



**CRTC 2009-661**

Review of community television policy framework

# **Putting Communities Back in Community Television**

Notes for a presentation by

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Monsieur le Président, Mesdames et Messieurs les Commissaires,

- Mon nom est Alain Pineau et je suis le directeur général de la Conférence canadienne des arts. La CCA est le plus ancien et le plus vaste organisme-parapluie du secteur arts, culture et patrimoine au Canada. Son mandat est de contribuer à un débat informé sur toute politique ou réglementation fédérale qui affecte ce vaste secteur d'une façon ou d'une autre.
- Comme vous le savez, la CCA est intervenue à maintes reprises devant le Conseil au cours des années, et tout particulièrement depuis 2006, dans les divers débats qui ont porté sur un angle ou un autre du système de radiodiffusion dont vous êtes les gardiens désignés par le Parlement, chargés d'assurer les objectifs établis dans la Loi sur la Radiodiffusion.
- La CCA est heureuse de participer aujourd'hui dans ce débat sur l'évolution de la télévision communautaire au Canada et de vous faire une suggestion face à ce qui émerge de cette audience.
- Le sujet de votre examen est d'une grande importance car à notre avis, il doit s'inscrire dans le cadre d'une stratégie numérique nationale que de plus de Canadiens demandent et dans les meilleurs délais.
- Comme pour vous, nos points de référence premiers sont les objectifs sociaux et culturels inscrits dans la *Loi de la radiodiffusion* dans laquelle on trouve la plus claire expression de politique culturelle adoptée par le Parlement canadien.
- We had understood that the point of this hearing is to determine how, in the current converged universe of communications and broadcasting, the social objectives embedded in the concept of community television in the Broadcasting Act can be best achieved.
- The Commission has two models in front of it. One goes back to the very roots of the concept of community television. The second one is the ill-defined result of changes in technologies, concentration in ownership and the ensuing commercial based approach that has evolved in a context of inadequate accountability, a model which current incumbents ask you to bless without telling us exactly where it is going.
- One model proposes that community TV be controlled by communities, in the same way that private companies control private broadcasting, and in close

conformity with what we deem to be the intent of the Act. The other model proposes that private BDUs extend their control and authority over community TV, even to the point of demanding that local city councils grant exclusive programming rights to one provider or another.

- Both models must be considered in detail, with all the evidence necessary clearly and squarely in front of us. We submit that this is not the case now and it will not be the case despite the last minute decision of the Commission to ask for some basic accounting on the part of the current operators of community broadcasting.
- We are happy that the Commission, on the first day of this hearing, has asked for some sort of reporting from the current self-proclaimed *Stewards* of the tens of millions of dollars Canadians pay each year for community television stations. Our concern, however, is that you have asked Canadians to make submissions about this important issue without giving them the benefit of the evidence you now recognize as important.
- Moreover, the data you are now seeking, still do not provide us with the information we need to assess how well the current community TV policy has been working and how well it delivers on the social objectives set by Parliament. We still will not know, for instance,
  - 1) how many original hours vs repeats are being carried;
  - 2) how many cable staff are being paid by cable subscribers to support community TV, per community, and whether these staff work on other cable business too;
  - 3) how many volunteers receive training, and in what areas: are they simply acting as free staff for Rogers or Shaw, for example? Or are most learning how to create and produce their own programs?
  - 4) how much money is being used to pay for cable companies' "own" programs? And so on...
- It is true that you have offered us the chance to raise these concerns in our reply comment. But – with all due respect – this is simply not enough. This information should have been requested last fall, when you issued the Public Notice for this hearing. It is our position that requiring participant in this hearing to race to review this last minute information – inadequate as it is – is simply

unfair, since the cable companies filing it have had ample time to review, digest and present this limited information as they think best suits their particular interest.

- Ceci étant dit, nous croyons que la preuve disponible à l'heure actuelle fait pencher la balance fortement en faveur du modèle présenté par CACTUS. Dans son approche multi-média et son retour à une implication réelle des communautés, ce modèle permet de corriger le manque d'accès flagrant du système actuel. Il promet des améliorations considérables dans la poursuite des objectifs fondamentaux de la loi, sans ajouter aux coûts actuels.
- Le dossier que vous présente CACTUS est très convaincant et sa proposition centrale, loin d'être un regard nostalgique sur le passé, convient à un avenir dans lequel nous sommes déjà. De plus, ce modèle de centres communautaires multi-médias répond en partie, et de façon importante, au besoin de diversité des voix qui a récemment fait l'objet de vos préoccupations.
- En dépit de la preuve incomplète et des difficultés extraordinaires à obtenir les données nécessaires à une véritable évaluation du système actuel, la recherche produite par CACTUS établit clairement les problèmes et les lacunes d'un modèle où les services offerts aux communautés ont fondu comme neige au soleil, où la programmation produite par les communautés elles-mêmes est devenue une denrée rare, tandis que les câblodistributeurs transforment ce qui devait être un bien public en une chaîne destinée à leurs intérêts commerciaux et à leur image de marque.
- What we have seen over the past decade is the literal high jacking of community television by cable, and now DTH operators want to join in the action. Both want to keep converting community television into business brands, using subscribers' money without accountability and any of the messy business of having to ask for broadcasting licences.
- It is highly ironic to see large BDUs come here and ask you to more than double the 2% "value for signal" levy they currently raise for their version of community television and to also give them access to local commercial revenue. If we get their drift, this is so they can compete directly with traditional broadcasters, whose call for value for signal they have spent millions of dollars fighting over the past year! These are the same guys who positioned themselves as *Protectors of the Consumer* in the previous hearing. Coherence and logic are obviously not prerequisites in the BDU business!

