

**‘CONTROLLED BY CANADIANS’ –
PUBLIC PROCESS AND THE CRTC:
PUBLIC PARTICIPATION, THE COMMUNITY
CHANNEL, AND THE REGULATION OF CANADA’S
BROADCASTING SYSTEM.**

by

Gordon Inglis
Graduate Diploma in Urban Studies, 2003 SFU
BFA, Creative Writing, 1994, UBC

RESEARCH PROJECT SUBMITTED IN PARTIAL FULFILLMENT OF
THE REQUIREMENTS FOR THE DEGREE OF

MASTER OF ARTS

In the
Department
of
Political Science

© Gordon P. A. Inglis 2006

SIMON FRASER UNIVERSITY

Summer 2006

All rights reserved. This work may not be
reproduced in whole or in part, by photocopy
or other means, without permission of the author.

APPROVAL

Name: Gordon P. A. Inglis
Degree: Masters of Political Science
Title of Research Project: 'Controlled by Canadians' - Public Process and the CRTC: Public participation, the Community Channel, and the regulation of Canada's broadcasting system

Examining Committee:

Chair: **Dr. Anthony Perl**
Professor of Political Science and
Director of Urban Studies Program

Dr. Patrick Smith
Senior Supervisor
Professor of Political Science

Dr. H. Peter Oberlander
Second Supervisor
Professor Emeritus, School of Community and Regional
Planning, UBC, Adjunct Professor, Political Science, SFU

Dr. Andrew Heard
External Examiner
Associate Professor of Political Science

Date Defended/Approved:

July 25, 2006



**SIMON FRASER
UNIVERSITY library**

DECLARATION OF PARTIAL COPYRIGHT LICENCE

The author, whose copyright is declared on the title page of this work, has granted to Simon Fraser University the right to lend this thesis, project or extended essay to users of the Simon Fraser University Library, and to make partial or single copies only for such users or in response to a request from the library of any other university, or other educational institution, on its own behalf or for one of its users.

The author has further granted permission to Simon Fraser University to keep or make a digital copy for use in its circulating collection, and, without changing the content, to translate the thesis/project or extended essays, if technically possible, to any medium or format for the purpose of preservation of the digital work.

The author has further agreed that permission for multiple copying of this work for scholarly purposes may be granted by either the author or the Dean of Graduate Studies.

It is understood that copying or publication of this work for financial gain shall not be allowed without the author's written permission.

Permission for public performance, or limited permission for private scholarly use, of any multimedia materials forming part of this work, may have been granted by the author. This information may be found on the separately catalogued multimedia material and in the signed Partial Copyright Licence.

The original Partial Copyright Licence attesting to these terms, and signed by this author, may be found in the original bound copy of this work, retained in the Simon Fraser University Archive.

Simon Fraser University Library
Burnaby, BC, Canada

ABSTRACT

The Canadian *Broadcasting Act* of 1991 states the Canadian system should be ‘effectively owned and controlled by Canadians’. The Canadian Radio-television and Telecommunications Commission (CRTC) is the administrative body that is responsible for the regulation and supervision of Canada’s broadcasting system.

This project examines the two aspects of the CRTC’s process open to public participation; the *public hearing* or *public notice* and the *complaints* process.

The nature and extent of public participation in response *Public notice 2001-129*, which formed the basis for the *CRTC’s 2002 policy framework for community media*, was the focus of one part of this project. The project also examined the number and type of complaints filed with the CRTC regarding Delta and *Shaw* cable systems from 2002-2006.

The research found that the form of the community channel influences participation in the policy process and the structure of the complaints process restricts the nature of the complaints filed.

Keywords: CRTC, public participation, media democracy, community television, broadcasting policy.

DEDICATION

To Carol-Anne and Caleb.

ACKNOWLEDGEMENTS

The journey to the completion of this Masters began with the decision of SFU to create a program of Urban Studies and their decision to let me enroll. Every course I have taken since then has provided a link in the chain to this project and each instructor on the way has contributed something of value to this process. In no particular order I would like to thank the following: Dr. Warren Gill, Dr. John Munro, Dr. Len Evenden, Dr. Kennedy Stewart, Dr. Stephen McBride, Dr. Daniel Cohn, and Dr. Robert Hackett.

I would like to thank Dr. Patrick Smith in particular for acting as my supervisor and being one of the reasons I decided to pursue a course of studies in Political Science. Paddy's humour and ability to work around the rules combined with keen scholarship made the process an enjoyable one.

Thanks to my Mother for her inability to accept the status quo and thanks to my Father for his insistence on logic and clarity of thought.

Finally, I want to acknowledge the heroic work of the Independent Community Television Cooperative (ICTV) and the Community Media Education Society (CMES) two organizations that deserve the credit for that portion of Greater Vancouver's community channel that is living up to its mandate. If these folks weren't here the channel would be a far different beast. Sid Tan, Lynda Leonard, and Rick Ward deserve special mention, but all the volunteers for both organizations are owed a debt of gratitude.

TABLE OF CONTENTS

Approval	ii
Abstract.....	iii
Dedication	iv
Acknowledgements.....	v
Table of Contents	vi
List of Tables	vii
List of Acronyms	viii
Background.....	1
Canadian Broadcast History.....	6
The Canadian Radio-Television and Telecommunications Commission.....	12
Opportunities for Public Involvement with the CRTC	14
Canada’s Community Channel.....	20
Greater Vancouver’s Community Channel.....	25
Community Media in Québec	29
Theory and Method	31
Public response to CRTC Public Notice 2001-129	38
CRTC Complaints: Greater Vancouver 2002-2006.....	50
Complaints	58
Conclusion.....	60
Bibliography	66
Public Documents.....	66
Print Sources and Reference Material	66
Online Sources	67

LIST OF TABLES

Table 1: Proposed policy framework for community-based media Public Notice CRTC 2001-129, 21 December 2001.....	38
Table 2: Written submissions organized according to category: (Proposed policy framework for community-based media Public Notice CRTC 2001-129, 21 December 2001).....	40
Table 3: Totals and Percentages of categorized submissions by language: (Proposed policy framework for community-based media Public Notice CRTC 2001-129, 21 December 2001)	47
Table 4: Broadcast Complaints 2002 <i>Shaw</i> Cablesystems.....	51
Table 5: 2003 Broadcast Complaints <i>Shaw</i> Cablesystems Vancouver	52
Table 6: 2004 Complaints <i>Shaw</i> Cablesystems Vancouver	53
Table 7: 2005 Complaints <i>Shaw</i> Cablesystems Vancouver	53
Table 8: 2006 Complaints <i>Shaw</i> Cablesystem Vancouver to June 13/06	54
Table 9: Delta Cablevision Complaints 2002-June 13, 2006.....	54
Table 10: Broadcast Complaints for <i>Shaw</i> Cablesystems in Vancouver by category 2004-June 13, 2006.	58

LIST OF ACRONYMS

CBSC:	Canadian Broadcast Standards Council
CMES:	Community Media Education Society
CRTC:	Canadian Radio-television and Telecommunications Commission
CTSC:	Cable Television Standards Council
FTCAQ:	Fédération des télévisions communautaires autonomes du Québec
ICTV:	Independent Community Television
TVC:	Télévisions Communautaires

BACKGROUND

Discussions of the media are like talking about the weather: everyone has an opinion but the general feeling is that there is not much that can be done about it. Discussing broadcast policy can feel like entering the realm of the weather fanatic; one gets the feeling that such topics are the concern of boring eccentrics obsessed with minute shifts that herald great change. But although the media is as much a part of our environment as clouds and rain, unlike weather phenomena, the Canadian mediascape is a creature of public policy and it is mutable; understanding how policy is developed is crucial in understanding how our media takes the form it does.

The roots of this research project lie in my long relationship with community media. For over 15 years I have worked in community radio and television as well as multicultural television. I have also worked in the corporate and broadcast television industry. My experience in the area of community and multicultural media production in particular has engendered both a keen appreciation of the power of this medium to affect social change and a deep frustration at the unrealized promise that community media offers. A medium that should be a vital link in the chain of public discourse is instead marginalized and misused by corporate interests. To a large extent this marginalization takes place without comment by the general public.

Although this project's focus is the form of the policy that shapes the community channel in Canada and not on the programming content of that channel, it is clear to any discerning viewer that the channel today, at least in Greater Vancouver, has become

highly commercialized. Programs that are little more than infomercials are taking up more and more of the air-time and the difference in production quality between shows produced by the cable company (Shaw TV) and access producers is striking. The channel's mandate is to provide access in the broadcast system for ordinary, non-professional citizens to communicate through the medium of television, yet the money being spent on the community channel is being spent on Shaw programming. The closure of community offices across the region and the consolidation of Greater Vancouver's community channel operations into a building on some of the priciest real estate in the country are emblematic of a channel that is becoming a slick, marketing vehicle -- obsessed with the same celebrity gossip and trivia found on every other private broadcaster in the country. And the public, whose channel this is supposed to be, and whose money is being used, don't seem to realize or care that they are being cheated out of a medium that should be a vital link in the chain of public discourse.

This research project is an attempt to address the question of why the general public is disengaged from the development of broadcast policy in Canada in general, and why the ideals of the community channel specifically, are so at odds with its practice in Greater Vancouver, and most of English Canada, today. It identifies the point in the policy cycle (agenda setting, policy formation, decision-making, policy implementation, policy evaluation) that can most effectively change this disengagement and offers the example of an alternative model for the community channel that is successfully creating engagement in the policy process amongst the citizens of Québec.

The Canadian Radio, Television, and Telecommunications Commission (CRTC) is the ‘independent public authority’¹ charged with the mandate of achieving the objectives of Canada’s Broadcasting act and it is the CRTC’s public process that is the subject of scrutiny for this project. The research investigates the extent and nature of public engagement with the process that has created the current form of community channel policy. The research also seeks to identify barriers to public participation that may exist in this process of policy development.

The CRTC provides only three mechanisms for public participation in their process; the complaints process, interventions at licence renewal hearings and public input through calls for submission for policy frameworks. This project examines the public participation that formed the basis of *CRTC Public Notice 2002-61 Policy Framework for the Community Channel*. It also investigates the complaints made against *Shaw Cablesystems* in Greater Vancouver since they gained control of this market in 2002 and *Delta Cablesystems* of the municipality of Delta.

For a policy entity whose power is so encompassing, and affects so many aspects of communications in Canada, the CRTC has had surprisingly little academic scrutiny. Perhaps the most significant examination of telecommunications in Canada was an initiative of parliament; *Our Cultural Sovereignty: The Second Century of Canadian Broadcasting* (2003), is a comprehensive look at Canada’s broadcast industry and the organizations that have shaped it. The mandate of the study was ‘...to determine whether the ideals and objectives set out in the Broadcasting Act of 1991 were being met and

¹ Broadcasting Act 1991, section 3 (2), accessed from CRTC website, www.crtc.gc.ca/eng/LEGAL/BROAD.HTM.

whether the Act itself was in need of reform.² Advisors to the committee were Dr. David Taras of the University of Calgary and Dr. Marc Raboy of McGill University. Apart from this report, there is little that directly examines our broadcasting act and its regulatory body; the focus of much of the academic research that has been done on Canadian media has focused on the shifting players in the media marketplace, the challenge of new technologies and their integration into consumers' viewing (i.e. consuming) habits, the type of content this engenders, and the concern of national identity in a US dominated mediascape. Since 1998 articles and books on Canadian media have declined.³

Given the importance of broadcast policy a lack of scrutiny as to how this policy is formed and maintained might be surprising, but it is by no means a particularly Canadian lack. Borre and Scarborough, writing about public policy and the media in Europe, identify this lack of interest in both the public and academics,

Thus, attitudes in this domain of government activity stand in contrast to several policy fields examined in this volume: people have clear views about how their health should be provided for, the economy should be managed, and the environment be protected, but attitudes towards government intervention in the communications field appear fitful and unfocused. Perhaps it is more difficult for people to have well-formulated views on the organization and control of institutions and technologies which are both remote and rapidly changing, or perhaps the role of government in this field is more obscure to the public—and thus, as the data record suggests, of less interest to social scientists.⁴

It is the intent of this research project to address the question of why the public and academics are 'fitful and unfocused' when it comes to the issue of government communications policy. If it is indeed an attitudinal perspective then the question must be

² Clifford Lincoln (Chair), *Our Cultural Sovereignty. The Second Century of Canadian Broadcasting, Standing Committee on Canadian Heritage*, Government of Canada, (June 2003), 3.

