harm that would be likely to result from the disclosure would outweigh the public interest in disclosure.

Furthermore, a party designating information as confidential must either file an abridged version of the document omitting only the information designated as confidential or provide reasons why an abridged version cannot be filed.

Accessible formats for people with disabilities

The CRTC requires regulated entities and encourages all parties to file submissions in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers) for this proceeding.

To provide assistance in this regard, the CRTC has posted on its website [guidelines](#) for preparing documents in accessible formats.

In the event where submitted documents have not been filed in accessible formats, parties may contact the [Public Hearings group](#) (hearing@crtc.gc.ca) to request that CRTC staff obtain those documents in accessible formats from the party who originally submitted the documents in question in an inaccessible format.

Yours sincerely,

Original signed by

Scott Shortliffe
Executive Director
Broadcasting

Distribution list: See Appendix 2

Appendix 1: Questions

Quebec Community Groups Network (QCGN), English-Language Arts Network (ELAN) & Quebec English-language Production Council (QEPC)

1. What are the main sources of financing for English-language productions in Quebec? In your response, please also provide the following:
 - a) Do English-language productions receive funding from funds such as the CMF and other CIPFs? Generally, from which funds do English-language productions receive funding?
 - b) What is the amount you receive from each fund mentioned in a)?
 - c) Currently, are there sources of financing to which non-English language productions in Quebec have access that English-language productions made in Quebec are barred from accessing? What sources of financing and why do your productions not have access?

Disability Screen Office (DSO)

2. You proposed that the DSO be considered for eligibility to administer and be responsible for a fund to address gaps in the representation, participation, and accessibility for persons with disabilities in the Canadian broadcasting system. Is it your intention to apply to operate a Certified Independent Production Fund? If so, what elements of the policy do not align with the needs of producers of content in the Canadian broadcasting system that have disabilities? In your response, please ensure to also provide details regarding how you envision such a fund would operate (administration and governance, potential recipients, fund allocation methods, etc.).

Telefilm¹

3. Several interveners that represent equity-seeking groups identified a gap in the system in relation to the funding of their productions as well as in relation to measures to ensure the promotion and discoverability of their productions. Can you please elaborate on whether Telefilm operational plans include not only funding production by marginalised groups, but also an effort to market and promote this content?

Ethical Capital Partners

4. Please provide the Commission, confidentially if desired, with the following for Aylo (formerly Mindgeek).
 - a) Total annual revenue generated by the platform in Canada for each of the past 3 fiscal years²;
 - b) Total expenses related to the platform's operations in Canada for each of the past 3 fiscal years;
 - c) Related expenses for payments to content creators not owned/operated by Aylo (either directly or indirectly) for each of the past 3 fiscal years.

¹ This question corresponds to question 1 in the French version.

² If the information was already provided as part of the Digital Media survey for each of the past 3 years, and the data filed corresponds to the new definition of annual Canadian gross revenues, refiling the information requested in a) is not required.

FACTOR³

5. Please confirm a) if FACTOR has dedicated funding streams to support content for the following types of artists and b) provide a detailed breakdown of the dollar amounts for each of the past 3 fiscal years allocated in support of:
 - Production AND promotion (separately) of music by Indigenous artists
 - Production AND promotion (separately) of music by racialized artists
 - Production AND promotion (separately) of music by artists from OLMC communities
 - Production AND promotion (separately) of music by artists of other equity-seeking groups (for example, 2SLGBTQI+)
6. Please provide details of the “Emergency Fund” programs for the Live Sector that FACTOR referenced in its intervention. Please include information on the eligibility criteria used for the fund, eligible applicants and expenditures.

BCE Inc.

7. Please refer to line # 972 and 978 in the [transcript](#) of the public hearing. Aside from the proposed news fund, what other measures should be taken to ensure that the production of news by Canadian broadcasters remain viable? Please be specific and provide input on how you would recommend meeting these needs.

