

EXECUTIVE SUMMARY:

CACTUS Analysis of Cable Community Channel Logs for March 6-12, 2011

Since 1991, the “community element” in Canada’s broadcasting system has been described as one of the three pillars in the system, the others being private and public. Other countries worldwide that recognize a “community” sector assume a property-based definition (i.e. that the community sector is necessarily community-owned and administered, while the public and private sectors are defined by public and private ownership respectively). Canada, however, has had a hybrid of community and private ownership in the “community” sector. Community radio channels are clearly defined in CRTC regulations as having a non-profit, community-managed administration, but community television licences can include both cable-administered channels and (since 2001) community-administered channels.

Cable-administration of community television as a community resource has come under scrutiny in the last decade twice. Following complaints about the low level of public access occurring on cable-administered community channels in 2001, the CRTC created a community-administered licence class. Uptake of these licences has been limited, however, because community licencees are expected to self-fund using an advertising model. They do not qualify for funding from industry and public sources that are available for television channels in the public and private sectors.

In 2001, the Commission also stipulated a minimum percentage (30%) of programming that must be aired by members of the public on cable community channels. The CRTC audited cable companies in 2002, 2003, 2004 and 2005 to see whether this minimum was being met. In all four years, auditors reported significant problems with data collection (inaccurate logs, discrepancies between logs and videotapes, or missing logs and videotapes), misclassification of content as “access” that auditors concluded was produced by cable staff, and widespread failure to meet the 30% minimum.

At the 2010 hearing to review CRTC community television policy, more questions were raised about the value to communities of cable-administered channels, which are funded from between 2 and 5% of cable revenues. Groups such as CACTUS, (as well as most other broadcasting industry stakeholders except BDUs themselves) questioned whether the funding collected from cable subscribers should be made available to genuine community-administered channels.

The Commission responded by raising the access minimum to 50%, to be phased in over 4 years, but left administration of community channel funding in cable hands.

In the current audit, conducted in March of 2011, six months after announcement of the new policy, the accessibility of cable-administered community channels has not improved:

- a) Almost all licence areas failed to achieve a minimum of 30% access content.

- b) The majority failed to achieve a minimum of 60% local content; or if the licence area audited was a regional hub and itself met the 60% minimum, smaller neighbouring licence areas often did not.
- c) Where the Commission had granted particular licencees relief from the 30% and 60% requirements for access and local content respectively by reducing these percentages, licencees often still could not meet the reduced minima, or could not demonstrate that they were making proportionate expenditures on smaller communities within a “zoned” community channel.
- d) Where the Commission had granted exemptions to particular licence areas as “unique undertakings” on the grounds that 5% of revenues in the area are being spent on community programming specific to the area, we were often unable to find any evidence that such expenditures were taking place.
- e) All licencees claimed programs as “access” content that their own web sites or other online information demonstrated were likely staff-driven.
- f) Very little category “C” programming is being produced in any of the audited licence areas (that is, programs made by members of the public without assistance from the licencee). This is surprising given the ease of production by members of the public using their own cameras and home editing systems, and supports the view that cable community channels are neither seen as nor are being promoted as public-access platforms.
- g) Several licencees have discriminatory access policies (either excluding groups considered unappealing to cable subscribers or encouraging others with more experience or financial backing)
- h) Most licencees produce network programming designed to be seen over a large area. Some also produce network templates that local and regional employees are expected to fill to meet “local” minima. Some versions of these templates are even claimed as “access” content.
- i) At least two licencees are charging community groups and municipal councils for access.
- j) Several licencees pursue extensive partnerships with commercial media to supply content for their “community channel”.

CACTUS Recommendation

It has been our view for almost a decade that the economic and technological environment that once made a cable-community partnership workable for the provision of community television services in Canada has changed irrevocably. Cable companies themselves have over the last decade repeatedly sought relief from their community channel obligations and have closed more than 2/3rds of the community TV production facilities that once existed in Canada.

We therefore believe the time is overdue for community television licences to be held exclusively by non-profit community groups (as they are in the community radio sector), and that the money tied up in BDU “community channels” should be redirected to these groups to ensure that it is spent in the communities where it is collected, for programming and skills training specific to each community. In the short term, this entails:

- Refusing any further requests by BDUs to “zone” community channels.
- Removing BDU licence boundary changes from the list of candidates for administrative approvals.
- Adjusting the current clause in community channel policy that stipulates that in the absence of a cable-community channel (that meets that 60% local requirements), that a community group can apply for the licence and accompanying percentage of revenues to offer a community channel.

Wherever a community can meet a higher level of service than the BDU (e.g. can offer a more hyperlocal service to one community within a zone), the community should be given a licence for that community and the applicable percentage of BDU revenues collected in that community.

Implementation of these three short-term measures would start an orderly transition from the BDU-administered model to a community-led model.

Since TV services are now offered by competing BDUs, all of which divert resources to increasingly regional “community channels”, this approach would consolidate scarce resources for this sector in one common production facility per community, where the community’s creative energy could be consolidated with existing community services.