³ Francois Demers, 'Canadian Television, The Exhaustion of a Paradigm?', *Journal of Broadcasting and Electronic Media*, December 2003, 657.

⁴ Ole Borre. Elinor Scarbrough, *The Scope of Government*, Oxford University Press. Oxford Scholarship Online. Oxford University Press. 1998.

asked, what is it that shapes this attitude? Attitudes are formed out of many diverse strands of knowledge and experience and ultimately remain in the control of the individual holding them; but knowledge can be shaped by administrative power, and experience can be determined through interaction with this power.

The Community channel is the single area within the Canadian Broadcast space that is specifically dedicated to the public sphere and as such it should play a unique role in public discourse. In 1975 the CRTC put forth the channel's original mandate articulating the following principles for the channel;

... identify communities ... such as neighbourhoods, wards, boroughs and, where appropriate, municipalities, and give opportunities to individuals and groups in these communities to express their ideas and aspirations; cover the activities of municipal councils and school boards; search out and give opportunity for expression to individuals and groups with "communities of interest" ...⁵

Over the intervening years since its creation the channel and its policies have undergone many changes, but the original mandate has remained relatively unchanged.⁶ However, while the original mandate may not have changed significantly, the policy regulating the channel has. The extent of public involvement in these policy changes has been limited. As well, public participation in the day to day operation of a channel that is supposed to be a conduit for public 'ideas and aspirations' is curtailed by the fact that while the channel may have a public mandate its ownership and control are firmly in the hands of the cable company. Thus this project will identify the nature and extent of public participation in the processes that are available for citizens concerned about the operations and policy of the community channel.

⁵ Ibid., 331.

⁶ Clifford Lincoln, (Chair), "Our Cultural Sovereignty. The Second Century of Canadian Broadcasting", *Standing Committee on Canadian Heritage*, Government of Canada, June 2003, 329.

CANADIAN BROADCAST HISTORY

Since confederation Canada's mediascape has been shaped by newspapers, radio, television and, since the mid 1990's, the internet. The size of Canada has necessitated the development of a sophisticated communications network and the broadcasting system has long been seen as a principal way in which Canadians develop a sense of community and identity.⁷

From the earliest days when radio was seen as a way to join communities across Canada there have been concerns and reviews of Canada's broadcast system starting with the 'Aird Commission' of 1928-29 which viewed broadcasting as an 'instrument of education' and a means of 'informing the public on questions of national interest'.⁸ Following the 'Aird Commission' was 1951's 'Royal Commission on National Development in the Arts, Letters and Sciences', 1970's 'Special Senate Committee Report on Mass Media', 1986's 'Task Force on Canadian Broadcasting', 1996's 'Mandate Review Committee' and most recently the 2003 report 'Our Cultural Sovereignty: The Second Century of Canadian Broadcasting'. While not all of the reports explicitly used the terminology, they all reaffirmed the general principle of broadcasting as a 'public trust' and 'public service' and one that the Mandate Review Committee

⁷ Clifford Lincoln (Chair), *Our Cultural Sovereignty. The Second Century of Canadian Broadcasting, Standing Committee on Canadian Heritage*, Government of Canada, (June 2003), 21.

⁸ Ibid, 22.

described as a means of developing ‘...national and community consciousness...to help us shape our solutions to social and political problems.’⁹

The report ‘Our Cultural Sovereignty’ (2003) gives a concise and cogent summary of the evolution of the broadcast legislation that has entrenched broadcasting as a public trust in Canada. What follows is largely a summation of this work.

Broadcast legislation in Canada began with the *Radiotelegraph Act* of 1913, which licenced broadcasters and charged a small fee for receivers and in 1919 the first radio station to broadcast regular programming was XWA of Montreal went on the air. In 1922 the administration of broadcasting became the responsibility of the department of *Marine and Fisheries*. By 1928 Canada had 68 radio stations and 400,000 radio receivers and programming that included music, weather, sports, and other entertainment.¹⁰ The *Royal Commission on Radio Broadcasting* (also known as the *Aird Commission*) was formed in 1928 to examine Canadian broadcasting with the purpose of making recommendations as to the ‘future administration, management, control, and financing thereof.’¹¹

Even in this early phase of Canada’s broadcast industry a primary concern was the number of Canadians listening to American broadcasts and the impact this was having on Canadian ‘ideals and opinions’. Another concern of the *Aird Commission* was the challenge of providing even coverage across the vastness of Canada’s terrain and the role that a national broadcaster could play in fostering national spirit and citizenship. At the same time Québec was establishing a provincial role in broadcasting, passing

⁹ Ibid, 23.

¹⁰ CRTC broadsheet, ‘The CRTC’s Origins’, available at CRTC offices, 2006.

¹¹ Lincoln, op cit, 25.

legislation in 1929 and 1931 concerning licencing and civil responsibility for broadcasting.¹²

The outcome of the *Aird Commission* was the passage of the *Canadian Radio Broadcast Act*, passed by parliament in 1932, which created the *Canadian Radio Broadcasting Commission* (CRBC). The CRBC was intended to fill a similar role to Britain's BBC, but due to funding shortfalls relied on private broadcasters to rebroadcast its signal thus entrenching the public-private system in Canada's broadcasting system.¹³

The *Canadian Broadcasting Corporation* (CBC) was formed in 1936 with a revised act that was intended to better reflect the goals of the *Aird Commission* and enshrine the principle that 'the public broadcaster was a public, not a state, broadcaster.'¹⁴ The CBC under this act had the mandate to licence and regulate all of the broadcast system including private stations - a role that was entrenched by the *Massey- Lévesque Commission* in 1951. This dual role of the CBC, as broadcaster and regulator, became problematic and in 1955 the *Royal Commission on Broadcasting* (the *Fowler Commission*) was established to recommend new broadcasting legislation. The *Fowler Commission's* recommendations were adopted in 1958 in the form of the *Broadcasting Act*, which created a 15 member *Board of Broadcast Governors* (BBG) responsible for regulating the public and private broadcasters and operation of national radio and television. The BBG considered applications for new stations and made licencing recommendations to the responsible federal minister.¹⁵

¹² Ibid, 26.

¹³ Ibid, 27

¹⁴ Ibid, 27.

¹⁵ Ibid, 30.

By 1964 broadcasting was third in profitability amongst Canada's top 140 industries and, in addition to the public national broadcaster the CBC, there was a private national broadcaster, CTV. At this time the *Fowler Broadcasting Committee* was formed by the federal government to study the state of Canadian broadcasting and the broadcast act. Their report in 1965 was highly critical of the CBC and the BBG and recommended a new broadcast authority independent of government and Parliament, but accountable to them, should deal with administration, finance, and programming. In response the government commissioned a *White Paper on Broadcasting* and in 1967 the committee delivered its report that recommended that CBC become the prime instrument of public policy in broadcasting and that the regulator of the broadcast system not directly control the content of Canadian broadcasting other than through generally applicable regulations or the conditions of licences.¹⁶

The Broadcast Act, 1968, was the legislation that created the *Canadian Radio-Television Commission*, which became in 1976, the *Canadian Radio-television and Telecommunications Commission* (CRTC). The commission was empowered to issue broadcast licences and had the mandate 'to ensure that ownership and control of broadcasting remain in Canadian hands, programming be of high quality with substantial Canadian content, Canadian broadcasting safeguard, enrich and strengthen the nation of Canada from sea to sea'.¹⁷ This was the act that also brought cable television under the authority of the CRTC. The CRTC describes the mandate of the *Broadcast Act* of 1968 as doing the following:

- Confirme[d] CBC's mandate as national broadcaster

¹⁶ Ibid, 31-32.

¹⁷ Ibid 32.

- Strengthene[d] restrictions on foreign ownership
- Require [d] the predominant use of Canadian creators and talent
- Reaffirme[d] a vision of the broadcasting system as a means of strengthening Canada's cultural, social, and economic structures.¹⁸

Two more committees were instituted examining Canada's broadcast system between 1980 and 1986 - the 1980 Federal Policy Review Committee, and 1984's Task Force on Canadian Broadcasting. Between 1984 and 1986 the House of Commons Standing Committee on Communications developed 140 recommendations out of their examination of the Task Force's report – this formed the basis for the *Broadcasting Act, 1991* adopted by the House of Commons in 1991.¹⁹

This history of the formation of the *Broadcasting Act, 1991* illustrates a long-standing concern by Canadian governments over the nature and impact of the Canadian broadcasting system on Canadian society. In the current *Broadcasting Act* section 3 (1) we find the following expressions of the role of the broadcasting system in Canadian civil society:

(a) the Canadian broadcasting system shall be effectively owned and controlled by Canadians;

(b) the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;

and,

¹⁸ CRTC broadsheet, 'The CRTC's Origins', available at CRTC offices, 2006, 1.

¹⁹ Lincoln, op cit, 33-36.

(d) the Canadian broadcasting system should:

(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,

(ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,²⁰

The CRTC is charged with the mandate of upholding the *Broadcasting Act, 1991* and ensuring through regulation and supervision that broadcasters and cable operators in Canada meet the requirements of this act.

²⁰ The Broadcasting Act, 1991, available on CRTC website, <http://www.crtc.gc.ca/eng/LEGAL/BROAD.htm>, accessed July 5, 2006, section 3. (1).

THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION

The CRTC has broad powers over both the broadcast and telecommunications industry. In its regulation of the broadcast system the CRTC can establish classes of broadcast licences, set terms and conditions on these licences, renew, suspend or revoke licences, and require a licensee to carry specific programming. As well the commission can set regulations governing the proportion of time to be dedicated to Canadian programming, what constitutes Canadian programming, set the amount of advertising allowed on channels, and require licensees to submit financial information for auditing and examination.²¹

Under the *Broadcasting Act, 1991* cabinet may appoint up to 13 full-time and 6 part-time commissioners for renewable terms of up to 5 years. At the time of this writing, July 2006, there are 11 commissioners representing the various regions of Canada.²² Commissioners are responsible for the broadcasting decisions of the CRTC and are supported by about 400 employees specializing in broadcasting and telecommunications that conduct research and interface with the public.

Although CRTC powers include the power to revoke licences, the first revocation of a licence occurred only recently when the licence for Québec radio station CHOI-FM

²¹ *ibid*, 9.(1) - 10.(1).

²² CRTC website, About Us, <http://www.crtc.gc.ca/eng/about/commissioners.htm>, accessed July 5, 2006.

was revoked in July 2004 over controversial comments made by one of their radio hosts.²³ In 2003, current CRTC chairperson Charles Dalfen speaking before the *Standing Senate Committee on Transport and Communications* explained that CRTC (and the BBG before that) had never revoked a licence because they favoured short-term renewals that would require a licensee to come back and ‘justify themselves’. The rationale for this approach is that the ‘...weapon of revocation denies that service to the public so the threshold is understandably very high’.²⁴ The process by which the licensees ‘justify’ themselves is the public hearing where applications from the public are heard and licensees explain how they are meeting the requirements of their licence as specified by the CRTC.