Broadcasting Participation Fund, Broadcasting Accessibility Fund, FACTOR, Musicaction and Fonds RadioStar, Radio Starmaker Fund*, Community Radio Fund of Canada, Canada Media Fund, Canadian Association of Broadcasters (administrator of the Independent Local News Fund), Rogers Group of Funds, Bell Fund, Independent Production Fund, Quebecor Fund*, Shaw Rocket Fund, The Canadian Independent Screen Fund for BPOC Creators, The TELUS Fund, Eastlink TV Independent Production Fund Program*, Cogeco TV Production Program*, Telefilm Canada, Indigenous Screen Office Fund, Black Screen Fund⁴

8. In order to ensure that payments to funds are transparent and that payments to funds declared by broadcasters are easily validated, would you be able to report on the various payments you receive from traditional and/or online undertakings? How frequently would you be able to report on the funds received?

Indigenous Music Alliance

9. Please provide the Commission with an overview of the Indigenous Music Office in terms of its: funding sources, governance structure, business and/or activity plans.

National Campus and Community Radio Association

10. Some interveners have suggested that additional funding should be provided to community radio stations, either through a news fund or through the Community Radio Initiative program proposed by the Community Radio Fund of Canada. Could you comment on the possibility that the eligibility criteria for the additional funding would include a criterion

³ There is a similar question addressed to Musicaction/Fonds RadioStar in the French version of the RFI.

⁴ This question corresponds to question 2 in the French version.

requiring that stations adhere to a journalistic ethics code, such as the RTDNA Code of (Journalistic) Ethics?

Documentary Organization of Canada (DOC)

11. At the time of DOC's appearance at the public hearing on Friday 8 December, 2023, Sarah Spring, Executive Director of DOC, mentioned the following in the opening remarks presentation: "DOC commissioned a study from Nordicity that was published in September -- that we will be pleased to file with the Commission". Please provide the Commission with a copy of this study.

Québecor Média, BCE inc., Google LLC, Sirius XM Canada Inc., Radio Queen's University, Radio Sydney, Aboriginal Peoples Television Network Incorporated, U Multicultural Inc., Rogers Communications Inc., Cogeco Inc., CHCO-TV, Community-University Television, Paramount Global, Meta, Corus Entertainment Inc., RNC MEDIA INC., Spotify, Netflix Services Canada ULC, Blue Ant Media Inc., WildBrain Ltd., Amazon, Société de télédiffusion du Québec, Apple Canada Inc., Independent Broadcast Group, Tubi Inc., CBC/Radio-Canada, The Ontario Educational Communications Authority, CHEK Media, Channel Zero Inc., TikTok Technology Canada Inc., Cable Public Affairs Channel Inc., Canadian Association of Broadcasters, Anthem Sports and Entertainment, TELUS Communications Inc., Ontario Association of Broadcasters, Byrnes Communications Inc., UFC⁵

12. In Broadcasting Regulatory Policy CRTC [2023-329](#), the Commission set a revenue exemption threshold and defined annual Canadian gross revenues, for registration with the Commission of online services based on the revenues of broadcasting ownership groups, including the revenues of traditional services. In light of this recent decision and if the Commission was to decide to set the applicability threshold at the broadcasting ownership group level (owning online audio and/or audiovisual undertakings), please comment on the following applicability thresholds and specify whether the threshold should be different for broadcasting ownership groups owning audio only OR audiovisual only OR audio and audiovisual undertakings:

- a) \$10M of "annual Canadian gross revenues"
- b) \$25M of "annual Canadian gross revenues"
- c) \$50M of "annual Canadian gross revenues"

Québecor Média, Corus Entertainment Inc., BCE Inc., Indigenous Music Alliance, Canadian Association of Broadcasters, Unison Fund, Community Radio Fund of Canada, Aboriginal Peoples Television Network Incorporated, Racial Equity Media Collective, Reelworld Screen Institute, Makusham musique Inc., ADVANCE, U Multicultural Inc., Canadian Film Centre, National Screen Institute, and L'institut national de l'image et du son, Rogers Communications Inc., Canadian Association of Community Television Users and Stations, RNC MÉDIA INC., Association des radios régionales francophones, Anthem Sports and Entertainment, Digital First Canada, Quebec Community Groups Network, English-Language Arts Network & Quebec English-language Production Council, Unifor, Independent Broadcasting Group, Canadian Broadcast Museum Foundation, Cable

⁵ This question corresponds to question 3 in the French version.