- Moreover, how much credibility can we give cable companies' claims that community channels are very important to them? I checked the 2009 Annual Reports for both Shaw and Cogeco and I would invite you to do the same: I have not found a single reference to "community channel" or "community TV". BDUs collected millions of dollars over the past 8 years for this “*very important*” aspect of their companies' work - but they don't even mention it in their report to shareholders! How serious is that?
- The same BDUs argue they cannot attract new participants from the community and have had to take matters into their own hands – but the evidence in front of you is that they began ‘firing’ volunteers more than a decade ago. So how many community TV coordinators do they hire? How many project proposals do they solicit, receive and reject? What do they do to promote access television? What are the governance models they use to ensure the communities have a say in the community channel they pay for willy-nilly?
- This leads us to the importance of community ownership, community control and the impact it may have on the performance of community stations. We believe that returning to the type of grass root involvement proposed by CACTUS can contribute to greater audiences, particularly outside of very large urban centres. The kind of ownership and the governance model put forward by CACTUS is light years away from the kind of community involvement scantily presented to you by Shaw immediately after CACTUS’ presentation.
- How can decisions made in Toronto or Calgary reflect communities in Miramichi Flin Flon or Campbell River? Given the Act’s social objectives, what rationale can possibly explain the fact that some Atlantic provinces now have ONE community channel?
- At this point, I would like to raise concerns about some of the language heard in this hearing. The way we discuss issues covers layers of assumptions and prejudices which need peeling off. On previous occasions, here and in other forums, the CCA has raised concerns about how public debates are framed. We have objected, and still object, to discussing issues of public interest simply in terms of *consumers* and *users*, to the exclusion of more appropriate terms like *Canadians* and *citizens*.
- Similarly, the CCA is very concerned about the way the Commission is leading the current debate. We have heard from the panel expressions like

“*expropriation*”, “you (CACTUS) want to take *their* money” or “take the 2% on money that *they* (i.e. cable operators) generate”. Would *expropriation* not better apply to the fact that my community channel has become *Rogers’ Television*? Where did they get the authority to do that? How has *community television* become Rogers’ property?

- It is particularly ironic that it would be Shaw acknowledging that cable operators don’t own the money they raise with regards to community television. While we object to their establishing themselves as *Stewards* of the public money they collect – we deem the Commission to be the Steward of that – we welcome the fact that they at least recognize that this contribution - theoretically coming from their gross revenue - is a benefit to Canadians for cable’s use of public frequencies, the rights of way, the territorial exclusivity and all other forms of privileges they receive from the Regulator.
- Suggesting that the 2% levy belongs to BDUs is choosing to ignore the history of how and why we got there. It is not *their* money any more than the money they contribute to the Canadian Media Fund is theirs. It is important to keep that in mind when you deal with CACTUS reclaiming the money for better use.
- J’aimerais maintenant dire quelques mots sur la proposition mise de l’avant par le Conseiller Morin au cours de ces audiences. Si j’ai bien compris, toute communauté qui voudrait reprendre le contrôle de sa station communautaire devrait trouver un appariement des fonds pour avoir accès à la moitié de la contribution exigée des entreprises de distribution. Un câblodistributeur n’aurait pas à en faire autant pour s’approprier l’autre 1% et, je présume, aurait le droit de garder le tout si une communauté ne désire pas reprendre le contrôle de sa station or si elle n’arrive pas à rassembler l’argent requis. Cela m’apparaît passablement inéquitable eu égard aux objectifs sociaux poursuivis par le législateur. Sans compter que cela n’accorde aucune valeur au temps, à la contribution et à la créativité fournis par les bénévoles, toutes des caractéristiques fondamentales des médias vraiment communautaires.
- L’heure n’est pas aux compromis mais à déterminer lequel des deux modèles devant vous répond le mieux aux objectifs sociaux de la Loi qui doit guider vos considérations sur la politique concernant la télévision communautaire.
- On one hand, you have a fact-based model which goes back to the original intentions of the legislator. On the other, you have a model into which we have been allowed to drift without the benefit of evaluating the performance of the

current incumbents, without knowing any details about what they are actually offering Canadians for the \$ 130 M or so they collect from subscribers, and without having a clear roadmap of where they want to take us.

- We believe cable subscribers and all Canadians, are entitled to see a clearly articulated proposal from cable operators, explaining how it meets the objectives of the Act and what clear accountability system they propose for the public money they currently use in a very discretionary way. Cable operators cannot simply come here with a couple of hastily gathered polls, or a series of vague and unsubstantiated assertions about what they currently do with the public money they collect and how they ensure and manage public access.
- Therefore, we submit to you that this is a case where, as we say in French, “il est urgent d’attendre”. The important issue at hand cannot be dealt with fairly and completely within the confines of the current hearing. We need a much broader public debate on this important cultural and social policy issue and that debate must rely on a complete fact-based analysis of the current system and of the alternatives in front of us.
- The CCA therefore invites you to do the following:
  - Prepare a report on the debate based on the current hearing;
  - Demand, collect and make public all relevant information and data;
  - Press for detailed reports on what the current model of community television yields and where cable operators want to take it;
  - Keep the status quo for one more year as each party presents its case to Canadians across the country.
- As mentioned at the outset of this presentation, the role and structure of community television in a digital environment should be one of the cornerstones of any national digital strategy Canada may develop, at least until Parliament decides that this social objective is no longer part of its vision of Canadian society.
- Delaying a decision by 12 months can only lead to a much better informed decision on your part and a better coherence with whatever progress we may make in our national discussion on our digital strategy. We are confident that it is

possible over the next year to organize a thorough, pan-Canadian consultation which would provide a better opportunity to assess what is best suited to meet the objectives set by Parliament.

- I thank you for your attention and am ready to answer your questions.