²³ Rheal Seguin, ‘Quebec Broadcaster Wants Tories to Reverse CRTC Decision’, *Globe and Mail*, February 11, 2006.

²⁴ Proceedings of the Standing Senate Committee on Transport and Communications
Issue 13 - Evidence - September 25, 2003,
http://parl11.parl.gc.ca/37/2/parlbus/commbus/senate/Com-e/tran-e/13evb-e.htm?Language=E&Parl=37&Ses=2&comm_id=19, accessed July 5, 2006.

OPPORTUNITIES FOR PUBLIC INVOLVEMENT WITH THE CRTC

That the CRTC is proud of its public process is illustrated by the prominence given public participation in its report *CRTC Accomplishments 2004-2005*. The first page of the report, following the Chairman's message lists the public hearings and summarizes the interventions and public notices for the year:

- 12 public hearings generating 63,350 interventions
- 65 public notices dealing with 200 applications and 15 policy reviews generating 4,000 interventions
- 598 decisions
- reviewing of 2,800 annual returns, 5,940 TV logs
- monitoring programme content of 35 radio stations²⁵

The CRTC website under the heading *What Concerns You Concerns Us* asks the question '...how (does) the CRTC manage to supervise and regulate Canadian broadcasting and telecommunications while remaining independent in balancing and serving both public and private sector interests?' The answer is that the ideas, opinions, and comments of 'you', the public, are what help the CRTC '...update our policies and

²⁵ CRTC, 'CRTC Accomplishments 2004 – 2005', 3.

procedures and evaluate the performance of the television, radio, cable distribution and telecommunications carriers that we regulate and supervise.²⁶

There are two means by which the CRTC gauges the ideas and opinions of the Canadian public; these are through interventions at public hearings and through the complaints process.

The CRTC website lists the way in which it publicizes public processes:

- **Official CRTC announcements** – found in CRTC offices, on their website and the Government of Canada web publication the Canada Gazette.
- **Information sheets** – sent to target groups and posted in rural post offices.
- **Newspaper advertisements** – In affected communities, the CRTC places ads in newspapers of general circulation as well as community papers.
- **Public Service Announcements** – placed by the affected licensee on the community channel if they have an application before the commission.²⁷
- **Billing Inserts** – used by telephone companies to inform subscribers about CRTC public processes involving them.
- **Tariff Notices** – filed by telephone companies and are available from any CRTC office and the CRTC website.²⁸

²⁶ CRTC Website, *What Concerns You Concerns Us*,
<http://www.crtc.gc.ca/eng/BACKGRND/Brochures/B49903.htm>, accessed July 6, 2006.

²⁷ Response to email query, (case id 300522), reply received, May 24, 2006.

The website goes on to list two processes through which citizens can air their views ‘Public Hearings’ and ‘Public Notices’. ‘Public Hearings’ can be written or oral presentations to the commission. Hearings are held for new licences or major policy issues or amendments to regulations. ‘Public Notices’ accept written submissions only and do not include the opportunity for an oral presentation. Notices are held ‘for submissions on broadcasting and telecommunications topics that don’t require in-person discussion’.²⁹ The website does not explain how the determination as to whether or not an in-person discussion is made.

‘Public hearing’ and ‘public notices’ are not substantially different enough from each other to be considered different processes. The change to the regulations governing the community channel that is the focus of one part of this research project was a ‘public notice’, which suggests that, although it was a policy issue and an amendment to regulations it either was not considered ‘major’ or did not need an in-person discussion. In terms of process, however, while there might be an added value to an oral presentation and discussion, the commission received comments weighed their merits and made their decisions, which is what they would have done with oral presentations.

The second opportunity for public input to the CRTC is the complaints process. Although the CRTC does not include complaints under public participation on their website complaints become part of the file of a licensee and, along with notices and hearings, are part of the public record are one of the ways in which a licensee’s performance is evaluated. Complaints are also the only way for Canadians to comment on

²⁸ CRTC Website, *CRTC Public Participation*, http://www.crtc.gc.ca/eng/publicpar_1.htm, accessed July 6, 2006.

²⁹ Ibid.

CRTC policy, programming content, and other more general concerns about the broadcasting and telecommunications system outside of public hearings or notices.³⁰

Although the CRTC does have a mechanism to accept complaints about licencees and CRTC policy in general, they suggest that citizens should view complaints as a last resort. Before submitting a complaint the CRTC suggests that the public contact the station or carrier directly. If they are still not satisfied then they should contact one of a number of the independent self-regulating organizations formed by, and composed of, members of the broadcast industry such as the *Canadian Broadcast Standards Council* (CBSC) or the *Cable Television Standards Council* (CTSC). Other avenues for the public with concerns about broadcasting that the CRTC suggests approaching first are *Advertising Standards Canada*, or *Le norms canadiennes de la publicité*.³¹

The CBSC is the organization of private broadcasters in Canada and describe themselves as playing an 'intermediate role' in the regulatory process. They see their mandate as '...promot[ing] self-regulation in programming matters by Canada's private sector broadcasters... without the heavy club or formalities of government sanctions.'³² The CTSC is the equivalent organization organized by the cable industry; their mandate is to '...receive, review and respond to concerns relating to any aspect of the service provided by members of the Cable Television Standards Foundation.'³³ Both organizations have a complaints process that is open to the public. Membership in these organizations is voluntary (*Shaw Cablesystems*, for example, is not a member of the

³⁰ CRTC Website, *What Concerns You Concerns Us*, op cit.

³¹ Ibid.

³² CBSC Website, *The Special Role of the CBSC*, www.cbsc.ca/english/main/role.htm, July 14, 2006.

³³ CTSC Website, *Who We Are*, www.ctsc.ca/eng/aboutus/, July 14, 2006.

CTSC) and, while they are sanctioned by the CRTC, adherence to their standards is also voluntary.

Complaints filed with the CRTC are reviewed, categorized, and directed to the CBSC, the CTSC, or one of the CRTC broadcast branches depending on the nature of the complaint. Only written complaints are accepted and must include the complainant's name. Complaints that are directed toward a cable operator or broadcaster are forwarded directly to the body complained about and the CRTC monitors the response, interceding if they do not feel the response addresses the complaint thoroughly.³⁴

Two serious problems with the structure of the complaints process seem evident. First, while there may be an argument to make for the efficiency gained in having the public bypass the CRTC with their complaints by going directly to the company or industry organization responsible, this removes such complaints from the public record. It is logical to think that complaints are one way to judge the performance of a licensee, and steering the public away from registering their complaints with the body that is responsible for monitoring licensees' performance seems contradictory.

The second problem with the complaints process is that sending complaints on directly to the organization being complained about, rather than the CRTC itself acting as an investigative body, could easily lead to a chilling effect on potential complainants. If a member of the public is in a position where they are dependent on the complained, e.g. a cable volunteer or private broadcaster employee, then they may feel there is a risk in complaining about a licensee's practices. Since involvement in the broadcast system in one form or another is likely to lead to a higher degree of knowledge about proper

³⁴ CRTC Website, *Complaints and Inquiries*, <http://www.crtc.gc.ca/RapidsCCM/Register.asp?lang=E>, accessed July 6, 2006.

practices according to CRTC regulations than the general public might have, this chilling effect could potentially impact those members of the public most able to make informed complaints.

CANADA'S COMMUNITY CHANNEL

The community channel was created by the CRTC in 1975 in response to the rise of cable distribution in Canada. Cable vastly improved the reception of television signals to viewers, but it also allowed the distribution of signals from other cities, provinces, and the United States. The community channel was seen as a means of protecting cultural and local sovereignty. The CRTC identified the following principles for the channel in 1975;

...identify communities...such as neighbourhoods, wards, boroughs and, where appropriate, municipalities, and give opportunities to individuals and groups in these communities to express their ideas and aspirations; cover the activities of municipal councils and school boards; search out and give opportunity for expression to individuals and groups with "communities of interest"...³⁵

In 1991 the CRTC made 'community' one of the three elements of the system so that the broadcast system was seen to be composed of 'public', 'private', and 'community' sectors (community broadcast media includes low power broadcasting, community radio stations, and student radio stations in addition to community television). Since 1995, broadcasting distribution undertakings (i.e. cable companies) are required to contribute 5% of their gross annual revenues to Canadian programming funds such as the *Canadian Television Fund*³⁶ – these funds provide grants to independent television production companies as part of the complicated process of financing television

³⁵ Ibid., 331.

³⁶ Ibid, 334.

productions. 2-3% of this 5% is the portion cable companies are allowed to direct towards the community channel should they elect to operate such a channel. Canada wide this amounted to nearly \$90,000,000 in 2005.³⁷ Although not described as such by the CRTC, in essence this 5% of revenues is levy on Canadians' cable bill.

In 1997 the CRTC decided to remove the obligation to provide a community channel since they believed that '...opportunities for local expression would continue without regulatory requirements'.³⁸ The rationale for this was that the channel had reached a 'maturity' that would protect it. In a ruling that would seem to demonstrate some confusion between the role of the public sphere and the private, corporate sphere, the commission suggested cable operators would continue to provide the service because it provided, '...cable operators with a highly effective medium to establish a local presence and to promote a positive corporate image for themselves'³⁹.

The CRTC refers to a rise in the number of community channels from 1997-2000 as evidence that this ruling did not harm the community channel⁴⁰ but the rationale for the relaxation of the requirement to carry community channels, coming from the regulatory body itself, suggests a normative position of the CRTC. The CRTC's argument is that since the channel is meeting corporate goals, as opposed to the original public goals, there is no need to 'force' the cable corporations to maintain the public good the channel represents; logically then, the CRTC is saying that there is no difference between the public or corporate interest.

³⁷ CRTC, 'Broadcast Policy Monitoring Report 2006', Table 4.6: Community channel expenses for class 1 cable, released June 30, 2006, 116.

³⁸ Public Notice CRTC 1997-25, IV-131.

³⁹ Ibid., IV-132.

⁴⁰ Lincoln, op cit, 332.

In 2002, Québec the CRTC made two significant changes to the regulations governing the community channel in response to community pressure from organizations such as the *Community Media Education Society (CMES)* and *La Federation des television communautaires autonomes du:*

1. They required cable operators that elected to carry the community channel to dedicate 60% of weekly programming to local community programming.
2. They ruled that if a cable company elected not to operate a community channel then a non-profit organization could apply to the CRTC for a licence to operate a '*community programming undertaking*' using a portion of the 5% cable levy.⁴¹

In this ruling the CRTC redrafted its community television policy to include the following principles:

- engender a high level of citizen participation and community involvement in community programming;
- actively promote citizen access to the community channel and provide and promote the availability of training programs;
- provide feedback mechanisms such as advisory boards, to encourage viewer response to the range and type of programming aired;
- seek out innovative ideas and alternative views;
- provide a reasonable, balanced opportunity for the expression of differing views on matters of public concern;

⁴¹ Ibid, 334.

- reflect the official languages, ethnic and Aboriginal composition of the community;
- provide coverage of local events, and;
- publicize the program schedule.⁴²

The public process surrounding this ruling is the focus of this research project.

