



23 June 2025

Marc Morin
Secretary General
CRTC
Ottawa, ON K1A 0N2

Filed online (BNoC 2024-270)

Dear Secretary General,

Re: *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector, Broadcasting Notice of Consultation CRTC 2024-288* (Ottawa, 15 November 2024); [2024-288-1](#) (Gatineau, 26 February 2025); [2024-288-2](#) (Gatineau, 24 March 2025); [2024-288-3](#) (Gatineau, 31 March 2025) and [2024-288-4](#) (Gatineau, 29 May 2025) – final reply by FRPC

- 1 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 as defined by Parliament in the 1991 *Broadcasting Act*.
- 2 FRPC submitted procedural requests with respect to BNoC 2024-288 on 22 November 2024, 2 December 2024 and on 18 December 2024; supported other parties’ procedural requests on 16 December 2024 and on 7 January 2025; commissioned a random-telephone survey of 1,503 people in Canada that took place from 16 to 18 January 2025, and filed comments which included the survey’s results on 20 January 2025. We appeared before the CRTC’s hearing panel in this proceeding on 23 May 2025 and reviewed a number of the replies submitted by parties in response to its requests for information. We appreciate this opportunity to offer comments in reply and our brief comments address the following three points:
 - I. To reflect, or not to reflect – is not a question that is open to debate 2
 - II. News requires as much protection as drama 3and
 - III. Artificial intelligence has no nationality 6

I. To reflect, or not to reflect – is not a question that is open to debate

- 3 The CRTC’s notice of consultation in this proceeding noted that a “key takeaway” from workshops held between February and March of 2024¹ “was that ‘what makes something Canadian’ is hard to define and that there are in fact many ways of defining what is Canadian.”² The CRTC’s mid-November 2024 notice stated that “it is the Commission’s preliminary view that cultural elements should not be included within the certification framework” but that the Commission “is open to other views and alternate proposals”.
- 4 The Forum’s view is that Canadians and Parliament have clearly stated that Canadian programming must reflect Canada. Insofar as Parliament is concerned, its new broadcasting legislation reaffirmed (by not changing) the 1991 *Broadcasting Act*’s position that Canada’s broadcasting system should reflect Canadian values³ -- in other words, the choices that Canadians make in Canada to govern and guide themselves – as well as the “circumstances” of Canadians.⁴
- 5 FRPC considers that “cultural elements” are the physical manifestation of Canadian values and circumstances. We understand ‘values’ as encompassing the choices Canadians have made and make, while the *Cambridge Dictionary* defines ‘circumstances’ as facts or events that make a situation the way it is.⁵ The final reply by Mr. Brett Sullivan dated 17 June 2025 sets out an example from his own experience of a Canadian circumstance, which he framed as an example of “[t]he need for a more Canadian perspective”:

I was directing and editing on a TV series shot in Toronto with Canadian Creatives including the original Creator and the writers. There was a scene in the pilot where a wallet is opened and money is flashed. Canadian money was used and therefore was colourful. Much debate and effort was had to ‘hide’ the fact that this was Canadian Money. Whilst the show wasn’t necessarily set in The US, it certainly was NOT set in Canada. We call it ‘Gen-erica’ - Anytown, USA. But the main broadcasters and therefore the biggest source of financing, did NOT want to emphasize Canada or Canadian money. Even though Toronto is in the top 5 most populated metropolitan areas [*sic*] in North America.

I tell that story to emphasize how important these “programs of national interest” are. These stories help define who we are as a country—they reflect Canada’s identity, amplify diverse voices, and enrich a cultural narrative that is distinctly our own. ...

Canadian creators do not lack talent or ambition—we lack the economic advantage and market dominance enjoyed by global content producers. That’s why it is essential that our regulatory framework evolves to ensure that streaming platforms and broadcasters

¹ *DEFINING CANADIAN CONTENT – WORKSHOPS WITH STAKEHOLDERS AND INDUSTRY: What We Heard Report*, page

5.

² BNoC 2024-288, paragraph 20.

³ S. 3(1)(d)(ii)

⁴ S. 3(1)(d)(iii).

