December 17, 2002

Filed Electronically

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
1 Promenade du Portage
Les Terrasses de la Chaudière
Central Building
Gatineau, Quebec K1A 0N2

Dear Ms. Rhéaume:

Re: CTV Inc. Independent Production Activity Report

We are pleased to enclose CTV's Independent Production Activity Report for the 2002 Broadcast Year.

Pursuant to Section 20 of the *CRTC Rules of Procedure*, we respectfully request confidentiality with respect to the following information required to be filed as part of the Independent Production Activity Report:

1. the production budgets, broadcaster licence fees and other broadcaster contributions for individual projects in all regions; and

2. the aggregate information as to production budgets and broadcaster licence fees for each of the regions and the percentage of the total production budgets and the percentage of the total licence fees accounted for by each region.

In accordance with the Commission's Confidentiality Guidelines as set out in Circular No. 429, programming costs for individual programs or series are treated on a confidential basis. As such, we expect that the total production budget, broadcaster licence fee and other broadcaster contributions for individual projects in all regions will be treated in a confidential manner. This information is highly competitive, disclosure of which would be potentially harmful for CTV in the competitive marketplace and would potentially prejudice future negotiations for commissioning and acquiring programming. As every production is different and has different needs, CTV needs to be able to support each one differently according to those needs.

Disclosure of the aggregate information as to production budgets and broadcaster licence fees for each of the regions, as well as the percentages of both total production budgets and total licence fees accounted for by each region would similarly be harmful for CTV, as the release of aggregate information for the regions may not protect the confidentiality of information

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regarding the individual productions involved. This is because it could be possible to extrapolate information relating to individual productions from the aggregate information for the regions, by putting together this information with information available from Telefilm Canada, the Canadian Television Fund and industry publications such as *Playback*. This is particularly the case for certain regions, where the nature and quantity of the productions involved and the smaller number of producers in those regions would make it easy to determine competitive information relating to individual productions from the aggregate information. For example, in each of the Atlantic and Prairie regions, one production company was responsible for two or more of the productions included in the aggregate figure for the region, making it easy to determine the total budget, licence fees and other contributions for the remaining individual projects in these regions.

We would, therefore, propose that the Commission release the aggregate information as to total priority program budgets and total licence fees, as well as the number of projects per region and number of hours of programming per region. We submit that the release of this information would satisfy the monitoring objective set out in Decision CRTC 2001-457, by permitting producers and other interested parties to monitor CTV's progress with respect to independent production.

Accordingly, based on Section 20 of the *CRTC Rules of Procedure* and Circular No. 429 dated 19 August 1998, we request that the information as to production budget, broadcaster licence fee and other broadcaster contributions for individual projects in all regions, and the aggregate production budget and aggregate broadcaster licence fee for each of the regions, as well as the percentage of the total production budgets and percentage of total licence fees accounted for by each region, be treated on a confidential basis. This information is being filed under separate cover.

We would be pleased to provide the Commission with any further information it may require.

Yours truly,

Elizabeth Duffy-MacLean
Group Vice-President
Regulatory Affairs and Policy Strategy

Attach.

Copy: Nick Ketchum, CRTC