The consolidation of cable networks has created a large subscriber base for cable operators. Although satellite distribution has had an impact (it is worth noting, however that *Shaw*, owns the satellite provider *StarNet*), cable is still the dominant means of television distribution in Canada with an 82.9% share of the market (approximately 7,600,000 subscribers). *Rogers* is the top cable distributor with *Shaw* in close second, between them they have 56% of the cable market.⁴³ In Western Canada, after the asset swap with *Rogers* in 2002, *Shaw* had approximately 1.86 million subscribers⁴⁴ and in the Vancouver region it is estimated that their subscribers number around 660,000.⁴⁵

Combined with relaxed regulations governing sponsorship and the advertising of cable products such as high speed Internet or digital cable, the commercial imperative has become part of the rationale for operating the channel; the ‘positive corporate image’ referred to by the CRTC. A former *Rogers* employee described the development of the show *Daytime* (now called *Urban Rush*) with its breezy mix of celebrity gossip, product

⁴² Lincoln, op cit, 330.

⁴³ Lincoln, Op cit 303.

⁴⁴ From *LightReading.com*, telecom industry website, March, 2000, http://www.lightreading.com/document.asp?doc_id=306&site=lightreading.

⁴⁵ Gordon Inglis, ‘The Democratic Potential of Vancouver’s Community Channel’, interview with Rick Ward, Community Media Education Society researcher, unpublished paper for CMNS850, January 19, 2004, (ethics approval on file with SFU Office of Research Ethics), 8.

placement, and musical guests, as the beginning of a deliberate attempt to create more marketable programming.⁴⁶

As a consequence, ratings, which should not be a concern of the channel, have become an important concern of cable operators; the more viewers the channel has the more product it can sell. The asset swap between *Shaw* and *Rogers* has meant the creation of what are in essence large regional networks. In the shift from a locally focused channel to a more regional one, the same logic applies that we see in the commercial broadcast sector, i.e. to create programming that appeals to the broadest segment of the audience. It is precisely this type of commercial logic that the community channel was formed to counter.

⁴⁶ Inglis, interview with Deborah Angrave, former *Rogers* employee, op cit 14.

GREATER VANCOUVER'S COMMUNITY CHANNEL

The Vancouver community television channel, *Cable 4*, or *Shaw TV Vancouver*, has long been a part Vancouver's mediascape. Its current form, which I would more accurately describe as Greater Vancouver's community channel, has evolved considerably since its creation in 1975.⁴⁷ In the 1980's community television in Greater Vancouver region was composed of a collection of small community channels representing 21 municipalities operated under various cable operators.⁴⁸ In 2002 community television was consolidated into a large regional channel operated by *Shaw Cablesystems*.⁴⁹ This consolidation has also seen transformations in the channel's operations, format and rationale.

The shift in the form of the community channel in Vancouver was a long-term project⁵⁰. Under *Rogers* the opportunities for citizen participation were quite high. Volunteering was a major component of production and a large part of the staff function was to act as facilitators and trainers to aid volunteers in the technical aspects of television production. The other function of staff was to actively seek out and work with

⁴⁷ Lincoln, op cit, 329.

⁴⁸ I began my career in community media during this time volunteering for the Richmond community television station.

⁴⁹ Excepting Delta Cable which serves the municipality of Delta and Novus Telecom, which provides television and high-speed Internet services to approximately 4,500 subscribers in 70 buildings in Vancouver.

⁵⁰ The information for this history comes from personal experience and from interviews conducted for a previous paper cited above. Ethics approval for the interviews conducted was obtained for the cited paper.

community groups and develop innovative programming.⁵¹ A few years prior to the transfer of the *Rogers* Vancouver cable system to *Shaw*, there were numerous community offices throughout the region including *Vancouver East NTV*, *West End NTV*, *Kitsilano NTV*, *Richmond NTV*, *Burnaby NTV*, *New West NTV*, *Surrey NTV*, and *Port Moody NTV*. The Burnaby studio at Metrotown was *Rogers Television's* central facility. Studios in Kitsilano and Surrey were smaller but full production facilities. The other offices were small storefront operations typically staffed with two people and containing edit-suites and camera equipment.

In 2002 *Shaw* and *Rogers*, with CRTC approval, swapped assets – *Shaw* gaining control of *Rogers'* systems in BC and *Rogers* taking most of *Shaw's* Ontario systems. This asset swap brought major changes to the community channel. *Rogers* were responsible for the closure of the small neighbourhood community offices prior to the asset swap but the action was done, according to former employees⁵², in anticipation of *Shaw's* assumption of the cable system in Vancouver.⁵³ Operations were centralized into the Burnaby studio. *Shaw* continued to operate their studio on the North Shore and the studio in Surrey until 2004 when the *Shaw* Cablesystems finished the building of their new headquarters in downtown Vancouver and consolidated all their operations to that location. A number of staff were laid off in the initial takeover and there have been further lay offs since.⁵⁴

At the time of the neighbourhood office closures just prior to the *Shaw* takeover of Vancouver's cable system the *Independent Community Television Cooperative*

⁵¹ Inglis, interview with Ron Fisher, former community channel employee under *Rogers* and *Shaw*, op cit, 13.

⁵² Inglis, interview with Deborah Angrave, former *Rogers* employee, op cit, 14.

⁵³ This also coincided with the CRTC's community channel ruling of 1997. Prior to this regulatory change it would have been difficult for such closures to take place.

⁵⁴ Inglis, interview with Rick Ward of ICTV, op cit, 15.

(ICTV), and its sister organization *Community Media Education Society (CMES)*⁵⁵ were formed. A group of volunteers based out the *Rogers Vancouver East Neighbourhood Office* approached *Rogers* and asked that they be allowed to keep the equipment of the office and set up a small volunteer run cooperative that would provide programming for the community channel. *Rogers* agreed to this request and ICTV is still in operation today and produces programming airing on *Shaw TV* – although there have been efforts by *Shaw* to remove them from the air.

The most significant impact on citizen participation came after the restructuring of the community channel by *Shaw*. A large number of access programs were cancelled including shows such as *Global Justice*, *EarthSeen*, and *Working TV*. Other access programming was reduced from half-hour programs to six-minute inserts, which now air within a half-hour show called *The Express*.⁵⁶ Although the rationale determining which shows were cancelled and which were kept was never articulated by *Shaw*, it is reasonable to characterize the cancelled programming as being overtly political and generally left leaning.

The ruling of the CRTC's 2002 policy framework requiring cable operators to dedicate 50% of their community programming to access programming was the first step in reinstating the producers removed from the channel by *Shaw TV*. But it was only following a long and protracted struggle on the part of ICTV and CMES resulting in CRTC intervention that some of this programming was reinstated.⁵⁷ However, apart from

⁵⁵ Of which I am a member.

⁵⁶ Kim Goldberg, 'Reclaiming The Airwaves,' *Canadian Dimension*, Sep/Oct2001, Vol. 33, Issue 5.

⁵⁷ Inglis, interview with Rick Ward, op cit.

some limited access to facilities, *Shaw* support for these ICTV programs is non-existent and their relationship has been characterized as ‘grossly malicious’.⁵⁸

The closure of community offices and the restructuring of the community channel have created a homogeneous regional channel in which the majority of programming is produced by *Shaw* staff under *Shaw* editorial direction. Their flagship shows (as of this writing) are *Urban Rush*, *Fanny Keifer*, *The Express*, and *Voice of the Province*. The production of these shows is performed by paid staff with some minimal volunteer assistance. The portion of their revenues dedicated to community programming is presumably directed towards the production of these programs. The shows produced as access programming are varied but a number of shows (as of this writing) are clearly marketing vehicles and could properly be classified as infomercials; shows such as *The Travel Guys* (promoting www.flightcentre.ca), and sponsored programming such as *McDonald’s Whitecaps Soccer* are some of the types of commercial programming become a regular part of the community channel’s programming in Greater Vancouver.

The consolidation of community channels mentioned above has been seen in other areas of Canada. The point of the transfer of licences between *Shaw* and *Rogers* was to consolidate Ontario under *Rogers* and Greater Vancouver under *Shaw*, and similar concentration has taken place in Atlantic Canada. Stories of volunteers being laid off and changes in programming priorities are related in *Our Cultural Sovereignty* in conjunction with concerns of witnesses over this trend toward consolidation.⁵⁹

⁵⁸ Sid Tan, CMES member, letter to CRTC, January 13, 2002.

⁵⁹ Lincoln, Op cit, 339.

COMMUNITY MEDIA IN QUÉBEC

Community television in Québec is significantly different from that of the rest of Canada. Although the regulations governing the community channel are the same across the country the government of Québec has financially supported the operation of French community channels since 1973 through the *Ministère de la Culture et des Communications du Québec* and as a result of this support a unique model of community television has arisen.⁶⁰

Québec has two community channels that operate side by side and are carried by the cable operators. The *télévisions communautaires* (TVC) are the channels supported by the Québec government. They are funded through lottery money and self-financing efforts such as the sale of calendars. The TVC are operated along democratic principles with a board of directors and members of the public elected through a general assembly. Programming committees are also formed. TVC operate autonomously from the cable licence holder. Depending on the cablesystem a second channel may also exist that is funded and controlled by the cable company. Some cable distributors contribute funding to TVC according to a maximum percentage specified by the CRTC through its ‘Regulation on the Distribution of Broadcasting’—2-3% of their gross revenues as discussed above.⁶¹

⁶⁰ Website of Fédération des télévisions communautaires autonomes du Québec, www.fedetvc.qc.ca/accueil.html, accessed July 1, 2006.

⁶¹ Ibid.

The TVC are organized under the *Fédération des télévisions communautaires autonomes du Québec* (FTCAQ) and there are currently 48 non-profit TVC in operation in Québec. The FTCAQ's mandate is the promotion of community television in Québec and representation of the various TVC to the CRTC and other governmental organizations.

According to the FTCAQ each TVC is unique and answers to the community it serves, which generates a great deal of diversity in the type of community found across the province. The FTCAQ describes the community channel as the only local and democratic space available to citizens in television, 'la télévision communautaire est le seul espace local et démocratique réservé aux citoyens et citoyennes parmi les centaines de chaînes qui sont maintenant accessibles par le biais de nouveaux moyens de diffusion'.⁶²

⁶² *ibid.*

THEORY AND METHOD

The question of whether or not the CRTC has an effective public process is approached from a normative position holding the democratic ideal that these processes should enable all those concerned to participate on the basis of equality. Further, this ideal needs to be as, Hamelink describes it, a 'positive' freedom, one in which democratic participation extends '... into areas where ordinary people do not normally participate'.⁶³

The media democracy movement and writers such as Downey, McChesney and Hackett discuss the role of the media in forming our perceptions and understanding of the social world. Corporately owned and controlled media in Canada is highly concentrated; one company can control major television, radio and newspaper outlets in a single market, and their editorial content is seen '...not as a public service, but as a business cost to be met as inexpensively as possible.'⁶⁴ Democratic participation in the media is seen as a way to lessen the hegemonic influence of mainstream media on political discourse. But, as Hackett says, this must involve more than changing the media's political content or adding advisory boards to media outlets, it must involve creating a new relationship to the media in which we become '...speakers as well as listeners and readers'.⁶⁵

⁶³ Cees J. Hamelink, 'The democratic ideal and its enemies', in *The Democratization Of Communication*, ed Phillip lee, (Cardiff, University of Wales Press, 1995), 19.

⁶⁴ Robert Hackett, Richard Pinet, and Myles Ruggles, 'From Audience-Commodity to Audience-Community: Mass Media in B.C.', in *Seeing Ourselves: Media Power and Policy in Canada*, ed. Helen Holmes and David Taras (Harcourt Brace Jovanovich Canada, 1992), 10.

⁶⁵ Ibid, 17.