⁵ *Cambridge Dictionary*: “circumstance *noun* [C usually plural] a fact or event that makes a situation the way it is”.

contribute significantly to the creation and promotion of Canadian content. This is not only about protecting jobs in our industry—it is about protecting our voice as a nation. We need to see more Canadian content and money; literally and figuratively. We need policies that make room for Canadian stories to grow, to challenge, and to connect. I urge the Commission to act decisively in strengthening the foundation for Canadian storytelling—by ensuring that adequate funding, development resources, and distribution mechanisms are firmly in place.

- 6 The Forum has not proposed that the Commission certify programs based solely on the degree to which they reflect Canada – but that the Commission should ensure that programs that do reflect circumstances in Canada be recognized when they do so. To decline to grant points for cultural elements or Canadian circumstances is to agree with non-Canadian financiers and others that Canada is merely a convenient stand-in for ‘Anytown, USA’.
- 7 The Forum also argues that times have changed since the workshops in early 2024 were held on behalf of the CRTC. The most obvious aspect of these changing times is that since then the President of the United States of America has stated several times that Canada should effectively renounce its sovereignty by becoming the United States’ 51st state.
- 8 That Canadians strongly disagreed with President Trump is reflected by results from FRPC’s random-telephone survey that was undertaken in mid-January 2025, a year after the CRTC workshops. These showed that more than half - 59.3% - of Canadians over the age of 18 believe that audiovisual programming should receive Canadian-content points if their scenery, buildings, licence plates or mailboxes are recognizably Canadian.
- 9 Respectfully, the Commission must take the positions of Parliament and Canadians into account and support the reflection of Canada and Canadians’ circumstances in the programming of the nation’s broadcasting system. As Mr. Sullivan wrote, people in Canada “need to see more Canadian content and money; literally and figuratively.”

II. News requires as much protection as drama

- 10 The Forum noted the comments of AQPM, representing 150 independent film, television and web producers in Québec,⁶ at the public hearing on 14 May 2025 with respect to news:

... on ne voudrait pas que les nouvelles soient incluses dans une définition d’émission d’intérêt national. On trouve que les émissions d’intérêt national sont des émissions qui devraient être plus pérennes. ...⁷

- 11 AQPM went on to say that news ‘is already well financed’ and that expenditures on this type of programming have remained relatively stable over time,⁸ adding that broadcasters produce

⁶ CRTC, *Transcript*, (Gatineau, 14 May 2025), at paragraph 33.

⁷ CRTC, *Transcript*, (Gatineau, 14 May 2025), at paragraph 169.

⁸ *Ibid.*, at paragraph 172: “... elles [les nouvelles] sont déjà très financées. le niveau de dépenses des émissions de nouvelles et quand même resté relativement stable au fil des ans.”

news with permanent employees in an ecosystem that is less fragile than that of independent producers.⁹ AQPM also said that Canadian broadcast news should be placed in a separate category just for news.¹⁰

- 12 The Forum notes that the CRTC last published its own data concerning broadcast hours of news in the context of its 2015-421 proceeding.¹¹ Briefly, over the three years described by the CRTC, the level of news broadcast decreased by half (50%), the number of local-news employees (presumably full-time or equivalent) decreased by 4% and the costs of (or broadcasters' expenditures on) local news decreased by almost half (49%).

Local Programming Data – Public Hearing of January 25th 2016				
Information published by CRTC about local TV stations	Local news			% change
	2012/13	2013/14	2014/Feb 15	2012/13-2014/15
Exhibition hours				
Small markets	23,197	23,023	11,334	-51%
Medium-sized markets	13,069	13,548	6,503	-50%
Large markets	20,361	21,672	10,325	-49%
Total	56,626	58,243	28,162	-50%
Employees				
Small markets	789	786	730	-7%
Medium-sized markets	628	632	535	-15%
Large markets	1,762	1,786	1,782	1%
Total	3,179	3,204	3,046	-4%
Total costs				
Small markets	\$67,674,689	\$67,500,024	\$33,122,101	-51%
Medium-sized markets	\$64,938,805	\$66,573,643	\$33,039,269	-49%
Large markets	\$207,424,644	\$210,959,933	\$107,857,654	-48%
Total	\$340,038,138	\$345,033,600	\$174,019,024	-49%

- 13 Unifor, which represents employees in broadcast television, described the reduction in television news to the 2024-288 hearing panel as follows:

[i]n the last two and a half years, Unifor has lost 482 members in broadcast television, mostly in local news, but last year was the worst decline, with the loss of 376 members.