Public Affairs Channel Inc., Ontario Association of Broadcasters, Electronic Earth, Channel Zero Inc.⁶

13. The public record shows that you have proposed the creation of a new fund or that funding be allocated to a new initiative. The Commission invites you to provide further details, if you wish to do so, about the new fund you proposed:
- What would be the required steps to implement such a fund (steps, timelines, etc.)?
 - Who should administer and be responsible for such a fund?
 - Would your proposed fund replace or expand an existing fund?
 - What would be the eligibility criteria to have access to the fund?
 - How would the contributions be disbursed among the recipients? What would be the funding allocation method?
 - What type of activities or expenses would be covered? Please also specify if day-to-day and/or operational expenses would be covered and what proportion of the fund would be dedicated to those expenses.

Google LLC

14. If the Commission decided to require social media services to contribute for their broadcasting activities only, based on the definition of “annual Canadian gross revenues” set out in Broadcasting Order CRTC [2023-332](#), what would be the appropriate level(s) of Google’s contributions to go to funds and for the overall contribution commitment:
- By online undertaking and for the ownership group?
 - Including transactional service: audio and audiovisual combined, and separately?
 - Excluding transactional service: audio and audiovisual combined, and separately?

Apple Canada Inc., Amazon

15. Based on the definition of “annual Canadian gross revenues” set out in Broadcasting Order CRTC [2023-332](#), what would be the appropriate level(s) of your contributions if the Commission imposed an initial base contributions to go to funds and for the overall contribution commitment:
- By online undertaking and for the ownership group?
 - Including transactional service: audio and audiovisual combined, and separately?
 - Excluding transactional service: audio and audiovisual combined, and separately?

Apple Canada Inc.

16. As addressed in the public hearing, see line # 8835 and #8836 of the [transcript](#). Please provide the Commission, confidentially if desired, with the following:
- Total annual Canadian gross revenues generated by the undertaking for its TRANSACTIONAL services for each of the past 3 broadcast years (or closest quarter)⁷.
 - Revenues related to music transactional services.

⁶ This question corresponds to question 4 in the French version.

⁷ If the information was already provided as part of the Digital Media survey for each of the past 3 years, and the data filed corresponds to the new definition of annual Canadian gross revenues, refiling the information requested in a) is not required.

- Revenues related to audiovisual transactional services.
- b) Total expenses related to transactional services incurred in Canada by the undertaking, over the same period, as well as the following:
 - Expenses related to music transactional services.
 - Expenses related to audiovisual transactional services.

Google LLC, Apple Canada Inc., Amazon, Spotify

17. Could you please provide the Commission, confidentially if desired, with the following:
- a) The portion of the total annual Canadian gross revenues generated by the audio undertaking(s) for each of the past 3 broadcast years (or closest quarter)⁸.
 - b) The portion of the total annual Canadian gross revenues generated by podcast services for each of the past 3 broadcast years (or closest quarter)⁹.
 - c) Total expenses incurred in Canada by the audio undertaking(s) over the same period. Please provide a short summary of what is included in your total expenses incurred in Canada other than royalty payments and direct expenses towards development and promotion of Canadian content (for example: if expenses related to credit card transactions, etc., are included, please specify), and provide an approximate total percentage for those indirect expenses.
 - d) Expenses related to music services over the same period:
 - i) Royalty payments to music rights holders¹⁰:
 - (1) Royalty payments to SOCAN (provide a breakdown of payments to Canadian rights holders and to foreign rights holders)
 - (2) Royalty payments to other Canadian music rights holders:
 - (a) Royalties paid to Canadian independent record labels
 - (b) Royalties paid to other Canadian rights holders
 - (3) Royalty payments to other foreign rights holders:
 - ii) Total expenses in support of the development and promotion of Canadian and Indigenous music. Please provide a detailed breakdown by initiative (including a short description of the initiative and language market served) for each category:
 - (1) Development of Canadian and Indigenous artists/music
 - (2) Promotion of Canadian and Indigenous artists/music
 - (3) Other, please specify.

TikTok Technology Canada Inc. (TikTok)

18. In its intervention, TikTok suggests that the definition of “social media service” could be “an online platform that primarily hosts user-generated content uploaded by social media creators”.
- a) Please provide details on how the Commission should measure and track the extent to which an online platform “primarily hosts user-generated content”?
 - b) To better understand your proposed definition, how would you define “content uploaded”?
 - c) Do you also have a definition to provide for “social media provider”, as the concept of “provider of the service” is used in the *Broadcasting Act*?