While there are many different ideas about what constitutes media democracy, and the practice will vary in different contexts, Robert White identifies some ‘problematics’ that are central to most discussions of communications democratization. These can be summarized as:

- the right to access,
- the right to communicate at the institutional, structural, and societal level,
- participation in policy and administration,
- and policy that encourages a ‘space of cultural dialogue amongst a broad diversity of interests’.⁶⁶

The principles for the community channel as outlined by the CRTC, address all of these areas. Further, with the \$89,128,000 generated for the community channel in 2005 by Class 1 licences across Canada,⁶⁷ the channel actually has the funding to perform this role.

This research project analyzes public participation in the CRTC process that determined the community channel’s current framework in order to test whether the channel is meeting this theoretical challenge. The community channel has an infrastructure that is already established, a significant amount of funding, and is backed by policy that articulates many of the same concerns of media democrats. The potential for the channel to be a medium of public discourse would seem to be very high.

⁶⁶ Robert A. White, ‘Democratization of Communication as a Social Movement Process’, *The Democratization of Communication*, ed. Phillip Lee, University of Wales Press, 1995, 95-98.

⁶⁷ CRTC, ‘Broadcast Policy Monitoring Report 2006’, Table 4.6: Community channel expenses for class 1 cable, released June 30, 2006, 116.

Sherry Arnstein's 'ladder of participation' offers a basis by which one can evaluate the CRTC process that shares these normative ideals of the media democracy movement. Arnstein says, that 'citizen participation is citizen power' and that there is a '...critical difference between the empty ritual of participation and having the real power needed to affect the outcome of the process'.⁶⁸ While this project is not intended to directly answer the question of whether or not citizens who participate in the CRTC process around the community channel have the power to affect the outcome, it is intended to explore who is participating in the process and what form that participation takes – this being a pre-condition of affecting a policy outcome.

Vancouver's municipal government's approach to citizen participation offers a useful benchmark by which to evaluate the CRTC community channel process, as both address local community concerns. Citizen participation has long been a major concern of urban planners who see citizen involvement as a key component of the planning process and one that contributes to legitimacy within a democratic regime.⁶⁹ The democratic principles that inform the rationale for the existence of the community channel, and the levy that cable users pay for this channel, are strong arguments for the need for legitimacy in the policy development for a media outlet that is an 'essential third sector of broadcasting'.⁷⁰

Grounded theory as developed by Glaser and Strauss offers a useful method for this investigation. Although there is a quantitative element to this analysis of citizen

⁶⁸ Sherry R. Arnstein, "A Ladder of Citizen Participation", *JAIP*, Vol. 35, No. 4, July 1969 pp 216-224, as published on website: <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.pdf>.

⁶⁹ Pierre Hamel, "Urban Issues and New Public Policy Challenges: The example of Public Consultation Policy in Montreal", April 1999, 8.

⁷⁰ Lincoln, *op cit*, 331.

participation, e.g. how many people participated, what language group, etc., by necessity there is also a strong qualitative aspect to the research. Grounded theory links ‘...the choice and the use of methods (coding, sampling) to desired outcomes (theory development or theory grounded in data)’.⁷¹ The method is one that allows for the development of theory from data while avoiding forcing the data into pre-determined categories.⁷²

This project the analyzed material was written letters that form part of the public record for the community channel policy framework; as such they have an objective reality. The categorization of these letters is subjective and constructive; as the researcher and developer of these categories I am constructing the shape of the data to be analyzed. Grounded theory accepts this as part of the reality of the research process and views the steps in the formulation of research questions as:

- (a) data collection and analysis,
- (b) pursuit of emergent themes through early data analysis,
- (c) discovery of basic social processes within the data,
- (d) inductive construction of abstract categories that explain and synthesize these processes,
- (e) sampling to refine the categories through comparative processes,
- and (f) integration of categories into a theoretical framework that specifies causes.⁷³

⁷¹ Thomas Greckhamer, and Mirka Koro-Ljungberg, “The erosion of a method: examples from grounded theory”, *International Journal of Qualitative Studies in Education*, Vol. 18, No. 6, November-December, 2005, 735.

⁷² Ibid, 736.

⁷³ Ibid, pp 741.

This project investigates the two processes open to Canadian citizens interested in participating in the development of broadcast policy, specifically the project is concerned with:

- Written submissions in response to Public Notice CRTC 2001-129, Proposed policy framework for community-based media, which formed the basis for the decisions found in Broadcasting Public Notice CRTC 2002-61: Policy framework for community-based media.
- Broadcast complaints filed through the CRTC complaints process for British Columbia and Vancouver from 2002-2006.

The challenge of this research project was to determine who participates in the process and what form their participation takes, and from this analysis develop a theory as to why citizen participation takes the form it does. As any researcher does, I approached the task with certain normative prejudices (e.g. viewing citizen participation as good in and of itself and favouring a non-corporate model of community channel⁷⁴), and in order to accomplish this analysis it was necessary to develop categorizations and use subjective readings of the text in order to place them in a category. However, as the process unfolded, categories were altered to better reflect the nature of what was discovered and out of this process a theoretical view was developed.

The study of the written submissions in response to CRTC 2001-129 was undertaken to determine the number of interventions and type of participation by citizens in the development of community channel policy for Canada. In order to understand the type of participation taking place I developed categories based upon my expectations of

⁷⁴ And one that meets stated CRTC principles of citizen participation and alternative ideas.

the type of participants likely. All the submissions were read and assigned categories based on this reading. As the process unfolded there was adjustment of the original categories; for example the category of independent, non-community channel producer was eliminated since there were no submissions from this particular group. The final categories I developed are as follows:

- (a) **Broadcast Industry** – cable companies, and/or private media corporations, and trade organizations.
- (b) **Community Media Producers** – individuals or non-profit groups producing community television and/or operating community channels.
- (c) **Media Activists** – although this category overlaps greatly with the previous category of community media producers, media activists are individuals who, in their written submission, represent media democracy organisations but do not identify themselves as being actively involved in the production of community media.
- (d) **Community Organizations** – community groups, generally non-profit.
- (e) **General Public** – individuals who do not identify themselves in their submissions as being producers of community media or involved in media activists groups.
- (f) **Federal government** – government representatives or elected officials writing on official letterhead.
- (g) **Provincial government** - government representatives or elected officials writing on official letterhead.

(h) **Municipal government** - government representatives or elected officials writing on official letterhead.

There were a number of considerations taken into account when developing these categories, primarily the desire was to design categories that would illustrate whether or not the person submitting was already involved in the community channel in a direct way or was part of the broader citizenry. There was a great deal of subjective analysis needed in this review of the written submissions. While, for example, the identification of community organizations was straightforward determining their motivation was less so and involved a degree of subjectivity in the analysis of the written submissions.⁷⁵ Although challenging, this analysis of the submissions was generally straightforward and in the vast majority of the cases there was little doubt as to the category to which the submission belonged or to the intent of the submission.

⁷⁵ My 15 years experience in the field of community media informed this analysis.

PUBLIC RESPONSE TO CRTC PUBLIC NOTICE 2001-129

There is a slight variance in the numbers found in this table and the CRTC's *Broadcasting Public Notice CRTC 2002-61 Policy Framework for Community Based Media* which states they received 228 written submissions, 173 regarding French language community media and 55 directed towards English language community media⁷⁶. My data was taken directly from the list of written submissions for Public notice 2002-129⁷⁷ and is an accurate count of that list.

**Table 1: Proposed policy framework for community-based media
Public Notice CRTC 2001-129, 21 December 2001**

Total written submissions	234
French Language Submissions	176
English Language Submissions	58
Percent English	25%
Percent French	75%

The data gathered illustrates a large difference in level of participation between English Canada and French Canada when it comes to community media. This measure of participation shows that of the total written submissions to the CRTC regarding their community channel proposals, 75% were from French Canada and only 25% English

⁷⁶ CRTC Public Notice 2002-61, para 6, CRTC Website,
<http://www.crtc.gc.ca/archive/ENG/Notices/2002/pb2002-61.htm>, Oct.10, 2002.

⁷⁷ Alphabetical list of Interventions, CRTC website,
<http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/list.htm>, February 22, 2001

Canada. In 2001 Canada's population had 60% with English as their mother tongue, 23% French, and 17% Other⁷⁸, the participation shown in this process is almost an inversion of the population data which suggests there is a substantive difference in the type of participation found in French speaking Canada. It is worth noting that as a percentage of the Canadian population in 2001 (29,639,035)⁷⁹ this level of participation represented only 7.8⁻⁶ % of the populace; hardly a vast slice of the Canadian people French or English.

When we look at the type of participation found in these submissions a clearer picture of the difference between English and French Canada emerges. Table 2 is a summary of these findings broken down according to the categories I developed as part of the research process. The written submissions were examined and placed in the categories according to the nature of the submission.

⁷⁸ 2001 Census, Statistics Canada,
<http://www12.statcan.ca/english/census01/products/highlight/LanguageComposition/Page.cfm?Lang=E&Geo=PR&View=1a&Table=1a&StartRec=1&Sort=2&B1=Counts&B2=Both>.

⁷⁹ Ibid.

**Table 2: Written submissions organized according to category:
(Proposed policy framework for community-based media Public Notice CRTC 2001-129, 21 December 2001)**

Note: Some submissions were impossible to categorize so totals adjusted to reflect that.

Category	Adjusted Total	Percent of categorized submissions
Broadcast Industry	16	7%
Media Activist	13	6%
Community Media Producer	57	27%
Community Organization	86	40%
General Public	16	7%
Federal Government	3	2%
Provincial Government	4	2%
Municipal Government	20	9%
Total Categorized Submissions	215	

The data clearly shows the two largest groups contributing written submissions to the process as a whole are Community media producers and Community groups. The Community groups' submissions were, for the most part, simple declarations of support for the community channel that did not refer to the content of the call for submissions in any substantive way. This letter from Sylvain Bouchard, *Président, Conférence des chambres de commerce du Saguenay*, in which he expresses the value that the Chamber of Commerce has received from the community channel is a good example of this type of submission:

Monsieur,

1. C'est à titre d'organisation d'intervention oeuvrant au niveau du développement régional que nous désirons attirer votre attention sur les

problèmes que nous vivons en matière de communication dans notre milieu.

2. En effet, étant une région éloignée il est primordial pour nous de conserver la télévision communautaire, en l'occurrence Canal Vox, pour les raisons suivantes :

- Canal Vox permet à la collectivité de s'exprimer;
- Canal Vox est un média présent dans son milieu;
- Canal Vox représente un partenaire important pour les organismes;
- Canal Vox est actif dans le milieu et produit des émissions de qualité.

3. À titre d'exemple, pour ne nommer que celle-ci, depuis quelques années Canal Vox est devenu un partenaire majeur lors des galas respectifs de nos chambres de commerce. Cette collaboration que nous avons établi relève de la qualité de leur production d'une part, mais également de ce support médiatique si important pour nous, afin de faire connaître et reconnaître des entreprises qui excellent dans leur domaine à l'ensemble de la population, ce que seule la télévision communautaire nous permet, en diffusant les trois soirées.

4. Espérant que ces quelques commentaires nous permettront de conserver ce qui nous reste de moyen d'expression purement régional.⁸⁰

By contrast the submissions from Community Media Producers and Media Activists tended, for the most part, to address the policy directly and in many cases offered detailed critiques of specific policy issues and critiques of the mediascape in general. The letter from the *Independent Community Television Co-operative* (ICTV) of Vancouver is too long to reproduce here in its entirety but this excerpt gives a sense of the detail that went into their 5-page submission:

⁸⁰ Sylvain Bouchard, from CRTC Public Notice 2001-129, Comments Filed Electronically, <http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/jnt.htm>, December 21, 2001.

