CBC ⦿ Radio-Canada

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Danielle May-Cuconato
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Subject: CRTC Exhibit 1 – Review of the policy framework for local and community television programming – Broadcasting Notice of Consultation 2015-421

Dear Ms. May-Cuconato,

CBC/Radio-Canada is pleased to provide its reply to the Commission's Exhibit 1. You will find the information requested in questions 2 and 3 on local programming for each of our conventional television stations in Appendix A.

Pursuant to section 31 of the CRTC Rules of Practice and Procedure (the Rules), CBC/Radio-Canada respectfully requests confidentiality on the expenditures contained in Appendix A for each individual station. This information is not routinely disclosed in the course of business nor is it disclosed as part of a licensee's reporting requirements to the CRTC. Moreover, the disclosure of this information would prejudice CBC/Radio-Canada's competitive position in the markets served by each station. We further submit that the public interest would not be negatively impacted by treating this information as confidential.

Accordingly, we have filed confidential and abridged versions of the requested information for the individual conventional stations.

If you have any further questions, or require additional documentation, please do not hesitate to contact me directly.

Yours truly,

Bev Kirshenblatt
Executive Director, Regulatory Affairs
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CRTC Exhibit 1

Review of the policy framework for local and community television programming

Broadcasting Notice of Consultation 2015-421

Response of CBC/Radio-Canada

1. Please comment on the following proposed definitions.

   a. Local programming

   In order to be considered local, programming must:
   - **be at least five minutes in duration (excluding commercials);**
   - **refer directly to the community, which could be defined as:**
     - **the station's contours;**
     - **BDU service area;**
     - **municipality; or**
     - **census metropolitan area or census agglomeration[1].**
   - **be produced by the personnel of the local station, independent local producers or members of the community for the local station.**

Answer

As a preliminary matter, CBC/Radio-Canada reiterates its submission that the current definition of local programming remains appropriate. That definition ensures that programming must be locally produced and that it must reflect the needs and interests of the local community. We believe this is all that is required.

CBC/Radio-Canada has four concerns with the new proposed definition.

First, the five minute requirement would be a problem from an audience service perspective. CBC currently does 1 minute news updates in all local markets and Radio-Canada currently does 3 minute news updates on some stations. These local news updates allow us to serve television audiences across the day and complement our continuous approach to news on other platforms. We recognize that the Commission may want to encourage longer rather than shorter segments of local programming; however, we believe a local news update of 1 minute or more should qualify as local programming.

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[1] The Commission could decide, for each type of service to which the definition would be applied, which of the four options of market definition would be the most relevant.

Second, the phrase "refer directly to the community" is ambiguous. For example, does this mean the programming has to refer to events within the geographic limits of the community? If not, what type of reference to the community would suffice? Does the community or a member of the community have to be mentioned specifically? Would reporting on events which would have a material impact on the community qualify even though those same events may affect other areas as well?

Third, the requirement that programming "refer directly to the community" would create a disincentive to do regional programming which may be of significant interest to the local community but does not refer directly to that community. This would constitute an important unintended negative effect of the definition which should be avoided if possible.

Fourth, a requirement that programming "refer directly to the community" would be an unwarranted limitation on local newsrooms' editorial freedom to decide what content is of interest to the community they serve.

Overall, we submit that the proposed definition is both too vague and too restrictive to be workable. In our submission, any locally produced programming which relates to the needs and interests of the local community should qualify as local programming.

b. Local presence

A local presence is defined as:
- **Providing seven-day-a-week original local news coverage distinct to the community;**
- **Employing full-time journalists on the ground in the community; and**
- **Operating a news bureau or news gathering office in the community.**

Answer

CBC/Radio-Canada has four concerns with this definition.

First, it is unclear how this term would be used. Is the idea that a "local presence" may become a requirement for conventional television stations? If so, would this definition indirectly impose an obligation with respect to the broadcast of local news? We believe any such obligation should be defined and imposed directly through conditions of licence, not via a definition of "local presence".

Second, we are concerned with the phrase "seven-day-a-week original local news coverage" in this definition. If this phrase means that journalists must be gathering and filing news reports seven days per week, then we do not agree with this requirement. CBC-Radio-Canada has the ability to bring in journalists seven days a week in all markets. But, in our view, it is not reasonable to require that they would necessarily be working and filing reports seven days a week in all markets. Local newsrooms must have the latitude to organize their resources and editorial needs to serve their communities efficiently.