⁸ Ibid.

⁹ Ibid.

¹⁰ If the information was already provided as part of the Digital Media survey for each of the past 3 years, refileing the information requested in i) is not required.

- d) TikTok’s proposed definition of “social media services” seems to exclude scenarios under which a “user” uploads content for which it is not the “creator” (content created by another “user”). Can you explain why the definition should exclude this scenario?

Meta

19. You suggested that the definition of “social media service” could be *“a service that enables users to upload content, inclusive of but not limited to programs, for transmission over the Internet and reception by other users of the service”*:
- To better understand your proposed definition, how would you define “social media user” and “to upload content”?
 - Do you also have a definition to provide for “social media provider”, as the concept of “provider of the service” is used in the *Broadcasting Act*?
 - Meta suggested that a criterion to identify a social media service should be the “primary purpose test” on whether the service’s purpose is to disseminate programs over which the service provider has programming control or editorial control. The *Broadcasting Act* defines programming control, but not editorial control. Please define what you mean by “editorial control”.

Netflix Services Canada ULC, Paramount Global, The Walt Disney Company, including Buena Vista International, Inc., Amazon, Apple Canada Inc., Tubi Inc., Google LLC

20. Could you please provide the Commission, confidentially if desired, with the following for your audiovisual undertaking or each of your audiovisual undertakings operating in Canada:
- The portion of the total of annual Canadian gross revenues generated by the audiovisual undertaking(s) for each of the past 3 broadcast years (or closest quarter)¹¹.
 - Total expenses related to the audiovisual undertaking(s) in Canada over the same period.
 - Plus, if available, the following individual expenses related to the audiovisual undertaking(s) in Canada over the same period.
 - Related expenses for the licensing of pre-existing Canadian content as it is currently defined by CAVCO, the CRTC and under the various co-production treaties administered by Telefilm for productions licensed solely by your entity and for which the rights are exclusive to your entity;
 - Related expenses for the licensing of original Canadian content as it is currently defined by CAVCO, the CRTC and under the various co-production treaties administered by Telefilm for productions licensed solely by your entity and for which the rights are exclusive to your entity;
 - Related expenses on the funding of Canadian content, as it is currently defined by CAVCO, the CRTC and under the various co-production treaties administered by Telefilm, that has been made in partnership with a Canadian broadcaster.

¹¹ If the information was already provided as part of the Digital Media survey for each of the past 3 years, and the data filed corresponds to the new definition of annual Canadian gross revenues, refiling the information requested in a) is not required.

Netflix Services Canada ULC, Paramount Global, The Walt Disney Company, including Buena Vista International, Inc., Apple Canada Inc., Amazon, Tubi Inc.

21. As discussed at the hearing, the Commission is interested in better understanding the activities of non-Canadian online undertakings with respect to original Canadian French-language programming and the acquisition of the rights of pre-existing Canadian French-language programming. Please provide the following additional information on your programming expenditures of the past 3 broadcast years:
 - a) the portion of your Canadian content (as it is currently defined by CAVCO, the CRTC and under the various co-production treaties administered by Telefilm) in relation to pre-existing Canadian French-language content;
 - b) the portion of your Canadian content (as it is currently defined by CAVCO, the CRTC and under the various co-production treaties administered by Telefilm) spent on original Canadian French-language and commissioned from (i) Quebec creators and (ii) official language minority communities outside Quebec.

22. Please provide the portion of your Canadian content (as it is currently defined by CAVCO, the CRTC and under the various co-production treaties administered by Telefilm) for English-language content commissioned from producers from the official language minority community in Montreal, Quebec.