⁹ *Ibid.*, at paragraph 173: “Les nouvelles sont fabriquées à l’interne par des diffuseurs, avec des employés permanents. On est tout à fait dans un autre écosystème, un écosystème qui est quand même moins fragile à cause de la structure qui les entoure que des émissions qui dépendent de mesures de financement, de bon vouloir de producteurs, qui sont basées... qui sont faites par des travailleurs qui n’ont pas un statut permanent, qui sont des travailleurs pigistes.”

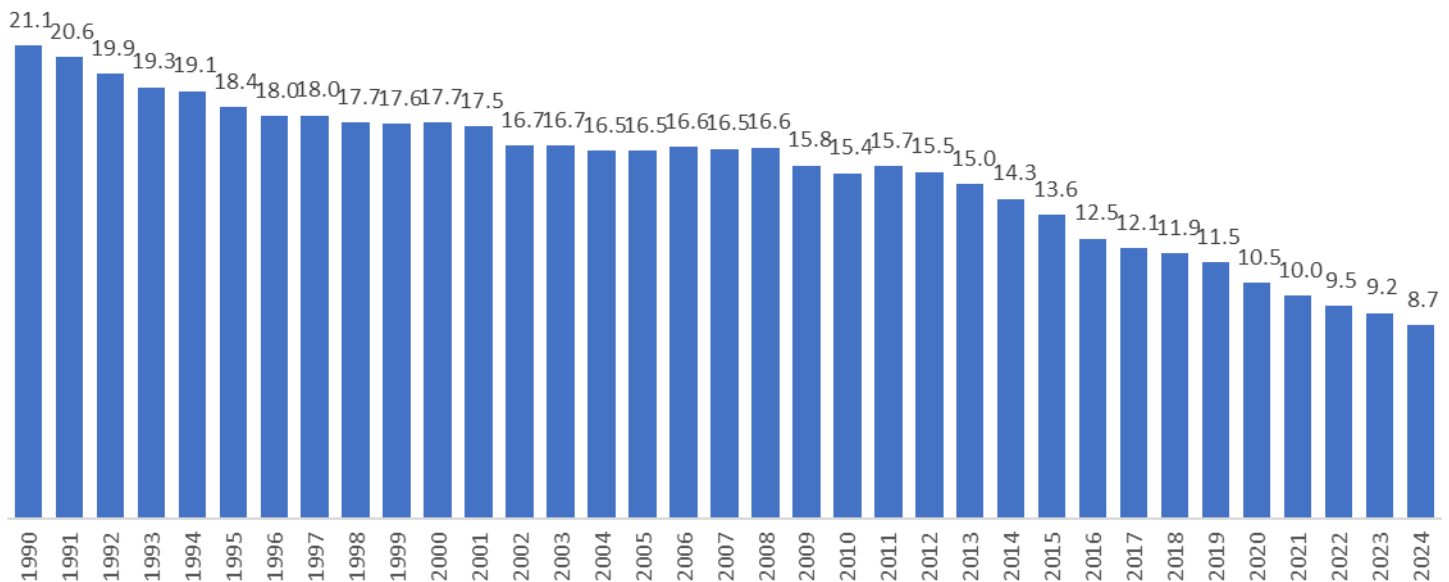
¹⁰ *Ibid.*, at paragraph 173: “...qu’on doit les mettre dans une catégorie à part et traiter les nouvelles de façon particulière.”

¹¹ CRTC, “Local Programming Data – Public Hearing of January 25th 2016”, https://crtc.gc.ca/Broadcast/eng/HEARINGS/2015/2015_421a.htm#fn4.