9. Another concern is the program selection process for the independent 50% of the broadcast week. In this regard, we would like to suggest two possible approaches:

a. A volunteer Community Advisory Board appointed by the CRTC based on written nominations from the community could be given the responsibility of establishing an application procedure and, through that procedure, of selecting programming.

b. An elected Community Advisory Board (administered with cable levy funds) could be given the responsibility of establishing an application procedure and, through that procedure, of selecting programming.⁸¹

Media Activist submissions dealt with the proposals in a similar level of detail but more often would include broader critiques of Canadian broadcasting as part of the submission.

Industry submissions were equally detailed but there was a greater range in terms of the types of comments. Industry submissions came from Cable Companies and their trade organization the Canadian Cable Television Association (CCTA), private broadcasters, and submissions from the American Federation of Musicians and their Canadian branch that were concerned with performers on the community channel not receiving payment for their work. Private broadcasters shared a similar concern; their concern was increased competition for advertising that could result from proposed changes to increase advertising on the community channel. This letter from David Black of CJDC Television in Dawson Creek addresses this concern:

Re: Public Notice CRTC 2001-129 Call for comments – Proposed policy framework for community-based media

⁸¹ Andrew Lithgow, from CRTC Public Notice 2001-129, Comments Filed Electronically, <http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/int.htm>, December 21, 2001.

1. I am David J. Black the General Manager of CJDC Television in Dawson Creek, BC. I am submitting comments, on the proposed policy framework for community-based media. I would like to comment on the proposed amendments to the Distribution Regulations concerning sponsorship messages, specifically the use of motion video and the description of the products or services.
2. Dawson Creek is one of the smallest television markets in the country and I can tell you that running a small market television station is getting harder every day. While the amendments that you are proposing may not seem like much in the grand scheme of the Canadian Broadcasting system, they are very serious to us.
3. In the last four years, we have seen a 209% increase satellite penetration. The transition of CHAN from CTV to Global cost our station 28 programs that were on our schedule last year but are on CHAN's schedule this year. Many of these programs were our top rated shows, thus we have seen a significant reduction in revenue in the first six months of this year.
4. I understand that the decisions that the commission makes are designed to expand the opportunities throughout the Broadcast system, but at what cost. Each time that our revenues are reduced it becomes harder for us to deliver on our commitments to our communities. This can mean reduced coverage of local events, less money to donate to local causes and less people employed by our station.
5. The relaxing of the advertising regulations for community television stations may seem like a small opportunity for them to get more revenue, but to small market television stations like CJDC it is another blow to an already strained existence.

The cable companies' submissions and the CCTA submission were quite detailed and comprehensive - similar in scope to the ICTV submissions, albeit with different concerns; this excerpt of the submission from Pamela Dinsmore of *Rogers Cable Inc.* (who is also industry representative to the CTSC) illustrates the cable companies concerns regarding the issues raised above:

c) Access Programming

9. *Rogers* agrees with the CCTA that it is difficult to establish an appropriate fixed ratio between access programming and programming produced by the licensee. We also agree that 50% access programming, as applied to 100% of community programming over a broadcast week, is a relatively high percentage and might be difficult to meet for many cable operators either because the demand or the interest of community members in producing community programming falls short of 50% of the overall schedule. In our view, rather than creating a measurement that could prove inappropriately high, we believe the Commission should establish the more reasonable measurement of 50% of the 60% local programming component. The creation and weekly production of a local, community television program is highly labour intensive. Not all community members have the time to devote to such endeavours. To accommodate these groups, *Rogers* created and launched two “access vehicles” in 1997. These programs, *Daytime* and *Plugged In*, allowed us to triple the number of community groups or individuals who accessed community television in a year. In 2001, almost 13,000 such groups or individuals made use of these programs. These programs are incremental to the other access programming available on *Rogers* Television.

10. *Rogers* believes our proposed ratio would better preserve the balance between access and other community programming than the proposed ratio. We also believe it would provide cable operators with more flexibility in continuing to serve the needs of our communities as well as our customers.

d) Promotional Messages

11. *Rogers* is opposed to any limits being imposed on a cable operator’s ability to promote its packages and offers. We strongly believe that the Commission’s proposals would severely detract from the ability of cable operators to promote Canadian broadcasting services. These promotions have been and continue to be valuable and powerful tools for cable operators to sell analog programming tiers and new digital services to our customers. ... In our view, given the increased popularity of community programming, there is little doubt that the promotion of analog services via the community channel has been highly beneficial to Canadian programming services to date and has been equally important in selling the new digital services since their launch. ... By increasing the penetration of the third tier, all of the Canadian services on Tier 3 receive increased revenue, which

increases their ability to provide even higher levels of quality Canadian content.⁸²

The comments from all levels of Government were, for the most, similar in tone and content to the letters from community groups. These comments tended to be statements of support for the community channel and the importance of its role in the community as a vehicle of expression not found on the commercial stations. This letter from David Coulombe, *Chef Communications cabinet du maire, Ville de Gatineau* is representative of this type of submission:

Message à l'attention du secrétaire général du CRTC

Madame, Monsieur,

La présente note est pour vous faire part de notre grande appréciation du produit offert par la télévision communautaire en Outaouais Canal Vox. La station de télévision offre des émissions de qualité et surtout une grande diversité qui permet aux téléspectateurs de la région d'avoir accès à un produit distinctif en matière télévisuelle. Comme municipalité nous pouvons également profiter du service offert par Canal vox pour faire diffuser en direct nos conférences de presse et ainsi rejoindre les citoyens directement dans leur foyer. La présence de la télévision communautaire constitue indéniablement un atout pour la grande région de Gatineau. Veuillez agréer Madame, Monsieur, mes salutations les plus distinguées.

Letters submitted by the general public ranged from simple letters of support similar to those of community groups and government to detailed media analyses and critiques of CRTC policies and the current form of the community channel. This letter from Paula Seaton is illustrative of a general awareness of the issue – in this case the lack of access for the community show *Global Justice* due to *Shaw's* reduction of access for

⁸² Paula Dinsmore, from CRTC Public Notice 2001-129, Comments Filed Electronically, <http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/int.htm>, December 21, 2001.

Vancouver community programmers after their takeover of the channel from *Rogers TV* in 2000 – but the details of the process are not fully understood:

Dear Sir,

Please grant Global Justice a licence so that I may again view this important program. Pedro Mora, and Linda Morgan (more recently), have been providing our community with a great service. It has been community television at its best.⁸³

Reading the various submissions a clear, and unsurprising, pattern of participation emerges; those involved in the industry as producers or licencees pay a great deal of attention to the details of the calls for submission, while the other stakeholders tend to be informed enough to know there is a process and that they are able to make a submission and use that to express more general concerns. The problem with such general statements of support is that, short of a proposal to eliminate the community channel entirely, practically any policy developed will be said to have the ‘good’ of the community channel as its rationale. The discussion of how the channel is actually structured is, in this process, left entirely to the cable operators and the producers of community media, but it is such structural elements that determine the form of the channel. With only 7% of the categorized submissions coming from the general public their engagement in the process is for all practical purposes irrelevant.

Table 3 is an analysis of the submissions according to language, which illustrates a clear difference in the type of participation that occurred between French and English submissions.

⁸³ Paula Seaton, from CRTC Public Notice 2001-129, Comments Filed Electronically, <http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/int.htm>, December 21, 2001.

**Table 3: Totals and Percentages of categorized submissions by language:
(Proposed policy framework for community-based media Public Notice CRTC 2001-129, 21 December 2001)**

	Adjusted Total	English	French	% English	% French
Broadcast Industry	16	11	5	68.75%	31.25%
Media Activist	7	5	2	71.43%	28.57%
Community Media Producer	54	17	37	31.48%	68.52%
Community Organization	86	3	83	3.49%	96.51%
General Public	16	13	3	81.25%	18.75%
Federal Government	3	1	0	33.33%	0.00%
Provincial Government	3	1	2	33.33%	66.67%
Municipal Government	20	2	18	10.00%	90.00%
Total categorized submissions	205	53	150		
Total Percent English/French				25.85%	73.17%

Analyzing the submissions according to language demonstrates a significant difference in the type of interventions occurring between English and French Canada. 96.5% of all the community organizations submitting were French speaking and (with one or two exceptions) came from Québec. This difference is explainable by the difference in the structure of Québec community media, where non-profit groups independent of the cable operator run the community channel, and the rest of Canada where the cable operator runs the channel and is the gatekeeper of access.

Although to verify this absolutely is beyond the scope of this project it is reasonable to assume that the submissions to the CRTC from Québec community groups were in response to the TVC solicitation of letters of support – the knowledge of the CRTC process would flow from the community producer to the community group.

Outside Québec however, it is the cable company that is the organizer of community channel volunteers and it is the corporation who interacts with the community groups featured on the channel. The lack of community group involvement from English Canada might suggest that community groups outside Québec in general do not interact much with the community channel, or that the cable companies do not think it useful to encourage such groups to participate in the CRTC process. This difference in participation rates between French and English Canada also suggests that Québec community groups feel themselves to be stakeholders in the community channel while outside Québec that is not the case.

Municipal government participation in the process was likewise dominated by Québec municipalities, 90% of municipal governments submitting comments were from this province. This indicates that Québec municipalities consider themselves as stakeholders in the channel and as such are motivated to participate. In my experience as a consultant to the City of Vancouver and the Greater Vancouver Regional District I have presented reports about the community channel to these organizations and to a meeting of all the regional communicators. The rate of municipal participation shown here is not surprising based on my experience; while the individuals in the organizations I have talked to all value the community channel highly and are aware of its potential as a tool of local, non-commercial communication, none of them were aware of the channel's mandate or the processes available to comment on its operation or policy. As with the Québec community groups it is a reasonable assumption that the TVC see value in having municipal governments as stakeholders in the channel and make efforts to encourage this, outside Québec, the data suggests, cable companies do not feel the same.

68.5% of the submissions from community media producers were French language. The FTCAQ while producers of content for the community channel are, as described earlier, much more than that and as such not only have a greater understanding of cable policy simply through the demands of operating the channel but also have the resources to hire staff whose responsibility includes understanding policy. Outside Québec resources stay with the cable company and producers for the community channel either are funded by some outside source (e.g. trade unions, or municipal government) or are purely volunteer run. For producers primarily concerned with the production of material for the channel exploring the intricacies of policy is something that is low on the list of priorities⁸⁴.

Organizations such as Star TV in Ontario or ICTV in Vancouver have, as part of their motivation, the goal of challenging the cable companies' control of the community channel and as such are well versed in policy but, at least in the case of ICTV, their resources are limited and such efforts are performed on a volunteer basis. Cable companies, on the other hand, are well funded. The difference in participation that the data shows between English and French Canadian producers is the result of the difference between Québec's community channels and the rest of Canada.

⁸⁴ I speak here to great degree out of my personal experience as a long time producer of community media and my experience discussing these issues with other community media producers.

CRTC COMPLAINTS: GREATER VANCOUVER 2002-2006

The following data is for complaints filed in Canada and British Columbia against *Shaw Cablesystems* and *Delta Cablevision*. The numbers were provided by the Vancouver office of the CRTC with the caution that they may not be an exhaustive record of all complaints filed. However, the CRTC uses this information to identify trends and as such it is reliable.

When a complaint is filed, it is assigned to a CRTC agent who is responsible for tracking the complaint and deciding when the issue is resolved and the file can be closed. This process involves forwarding the complaint to the licensee being complained about, monitoring the response, and, if necessary, requesting further clarification or action on the part of the licensee.⁸⁵ CRTC agents apply their own categorization system that includes a subject heading, tone, and a keyword (sometimes) that classify the nature of the complaint.