Appendix 2: Distribution list (includes all entities to which the Commission has asked questions)

Quebec Community Groups Network (QCGN), English-Language Arts Network (ELAN), Quebec English-language Production Council (QEPC): gepcouncil@gmail.com

Disability Screen Office: winnie.luk@dso-orphe.ca

Telefilm Canada: julie.roy@telefilm.ca

Ethical Capital Partners: solomon@ethicalcapitalpartners.com

FACTOR: meg.symsyk@factor.ca

Musicaction / Fonds RadioStar: lchenail@musicaction.ca

BCE Inc.: bell.regulatory@bell.ca

Broadcasting Participation Fund: oborne49@gmail.com

Broadcasting Accessibility Fund: richard@baf-far.ca

*Radio Starmaker Fund: chipsutherland@starmaker.ca

Community Radio Fund of Canada: alex@crfc-fcrc.ca

Canada Media Fund: rbutler@cmf-fmc.ca

Canadian Association of Broadcasters: kdesjardins@cab-acr.ca

Rogers Group of Funds: Robin.MirskyDaniels@rci.rogers.com

Bell Fund: nchapelle@bellfund.ca

Independent Production Fund: jtaylor@ipf.ca

*Quebecor Fund: jguenette@fondsquebecor.ca

Shaw Rocket Fund: agnes@rocketfund.ca

The Canadian Independent Screen Fund for BPOC Creators: ed@independentfund.org

The TELUS Fund: elizabeth.friesen@telusfund.ca

*Eastlink TV Independent Production Fund Program: info@investnovascotia.ca

*Cogeco TV Production Program: jtaylor@ipf.ca

Indigenous Screen Office Fund: kswanson@iso-bea.ca

Black Screen Fund: Joan@bso-ben.ca

Indigenous Music Alliance: shoshona@indigenoussummit.com

National Campus and Community Radio Association: barry@ncra.ca

Documentary Organization of Canada (DOC): sarah@docorg.ca

Québecor Média: tabet.peggy@quebecor.com

Google LLC: akrishnamurti@google.com

Sirius XM Canada Inc: oliver.jaakkola@siriusxm.ca

Radio Queen's University: station@cfrc.ca

Radio Sydney: wcollins@shaw.ca

Aboriginal Peoples Television Network Incorporated: mille@aptn.ca

U Multicultural Inc.: info@u-channel.ca

Rogers Communications Inc.: cynthia.wallace@rci.rogers.com

Cogeco Inc.: paul.beaudry@cogeco.com

CHCO-TV: patrick.watt@chco.tv

Community-University Television: dru@cutvmontreal.org

Paramount Global: martha.heller@paramount.com

Meta: danball@meta.com

Corus Entertainment Inc.: corus.regulatory@corusent.com

RNC MEDIA INC.: robert.ranger@rncmedia.ca

Spotify: regan@spotify.com

Netflix Services Canada ULC: scardin@netflix.com

Blue Ant Media Inc.: astrid.zimmer@blueantmedia.com

WildBrain Ltd.: brian.cuff@wildbrain.com

Amazon: joabpitk@amazon.com

Société de télédiffusion du Québec: dgourgues@telequebec.tv

Apple Canada Inc.: robertawestin@apple.com

Independent Broadcast Group: jfortune@fortunelaw.ca

Tubi Inc.: cforrest@tubi.tv

CBC/Radio-Canada: bevkirshenblatt.regaffairs@cbc.ca

The Ontario Educational Communications Authority: jorridge@tvo.org

CHEK Media: rgermain@chekmedia.ca

Channel Zero Inc.: crtc@tvchannelzero.com

TikTok Technology Canada Inc.: steve.deeyre@tiktok.com

Cable Public Affairs Channel Inc.: cdickenson@cpac.ca

Anthem Sports and Entertainment: acicione@anthemse.com

TELUS Communications Inc.: lecia.simpson@telus.com

Ontario Association of Broadcasters: memberservices@oab.ca

Byrnes Communications Inc.: chris.byrnes@bci.fm

UFC: crowley.sullivan@ufc.com

Unison Fund: apower@unisonfund.ca

Racial Equity Media Collective: julian@re-mc.org

Reelworld Screen Institute: tonya@reelworld.ca

Makusham musique Inc.: nelly.jourdain@makusham.ca

ADVANCE: keziah@advancemusic.org

Canadian Film Centre, National Screen Institute, and L'institut national de l'image et du son :
jangel@cfccreates.com

Canadian Association of Community Television Users and Stations: cathy@timescape.ca

Association des radios régionales francophones: michellorrain15@gmail.com

Digital First Canada: scott@digitalfirstcanada.ca

Unifor: randy.kitt@unifor.org

Canadian Broadcast Museum Foundation: cbmf0fmcr@gmail.com

Electronic Earth: sean@electronicearth.ca

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