Third, we do not understand what is meant by the phrase "local news coverage distinct to the community". Local news is defined elsewhere and there would appear to be no reason to include the phrase "distinct to the community" in the definition of "local presence". In particular, the inclusion of this phrase would suggest there may be two or more types of local news. We respectfully submit that this would only lead to confusion.

Fourth, we are concerned with the use of the phrase "employing full-time journalists on the ground" as this could be interpreted as imposing an obligation to employ full-time television journalists. We recognize the need for "boots on the ground" but CBC/Radio-Canada operates integrated newsrooms and we do not have "full-time" television news journalists. All of our journalists are multi-platform journalists. In our view, a better way of wording this aspect of local presence would be: "employing journalists on the ground in the community".

      c. Local news

      Local news is defined as category 1 (News), category 2a) (Analysis and Interpretation) and category 3 (Reporting) programs as defined in BRP 2010-808 and is considered local if it also meets the definition of local programming.

Answer

We believe the proposed definition of "local news" is too broad. Local news is category 1 (News) that is considered local if it also meets the definition of local program. It would also enhance the clarity and certainty of the definition if the following words were added: "and is produced by a local newsroom employing professional journalists on the ground in the community". This would eliminate the need for this phrase in the definition of "local presence".

In commenting on these definitions, please specify if the proposed definitions can be applied to all elements of the system: public, private and community.

Answer

We believe the same definitions should be applied to all elements of the system to the extent that they are subject to the same or similar regulatory measures. In this regard, we submit that community broadcasters should not be obliged to broadcast local news.

2.   Using the definitions proposed in question 1., identify, in the format set out below, the amount of local programming broadcast from 3 January 2016 to 23 January 2016 by each of your conventional stations that would be considered:

      a. local programming under the proposed definition for local programming; and

      b. local news under the proposed definition for local news.

Answer

The response is provided in Appendix A.

3.   Using the definitions proposed in question 1., identify, in the format set out below, the expenditures on local programming broadcast from 3 January 2016 to 23 January 2016 allocated to programs that would be considered:

      a. local programming under the proposed definition for local programming; and

      b. local news under the proposed definition for local news.

Answer

The response is provided in Appendix A.

4. Based on current requirements and on the answers you provided to questions 2 and 3, please propose appropriate minimum weekly requirements for the exhibition of and expenditure on local news going forward, and justify.

Answer

CBC/Radio-Canada notes that conventional broadcasters serving English-language markets are currently required to broadcast 7 hours per week of local programming in small and medium-sized markets and 14 hours per week in large markets. Conventional broadcasters serving

French-language markets are generally required to broadcast 5 hours of local programming per week.

With respect to obligations on the exhibition of news, we believe that the obligation should apply to Category 1 news only. Category 1 news is the most expensive type of information programming to produce and the public record shows that it is the most important type of local programming for Canadians. Consequently, if the Commission were to impose a local news requirement it should focus on Category 1 news. In particular, we do not believe broadcasters should be permitted to meet a "local news" programming requirement by airing Category 2a) and Category 3 programming.

In our view, a reasonable requirement would be 2.5 hours of original Category 1 local news in all French markets and in all small and medium-sized English-language markets. Stations serving large English-language markets could be required to air 5 hours of original Category 1 local news.

As far as an expenditure requirement is concerned, we note that the "Local Programming Data" placed on the record of this proceeding by the Commission indicates that for 2013-2014:

- in small markets local news had an average cost of $2,932 per hour;
- in medium-sized markets local news had an average cost of $4,914 per hour; and
- in large markets local news had an average cost of $9,734 per hour.

Given this wide variation in the cost of local news by market we do not believe it is reasonable to attempt to impose an expenditure requirement in addition to the exhibition requirement discussed above. We note that an exhibition requirement for original Category 1 local news, combined with a requirement to have a newsroom and professional journalists on the ground in the community would ensure that all local stations spend a reasonable amount of money on local news in their markets.

In our submission, an expenditure requirement for news is unnecessary, it would be extremely complicated to establish a harmonized expenditure level, and any such requirement would add an unwarranted additional layer of regulation.

