



February 27, 2013

Filed Electronically

Mr. John Traversy  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario  
K1A 0N2

Dear Mr. Traversy:

**Re: Broadcasting Notice of Consultation CRTC 2013-19-1 and 2013-19, Item #8 – Application by 8094039 Canada Corp. for a broadcasting licence to operate a national English-language specialty Category B service to be known as Starlight: The Canadian Movie Channel and for mandatory distribution of the service on the digital basic service pursuant to an order issued under section 9(1)(h) of the *Broadcasting Act* (Application 2012-0714-2)**

### **Introduction**

1. The Writers Guild of Canada (the WGC) is the national association representing more than 2,200 professional screenwriters working in English-language film, television, radio, and digital media production in Canada. The WGC is actively involved in advocating for a strong and vibrant Canadian broadcasting system containing high-quality Canadian programming. While the WGC's mandate is to represent our members, in advocating a strong Canadian broadcasting system that offers Canadians a variety of programming, we also play a role in balancing competing interests in the broadcasting system.
2. The WGC supports the above-referenced application, subject to the comments in this intervention. The WGC wishes to appear at the public hearing scheduled to commence on April 23, 2013 in order to further elaborate on the following issues from the perspective of English-language screenwriters.

### **Starlight Will Make a Significant Contribution to the Canadian Broadcasting System**

3. Starlight: The Canadian Movie Channel (Starlight) has proposed a programming service entirely devoted to Canadian movies, particularly feature films intended for theatrical release, and will include Canadian feature films, Canadian feature documentaries, Canadian made-for-TV movies, and programs with or about Canadian filmmakers. The applicant proposes devoting 60% of the evening broadcast period to Category 7(d) programs (Theatrical films aired on TV) by condition of licence.
4. The WGC agrees with the applicant that Canadian feature films have become “orphans” of the Canadian broadcasting system in that they are not adequately supported and exhibited by Canadian broadcasters. The proposed Starlight television service would go a long way towards correcting this problem and meeting the important public policy goal of bringing Canadian films to Canadian television audiences.

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5. The WGC submits that Starlight has proposed to make a significant and unique contribution to the Canadian broadcasting system in the form of very high Canadian content exhibition and Canadian programming expenditure (CPE) levels that warrant approval of its application.
6. Should its application be approved as filed, Starlight will, by condition of licence, broadcast 100% Canadian content and spend 70% of its previous year's gross revenue on Canadian programming. We note that only one other licensed Canadian programming service has a Canadian content exhibition requirement of 100% (The Weather Network / Météomédia) and it too benefits from mandatory distribution of its service on the digital basic service pursuant to an order issued under section 9(1)(h) of the *Broadcasting Act*. Moreover, the proposed 70% CPE level for Starlight would be the highest CPE level of any licensed television service in Canada.
7. In addition, according to its business plan, Starlight will create the *Starlight Feature Film Fund* to fully finance 8-12 new Canadian feature films per year with budgets of \$2 million to \$4 million each. The fund is projected to finance approximately \$22 million per year in film production. The fund will operate with an "expectation" that at least 50% of the funding will go to projects in Western Canada, Atlantic Canada, or the North, and that a majority of the funding will go to emerging filmmakers. Also, Starlight will allocate \$1 million per year from the fund to non-profit organizations that support Canadian feature films. To avoid self-dealing, no person with more than 1% of the shares of Starlight will qualify for support from the fund.
8. In the WGC's view, the above-noted commitments represent an exceptional contribution to Canadian programming and Canadian talent development, including screenwriters.

#### **Pre-Licensing of Canadian Feature Films**

9. The WGC welcomes Starlight's commitment to fund the creation of millions of dollars worth of new Canadian feature films through the *Starlight Feature Film Fund* and licensing library film content. Although not clear from the application, we understand that Starlight will also participate in the pre-licensing of new Canadian films for broadcast that are financed through traditional means (e.g., with help from Telefilm Canada). We ask Starlight to make a firm financial commitment to pre-licensing of Canadian feature films in its reply to interventions and at the public hearing.
10. In this regard, the WGC has reviewed the proposal put forward by the Canadian Media Production Association (CMPA) and we wish to support it. For clarity, the WGC supports the CMPA's suggestion that Starlight allocate to the pre-licensing of new Canadian films over the course of its initial licence term an amount at least equal to the amount it will allocate to the licensing of library film content, which the CMPA calculates to represent an average of at least \$6.5 million per year. The CMPA estimates that this would help to complete the financing for up to 20 Canadian feature films each year. In the WGC's view, this would represent an additional significant contribution to Canadian programming and Canadian talent development.

#### **Eligibility Criteria of the Starlight Fund**

11. The WGC initially had some questions and concerns regarding eligibility criteria for film producers accessing the *Starlight Feature Film Fund*. In discussions with Starlight, however, our questions and concerns have been addressed. Nonetheless, we wish to briefly summarize them here for the record and so Starlight can confirm them in writing in its reply to interventions. We urge the Commission to hold Starlight to the commitments noted below.

12. Since it was not addressed in the application, the WGC was initially concerned that the *Starlight Feature Film Fund* would finance 6 out of 10 Canadian productions using the CAVCO scale. Starlight has assured us, however, that the Starlight Fund will finance only films using high levels of Canadian creative talent (i.e., a minimum of 8 out of 10 productions). Should it approve the application, the WGC urges the Commission to ensure that the Starlight Fund be prohibited from financing films with fewer than 8 out of 10 points on the CAVCO scale. Our support for Starlight's application is contingent on this requirement.
13. Starlight has also confirmed to us that films receiving financing from the *Starlight Feature Film Fund* will support the participation of both emerging and professional writing talent.

Finally, Starlight has agreed to make it an eligibility criteria of the Starlight Fund that in order to be eligible for financing under the fund, films must respect the WGC collective bargaining agreements. For clarity, any film that receives financing from the Starlight Fund will be required, as a condition of its financing, to adhere to the current terms and conditions of the WGC's Independent Production Agreement.

### **Conclusion**

14. The WGC applauds Starlight for its willingness to address our questions and concerns noted above and our members look forward to working with Starlight to build a great Canadian television service.
15. In summary, the WGC supports Starlight's application seeking a Category B broadcasting licence and an order for mandatory distribution on the digital basic service pursuant to section 9(1)(h) of the *Broadcasting Act*. Starlight has made significant commitments to the Canadian broadcasting system that warrant approval of its application, subject to our comments above.
16. We thank the Commission for the opportunity to provide our comments related to Starlight's application, and look forward to elaborating on them at the public hearing.

Yours very truly,



Maureen Parker  
Executive Director

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