The number of complaints has been totalled according to these CRTC subjects and keywords in tables 4-9. The data provided gives the total number of complaints for Canada and BC, the subject and keyword totals are for BC alone. Table 10 is a finer grain analysis of these complaints in which I read each individual complaint for the years 2004, 2005, and 2006 (to June 13) and recorded the assigned category. I also applied my own categorization of these read complaints as *policy related*, or *non-policy related*. Policy

⁸⁵ This process is not articulated as such anywhere in the public documents of the CRTC but is evident in readings of the case files.

related complaints address issues directly related to the CRTC or to issues with *Shaw* that are determined by policy as opposed to non-policy related issues, which tended to be related to the quality of the service. Examples of each will follow the discussion of the data.

The categorization of the complaints by the CRTC agents is obviously subjective but in my more detailed analysis of three years of complaints I found few complaints whose CRTC assigned categories or keywords I would have disputed. Categories that had less than 10 assigned were not recorded in tables 4-9, with the exception of the community channel, which is why the subject totals do not equal the total complaints for BC.

Table 4: Broadcast Complaints 2002 *Shaw* Cablesystems

2002			
Total 2002 Complaints for Canada	1217		
Subtotal 2002 Complaints for BC	760		
Subject		Keyword	
Rates	444	Rate Increase	233
CRTC	88	Basic Service	187
Billing	78	N/A	79
Distribution	52	Notification	56
Quality of Service	52	No Match	42
Provision of Service	15	Choice	35
Advertising	11	Billing Dispute	34
		Community Channel	5
Subtotal of subject	740	Subtotal keyword	671

Table 5: 2003 Broadcast Complaints *Shaw* Cablesystems Vancouver

2003			
Total 2003 Complaints for Canada	769		
Total 2003 Complaints for BC	467		
Subject		Keyword	
Quality of Service	114	No Matter	102
Rates	92	N/A	84
Billing	83	Rate Increase	77
Distribution	71	Billing Dispute	60
No Matter	27	Signal Substitution	26
CRTC	26	Community Channel	6
Subtotal of subject	299	Subtotal keyword	169

Table 6: 2004 Complaints *Shaw* Cablesystems Vancouver

2004			
Total 2004 Complaints for Canada	325		
Subtotal 2004 Complaints for BC	183		
Subject		Keyword	
Rates	36	N/A	39
Quality of Service	46	No Matter	33
Billing	46	Rate Increase	29
Distribution	26	Billing Dispute	28
Programming	10	Internet	13
Terms of Service	6	Signal Substitution	12
		Community Channel	4
Subtotal of subject	170	Subtotal keyword	119

Table 7: 2005 Complaints *Shaw* Cablesystems Vancouver

2005			
Total 2005 Complaints for Canada	560		
Subtotal 2005 Complaints for BC	380		
Subject		Keyword	
Distribution	137	N/A	159
Quality of Service	100	Rate Increase	38
Rates	49	No Matter	20
Billing	31	Internet	14
CRTC	13	Billing Dispute	13
Programming	12	Community Channel	7
Subtotal of subject	105	Subtotal keyword	92

Table 8: 2006 Complaints *Shaw* Cablesystem Vancouver to June 13/06

Total 2006 Complaints for Canada	94		
Subtotal 2006 Complaints for BC	71		
Subject		Keyword	
		N/A	30
Quality of Service	17	Internet	7
Distribution	13	No Matter	6
Billing	11	Billing Dispute	6
Rates	7		
Terms of Service	7	Community Channel	3
Subtotal of subject	38	Subtotal keyword	52

Table 9: Delta Cablevision Complaints 2002-June 13, 2006

Year	Complaints
2002	3
2003	8
2004	6
2005	9
2006 to June 13/06	16

The nature of the complaints filed against *Shaw* Cablesystems is predominantly consumer related. Quality of Service, Billing, Distribution, Terms of Service, Rates, and other consumer issues are the primary reasons British Columbians register complaints with the CRTC. This ‘Terms of Service’ complaint is typical:

...we were offered extended channel service free of charge for 1 month. We accepted but when we received our monthly bill yesterday, we found we had been charged for the “free” service...⁸⁶

⁸⁶ From *Shaw* Vancouver CRTC file for 2006, letter from Mark Reid, Jan 16, 2006.

as is this 'Rates' complaints:

I have been charged a \$20.00 processing fee for the disconnection and reconnection of my cable internet and television services by *Shaw* Cable. These services were at no time disconnected and therefore did not require reconnection...The essence of this complaint is that I have been charged to offset the costs for labour that was not completed.⁸⁷

The few community channel complaints filed over the years reviewed ranged from general concerns about the operation of the channel, specific disputes between *Shaw* and independent community channel producers, to concerns about CRTC policy.

The City and District of North Vancouver both used the CRTC complaints process to submit resolutions expressing their concerns over *Shaw's* closure of neighbourhood offices across Greater Vancouver:

... AND WHEREAS community television has played a great supporting role in the culture and development of North Vancouver,
AND WHEREAS the Community Channel is funded by a cable levy (a portion of the monthly cable bill) and that money is supposed to go to the operation of the channel;
AND WHEREAS *Shaw* Cable will close two more neighbourhood studios at Metrotown in Burnaby, and in North Vancouver:
AND WHEREAS this may adversely impact the District of North Vancouver...
AND THAT a letter be sent to *Shaw* Cable with a copy to the Canadian Radio and Television Commission (sic) (CRTC), expressing Council's concern in this regard.⁸⁸

Vancouver community activists are another group that used the complaints process to discuss policy issues dealing with the community channel in Vancouver. P.J. Mora, producer of *Global Justice* (one of the community shows *Shaw* was required to reinstate after taking off air) and the *Vancouver Community Television Association*

⁸⁷ From *Shaw* Vancouver CRTC file for 2006, letter from Gordon Thompson, Jan 24, 2006.

⁸⁸ From *Shaw* Cablesystems File 2005, Doc ID 435119, Jan 27, 2006.

submitted a complaint regarding the automatic assignation of community television licences to cable companies without allowing competition by other groups for those licences:

...Meanwhile, the privately owned and undemocratically operated *Shaw* Cable TV here in Vancouver, with the CRTC authorization, continues to dictate their unchallenged agenda to the detriment of independent community television producers like us... while they spend millions of dollars on the production of their own shows, we, the independent producers, like ICTV, Working TV, and VCTA, receive absolutely no financial support for our productions...
The social responsibility to democratize the community channel lays exclusively on the CRTC and the appointed commissioners only.⁸⁹

Libby Davies, M.P. for Vancouver East wrote:

...Public access to community television has been significantly eroded over the years, and the CRTC has provided only inadequate and superficial responses to address this serious issue. Because of restrictive access to the community channel, the public has been denied a truly independent source of media that is not beholden to corporate interests. Independent and alternative forms of expression go unrealized. I urge you to support shared licensing for community television.⁹⁰

Not all complaints are supportive of community channel programming, two (in the time period studied) were complaints about specific content found on community programming produced by independent producers (as opposed to *Shaw* productions). For example:

...The channel over the last few weeks has become a Marxist propaganda machine definitely not reflecting what is supposed to be a community channel...What is going on? Who is running the local effort? Does *Shaw* know or monitor what the heck is going on? Where is this indicative of community programming when only one extreme, fanatical view is promoted?⁹¹

⁸⁹ From *Shaw* Cablesystems File 2004, Doc ID 270571, March 14, 2004.
⁹⁰ From *Shaw* Cablesystems File 2003, Doc ID 124885, March 23, 2003.
⁹¹ From *Shaw* Cablesystems File 2005, Doc ID 514789, July 30, 2005.

The picture this data paints is of a process that is used primarily by consumers of the cable companies' product with very little use of the process to discuss more general concerns about broadcasting or the operations of the cable company. Complaints about the community channel are extremely few in number and overwhelmingly filed by people active in the realm of community media. As an indication of general public sentiment regarding the channel the complaints process (and the public hearing process described above) offers little insight into how the public feels about their channel. This would suggest four possibilities:

1. The public has no awareness of the complaints process as a way to register their views.
2. The public does not consider themselves as stakeholders in the community channel and so don't feel like it is their role to participate in public process regarding the channel.
3. The public are happy with the channel.
4. The public don't care about the channel enough to complain about it.

Table 10 is a breakdown of the complaints filed against *Shaw* in Vancouver city over from 2004 to 2006 ending June 13. The data was gathered by going through each individual complaint and recording the category. As well my own categorization of *policy*, *non-policy*, or *community channel* related was applied based on my reading of the complaint.

Table 10: Broadcast Complaints for Shaw Cablesystems in Vancouver by category 2004-June 13, 2006.

2006			
	Non Policy related complaints	Policy related Complaints	Community Channel
	10	3	0
Subject	Complaints		
Quality of Service		5	
Terms of Service		4	
Rates		1	
Advertising		1	
Billing		1	
Distribution		1	
Total		13	
2005			
	Non Policy related complaints	Policy related Complaints	Community Channel
	31	4	4
Subject	Complaints		
Quality of Service		17	
Distribution		4	
Programming		4	
Advertising		4	
Billing		3	
Terms of Service		2	
Dispute Resolution		2	
Provision of Service		2	
Rate Increase		1	
Billing Disputes		1	
Rates		1	
Total		41	
2004			
	Non Policy related complaints	Policy related Complaints	Community Channel
	22	4	1
Subject	Complaints		
Quality of Service		7	
Billing		5	
Rates		4	
Distribution		3	
CRTC		3	
Rate Increase		2	
Provision of Service		1	
Programming		1	
Advertising		1	
Total		27	

In Table 10 we see that in 2004 of the four complaints filed in BC against *Shaw Cablesystems* regarding the community channel one of these was from Vancouver. In 2005 of the seven total complaints about the community channel in Canada 4 of these originated from Vancouver and at least one other was from Greater Vancouver – that of the North Vancouver councils mentioned above. Vancouver is where ICTV and CMES, and a number of the access producers for the channel which is the likely explanation for the majority of submissions coming from there.

As a proportion of the complaints filed in Vancouver, the community channel made up 4% of complaints for 2004 and 10% of complaints for 2005. The other complaints were all consumers related, even those categorized as *policy*. The 2006 data suggests that there will be a similar level of participation for that year as in the two years previous.

Given the CRTC's advice to the public to pursue their complaints with outside organizations or with the licensee directly it is fair to say that these complaints do not tell us much about how ordinary BC citizens feel about Shaw. The fact that media producers and activists use the complaints process reflects their knowledge of how the regulatory process works, part of the motivation for filing a complaint may be to have the issue become part of the public record. This data suggests that using filed complaints about the community channel (or any other part of the licensee's operations) to justify policy decisions would not be justifiable.

CONCLUSION

This research demonstrates a fundamental problem with the participation that informed the CRTC's decision *Broadcasting Public Notice CRTC 2002-61, Policy Framework for Community Based Media*. However, the problem, a lack of diversity in the submissions and a generally low level of participation, was confined to the English submissions. The City of Vancouver in their *Public Involvement Review* identifies a number of key aspects of process participation that are necessary for effective citizen engagement. One of these is the nature or diversity of any public process' participants:

3. Process Participants

- a. Everyone potentially interested in or impacted by a process has an opportunity to become involved.
- b. Public involvement processes have a balance of people who represent others and people who represent only themselves.
- c. Efforts are made to include under-represented and hard-to-reach communities in all public involvement processes.
- d. Any barriers to access are recognized and overcome, including physical, communication, economic, language, ethnic, and social constraints.⁹²

Evaluated by these criteria the CRTC public hearing process for English Canada is not effective; the participation in the process comes from a very narrow segment of the populace and little effort is made by the CRTC to broaden this participation.