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Station call sign	Number of hours of local programming per week			Number of hours of local news per week		
	01/03/2016 to 01/09/2016	01/10/2016 to 01/16/2016	01/17/2016 to 01/23/2016	01/03/2016 to 01/09/2016	01/10/2016 to 01/16/2016	01/17/2016 to 01/23/2016
English language stations:						
CBRT - Calgary	14:05:00	14:05:00	14:00:24	14:05:00	14:05:00	14:00:24
CBCT - Charlottetown	10:05:00	10:05:00	10:05:00	10:05:00	10:05:00	10:05:00
CBXT - Edmonton	14:05:00	13:54:37	14:05:00	14:05:00	13:54:37	14:05:00
CBAT - Fredericton	12:35:00	12:35:00	12:35:00	12:35:00	12:35:00	12:35:00
CBHT - Halifax	13:45:00	13:45:00	13:45:00	13:45:00	13:45:00	13:45:00
CBMT - Montreal	15:05:00	14:35:00	14:35:00	14:05:00	14:35:00	14:35:00
CBOT - Ottawa	15:35:00	16:35:00	15:35:00	15:35:00	15:35:00	15:35:00
CBKT - Regina	8:25:00	8:25:00	8:25:00	8:25:00	8:25:00	8:25:00
CBNT - St. John's	11:05:00	11:05:00	11:05:00	11:05:00	11:05:00	11:05:00
CBLT - Toronto	16:35:00	16:35:00	16:35:00	16:35:00	16:35:00	16:35:00
CBUT - Vancouver	16:35:00	16:35:00	16:35:00	16:35:00	16:35:00	16:35:00
CBET - Windsor	7:35:00	7:35:00	7:35:00	7:35:00	7:35:00	7:35:00
CBWT - Winnipeg	11:12:10	11:12:10	11:12:10	11:12:10	11:12:10	11:12:10
CFYK - Yellowknife	7:30:00	7:30:00	8:30:00	7:30:00	7:30:00	7:30:00
French language stations:						
CBAFT - Moncton	7:07:20	6:04:00	7:34:00	6:37:20	6:04:00	6:34:00
CBOFT - Ottawa	6:29:40	6:29:40	7:29:40	6:29:40	6:29:40	7:29:40
CBLFT - Toronto	5:52:20	6:22:20	5:52:20	5:52:20	5:52:20	5:52:20
CBWFT - Winnipeg	5:58:00	6:20:40	6:19:20	5:58:00	5:56:40	5:55:20
CBKFT - Regina	5:17:20	5:17:40	5:17:40	5:17:20	5:17:40	5:17:40
CBXFT - Edmonton	5:17:20	5:20:00	5:17:40	5:17:20	5:20:00	5:17:40
CBUFT - Vancouver	5:58:00	5:58:00	5:56:40	5:58:00	5:58:00	5:56:40
CBFT - Montréal	6:35:00	6:35:00	6:35:00	6:35:00	6:35:00	6:35:00
CBVT - Québec	6:59:40	6:29:40	6:29:40	6:59:40	6:29:40	6:29:40
CKTV - Saguenay	5:28:20	5:52:00	5:58:20	5:28:20	5:52:00	5:58:20
CKTM - Trois-Rivières	5:28:20	5:58:20	5:58:20	5:28:20	5:58:20	5:58:20
CJBRT - Rimouski	5:28:20	5:58:20	5:58:20	5:28:20	5:58:20	5:58:20
CKSH - Sherbrooke	5:28:20	5:54:00	5:58:20	5:28:20	5:54:00	5:58:20

Station call sign	Amounts allocated to local programming per week ($)			Amounts allocated to local news per week ($)		
	01/03/2016 to 01/09/2016	01/10/2016 to 01/16/2016	01/17/2016 to 01/23/2016	01/03/2016 to 01/09/2016	01/10/2016 to 01/16/2016	01/17/2016 to 01/23/2016
English language stations:						
CBRT - Calgary						
CBCT - Charlottetown						
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CFYK - Yellowknife						
French language stations:						
CBAFT - Moncton						
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CBLFT - Toronto						
CBWFT - Winnipeg						
CBKFT - Regina						
CBXFT - Edmonton						
CBUFT - Vancouver						
CBFT - Montréal						
CBVT - Québec						
CKTV - Saguenay						
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CJBRT - Rimouski						
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