When we formed Unifor in 2013, our media sector was 13,000 members strong. Today, we just have under 10,000 media members.¹²

- 14 As for local radio news, the CRTC has not to the Forum’s knowledge published information about radio stations’ hours of exhibition on, expenditures on or employees allocated to news. That said, the statistical and financial summaries published by the CRTC for private radio show a long-term decrease in the average staff of Canadian private radio stations, from 1990 (21.1 staff per station) to 2024 (8.7 staff per station):

Commercial radio stations, average staff: 1990-2023



Sources: CRTC, *Statistical and Financial Summaries* for commercial radio, various years

- 15 FRPC agrees with Unifor: “... if the cause of the decline in local news has been a failure to regulate, then the solution cannot possibly be to deregulate the industry further”.¹³ Unifor made several recommendations in connection with new funding mechanisms for local news¹⁴ which we believe should instead be applied to all individual local programming services as conditions of service:

- Minimum staffing levels for journalists and news creators in individual communities
- Requiring higher levels of first-run hours of local news daily (seven days/week)
- Retaining editorial control in individual communities rather than permitting centralized editorial control (as in centralcasting)

¹² CRTC, *Transcript* (Gatineau, 27 May 2025), paragraph 7983.

¹³ *Ibid.*, at paragraph 7988.

¹⁴ *Ibid.*, at paragraph 7989.

- Annual reporting on the numbers, locations and staffing of news bureaux

16 If the CRTC were to dispense with licence terms, however, because it is now empowered to issue licences for indefinite licence terms, the Forum submits that the conditions of service proposed above should be converted into regulations, compliance with which must be enforced by the Commission on an annual basis.

III. Artificial intelligence has no nationality

17 Several parties including FRPC addressed the idea that programming produced through artificial intelligence might qualify for points in the Canadian-content certification system. ACTRA called AI the “greatest threat” to Canadian performers.¹⁵ Documentary Organization of Canada (DOC) noted that AI can save money: it could not “deny that AI has taken up space in our creative production processes. Whether it’s using AI for transcriptions – you know, AI can really speed up your transcript process and save you money. And if you can save money on that one budget item, then you’re putting more into production.”¹⁶

18 FRPC does not object to the idea of using AI for matters unrelated to editorial or programming decision-making about content as suggested by DOC – although the experience in administrative-expenditure savings in conventional broadcasting from the 1990s to the present offers little if any support for the idea that savings ever transform into additional programming expenditures or first-run programming hours. We also note that ACTRA did not oppose “appropriate uses for AI”, such as for “enhancing performances” to make stunts “look more dramatic” while keeping human performers safe¹⁷ while opposing its use for dubbing.¹⁸

19 All that said, the Forum strongly opposes the idea of awarding any Canadian content certification points to AI.¹⁹ The Forum’s January 2025 survey included a question on this point and found that 72.3% of Canadians disagreed that “computer software that creates TV program scripts should be given points for being Canadian in the same way that a Canadian scriptwriter receives points”.²⁰ Nine out of ten Canadians aged 18 to 34 (87.8%) and more than seven out of ten Canadians in Ontario (75.6%) similarly disagreed with the idea of AI’s being given Canadian-content points. While we did not explore Canadians’ reasons for opposing the accreditation of AI in Canadian programs, we addressed this issue before the hearing panel, pointing out that Parliament in the *Broadcasting Act* is focussed on maximizing the use of “human resources” to

¹⁵ *Transcript*, (Gatineau, 22 May 2025), at paragraph 5235.

¹⁶ *Transcript*, (Gatineau, 27 May 2025), at paragraph 7959.

¹⁷ *Transcript*, (Gatineau, 22 May 2025), at paragraph 5279.

¹⁸ *Ibid.*, at paragraph 5247.

¹⁹ We note that ACTRA argued initially that using “AI in dubbing and background performances, must disqualify productions from certification by the CRTC” (*ibid.*) but later refined this position as meaning that “AI should not take over the jobs of the creators in the ecosystem that we’re in, and we should not treat AI generated performers as if they are a Canadian actor”, suggesting that such programs could receive Canadian-content certification provided they do not receive any Canadian-content certification points in relation to the AI material.

²⁰ FRPC, *Comments*, (Ottawa, 20 January 2025), Appendix 3, statistically significant responses to Q7.



create, to produce and to present programming.²¹ More generally, the absence of a coherent legislative approach to AI and its use within Canadian society and Canada's economy suggests that it would be premature for the CRTC to render any decisions on this point except to preclude the awarding of Canadian-content certification points to any AI component of an audiovisual program.

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²¹ S. 3(1)(f): "each Canadian broadcasting undertaking shall employ and make maximum use, and in no case less than predominant use, of Canadian creative and other **human** resources in the creation, production and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking shall make the greatest practicable use of those resources;" [bold font added].