⁹² City of Vancouver, "Public Involvement Review", <http://vancouver.ca/commsvcs/planning/pubinvolveguide/PUBINV2.HTM#Introduction>, accessed June 26/06.

The French submissions, which in this case were almost completely from Québec, showed a very different form of participation. The Québec municipalities that participated in the process are representatives of their public. The FTACQ's submissions, since the organization itself is democratic, can also claim to represent the public interest to some degree. The wide range of community organizations participating also represents different sectors of the population. Overall the submissions from Québec came from a broad group of stakeholders.

The question that arises from this investigation is what are the reasons for this difference in the number and type of submissions from Québec versus the rest of Canada? The most significant factor appears to be the structure of the community channel itself. In Québec, unlike the rest of Canada, the TVC is a not-for-profit entity that runs the community channel along democratic principles. Outside of Québec the community channel is under the control of the corporations that are hold the cable licence. Using participation in public process as a means by which we can assess the health of a democratic process, the research conducted demonstrates that the corporate control of the channel outside of Québec does not create a democratic medium.

The CRTC complaints process is even more problematic. The research shows it functions primarily as a consumer complaint line with the CRTC merely acting as a mediator between the cable operators and their customers. Few of the complaints address issues of policy, those that do tend to be from community channel producers—a much smaller pool of Canadian citizens than that found in Québec.

As discussed earlier, the structure of the complaints process (complaints are forwarded directly to the licensee with the complainant's name attached), given that

those complaining tend to be community channel producers dependent on the cable operator for access to equipment and air time, reduces the likelihood of complaints from the very people most likely to be knowledgeable about the policy framework for the channel. While there is some validity to the principle that the licensee should be able to face their accusers, if complaints are the only mechanism by which the CRTC monitors the operations of a channel that is ostensibly a public resource then it is, at best, a poor mechanism.

If the general public was more aware of the rationale and purpose for the community channel and the CRTC's role in developing policy for the channel then it is conceivable they might utilize the complaints process for more than just consumer satisfaction. As is, however, the type of information available to the general public regarding these functions is difficult to access – reading policy frameworks and broadcast regulations are only for the motivated. The CRTC needs to publicize the complaints process on the channel itself and explain to the public what the community channel's framework is. Participation comes through knowledge and it should be the mandate of the CRTC to foster public knowledge about the community channel that the public pays for and about the process that regulates it.

Submissions at public hearings or in response to public notices and formal complaints are part of the basis that inform CRTC policies and are one way they assess whether or not a cable operator will retain their licence. The nature of the participation that is shown in this research suggests that there are serious flaws in the structure of the process that keeps our broadcasting system 'controlled by Canadians'. A full investigation of the CRTC's approach to public participation would be a worthy topic for

future research. In the process of investigating the data for this project a number of areas where CRTC process is lacking were identified; what follows is by no means a comprehensive list:

1. The CRTC's approach to monitoring the content of the community channel is essentially passive. If there are no complaints the assumption is there is no problem.
2. The structure of the complaints process is inhibitory and does not allow for general policy comments.
3. Administrative renewals (the automatic renewal of a licence without public hearing) of cable licences constrain opportunities for participation.⁹³
4. The lack of a proactive solicitation of participation by the general public, as opposed to those already involved in the community channel, restricts participation to the 'usual suspects'.

For the community channel to live up to its ideal of being a broad forum for the public to participate in the medium of television, the structure of the channel outside Québec must be changed. When the channel was created in 1975 it was intended '... that the nature of community programming should be distinctly different from that provided by conventional broadcasting services.'⁹⁴ The CRTC does not do the type of detailed content analysis or monitoring of content that can determine whether or not such a goal is

⁹³ Since Shaw's assumption of the Greater Vancouver cable market they have had 3 administrative renewals.

⁹⁴ Public Notice CRTC 1990-57, *Community Channel Policy Review*, accessed on CRTC website, www.crtc.gc.ca/archive/ENG/Notices/1995/..%5C..%5CNotices%5C1990%5CPB90-57.htm, July 14, 2006, 1.

being met. Such analysis is always open to dispute anyhow; cable operators will tell you that what they offer is very different from conventional broadcast fair, community producers and media activists will argue that the channel is simply a lower budget imitation of standard commercial fair.

Perhaps the first step in re-democratizing the community channel, and the governance process for the channel, can come at the implementation stage of the policy cycle. A community channel (or any channel for that matter) that is controlled by a corporation will always be operated to further corporate interests, indeed it is unreasonable to expect otherwise. The rationale of the community channel, as expressed under the broadcast act and under the current framework, is not corporate; the channel exists to create space in the broadcasting system for public discourse. The operation and control of this channel should rightly be in the hands of the public, as it is for many of Québec's community channels.

If the community channel policy is developed utilizing a public process that is robust, and if the channel itself is structured so that the communities that it serves have a meaningful say in the type of production that is being developed, then the content will follow. While this data shows there is a significant problem in terms of the type of participation happening in the CRTC's policy process it also suggests a solution to this problem. If the community channel took the form of the Québec model and lived up to its stated mandate (e.g. advisory boards, etc.) then this lack of engagement would be addressed to a great extent.

The *Fowler Committee Report* said that ‘the only thing that really matters in broadcasting is program content: all the rest is housekeeping’⁹⁵; this notion I dispute. Power in broadcasting, comes not from the barrel of a gun or from the means of production but administration. If, as I do, you accept McLuhan’s notion that the medium is the message, then this research suggests the regulatory framework is the medium. The corporations that control our broadcasting system understand this; those interested in the democratic health of our broadcasting system need to as well.

⁹⁵ as quoted in Herschel Hardin, ‘Closed Circuits: The Sellout of Canadian Television’, Douglas and McIntyre, Vancouver, Toronto, 1985, 11.

BIBLIOGRAPHY

Public Documents

Lincoln, Clifford (Chair), *Our Cultural Sovereignty. The Second Century of Canadian Broadcasting, Standing Committee on Canadian Heritage*, Government of Canada, (June 2003)

CRTC broadsheet, 'The CRTC's Origins', available at CRTC offices.

CRTC publication, 'CRTC Accomplishments 2004 – 2005', available at CRTC offices.

CRTC publication, 'Broadcast Policy Monitoring Report 2006', released June 30, available at CRTC offices.

Print Sources and Reference Material

Borre, Ole and Scarbrough, Elinor, *The Scope of Government*, (Oxford University Press. Oxford Scholarship Online. Oxford University Press. 1998).

Demers, Francois, 'Canadian Television, The Exhaustion of a Paradigm?', *Journal of Broadcasting and Electronic Media*, December 2003.

Greckhamer, Thomas, and Koro-Ljungberg, Mirka, "The erosion of a method: examples from grounded theory", *International Journal of Qualitative Studies in Education*, Vol. 18, No. 6, November-December, 2005.

Goldberg, Kim, 'Reclaiming The Airwaves,' *Canadian Dimension*, Sep/Oct2001, Vol. 33, Issue 5.

Hackett, Robert, Pinet, Richard and Ruggles, Myles, 'From Audience-Commodity to Audience-Community: Mass Media in B.C.', in *Seeing Ourselves: Media Power and Policy in Canada*, ed. Helen Holmes and David Taras (Harcourt Brace Jovanovich Canada, 1992).

Hamel, Pierre, "Urban Issues and New Public Policy Challenges: The example of Public Consultation Policy in Montreal", April 1999.

Hamelink, Cees J., 'The democratic ideal and its enemies', in *The Democratization Of Communication*, Ed Phillip lee, (Cardiff, University of Wales Press, 1995).

Hardin, Herschel, 'Closed Circuits: The Sellout of Canadian Television', (Douglas and McIntyre, Vancouver, Toronto, 1985).

Holmes, Helen, and Taras, David (ed) *Seeing Ourselves: Media Power and Policy in Canada*, (Harcourt Brace Jovanovich Canada Inc, 1992).

Inglis, Gordon, 'The Democratic Potential of Vancouver's Community Channel', unpublished paper for CMNS850, 2003.

- Raboy, Marc (ed), *Global Media Policy in the New Millennium*, (University of Luton Press, 2002).
- Raboy, Marc and Dagenais, Bernard (ed) *Media Crisis and Democracy*, (SAGE Publications, London, 1992).
- Seguin, Rheal, 'Québec Broadcaster Wants Tories to Reverse CRTC Decision', *Globe and Mail*, February 11, 2006.
- Taras, David, Pannekoek, Frits, and Bakajdjieva, Maria (ed), *How Canadians Communicate*, (University of Calgary Press, 2003)
- Taras, David, *Power and Betrayal in the Canadian Media*, (Broadview Press, Ontario, 1999).
- White, Robert A., 'Democratization of Communication as a Social Movement Process, *The Democratization of Communication*, ed. Phillip Lee, (University of Wales Press, 1995.)

Online Sources

- Arnstein, Sherry R., "A Ladder of Citizen Participation", *JAIP*, Vol. 35, No. 4, July 1969, as published on website: <http://lithgow-schmidt.dk/sherry-arnstein/ladder-of-citizen-participation.pdf>.
- Broadcasting Act 1991, section 3 (2), www.crtc.gc.ca/eng/LEGAL/BROAD.HTM.
- CBSC Website, *The Special Role of the CBSC*, www.cbsc.ca/english/main/role.htm.
- City of Vancouver website, *Public Involvement Review*, <http://vancouver.ca/commsvcs/planning/pubinvolveguide/PUBINV2.HTM#Introduction>, accessed June 26/06.
- CRTC website, *About Us*, www.crtc.gc.ca/eng/about/commissioners.htm
- CRTC Website, *What Concerns You Concerns Us*, <http://www.crtc.gc.ca/eng/BACKGRND/Brochures/B49903.htm>
- CRTC Website, *Complaints and Inquiries*, <http://www.crtc.gc.ca/RapidsCCM/Register.asp?lang=E>
- CRTC Website, *CRTC Public Participation*, http://www.crtc.gc.ca/eng/publicpar_1.htm
- CRTC Website, *Public Notice 2002-61, para 6*, <http://www.crtc.gc.ca/archive/ENG/Notices/2002/pb2002-61.htm>
- CRTC website, *Alphabetical list of Interventions*, <http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/list.htm>
- CRTC website, *Public Notice 2001-129, Comments Filed Electronically*, <http://www.crtc.gc.ca/Broadcast/eng/NOTICES/2001/2001-129/int.htm>
- CRTC website, *Public Notice CRTC 1990-57, Community Channel Policy Review*, www.crtc.gc.ca/archive/ENG/Notices/1995/..%5C..%5CNotices%5C1990%5CPB90-57.htm

CTSC Website, *Who We Are*, www.ctsc.ca/eng/aboutus/.

Fédération des télévisions communautaires autonomes du Québec,
www.fedetvc.qc.ca/accueil.html.

Proceedings of the Standing Senate Committee on Transport and Communications,
Issue 13 - Evidence - September 25, 2003,
http://parl11.parl.gc.ca/37/2/parlbus/commbus/senate/Com-e/tran-e/13evb-e.htm?Language=E&Parl=37&Ses=2&comm_id=19

Statistics Canada, *2001 Census*,
<http://www12.statcan.ca/english/census01/products/highlight/LanguageComposition/Page.cfm?Lang=E&Geo=PR&View=1a&Table=1a&StartRec=1&Sort=2&B1=Counts&B2=Both>

Telecom industry website, *LightReading.com*, March, 2000,
http://www.lightreading.com/document.asp?doc_id=306&site=lightreading