

Submitted Electronically

July 12, 2023

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

Dear Mr. Doucet:

**Re: Final Reply Comments of the Documentary Organization of Canada - Broadcasting
Notices of Consultation CRTC 2023-139 and CRTC 2023-140**

A. Introduction

1. This submission is the final reply comments of the Documentary Organization of Canada (DOC) in relation to Broadcasting Notices of Consultation CRTC 2023-139 (BNC 2023-139) and CRTC 2023-140 (BNC 2023-140).
2. The Documentary Organization of Canada (DOC) is the collective voice of Canada's independent documentary creators. Founded in 1983, DOC has grown to 1,300 members across six chapters from coast to coast. DOC's mandate is to advocate for an equitable, sustainable environment for documentary production and to strengthen the sector within the broader cultural industry.
3. On 12 June 2023 DOC filed written interventions, and on 27 June 2023 DOC submitted reply comments relating to BNC 2023-139 and BNC 2023-140. DOC has reviewed the public records of the BNC 2023-139 and 2023-140 and is pleased to provide the following final reply comments regarding both of the above-noted proceedings.

B. Registration

4. DOC reiterates our position that the Commission should establish a public registry of online undertakings in Canada.

5. DOC confirms that the CRTC registry will need to include additional important details including the date online undertakings began operations in Canada, their operational model, their annual revenues, subscription numbers, whether the service is providing audio and/or audiovisual works, the amount of Canadian programming available to the public, data about financial performance, language, genre of programming (including whether the undertakings offer programs of national interest such as long-form documentaries), and data about the self-identification of the production team in order to properly monitor online undertakings operating in Canada as the landscape evolves over time.
6. DOC also reiterates our position that there should be two separate threshold approaches for the registration system and the contribution system.
7. DOC reiterates our position that the \$10M threshold for exemption from the registry is too high as no information or evidence has been presented to suggest that online undertakings that generate revenues of \$10 million or less could not contribute to, or impact, Canada's broadcasting policy. DOC has already commented on the important elements that would be lost by exempting online undertakings operating under the \$10M annual revenue threshold, and we note that using the same thresholds used in the Annual Digital Media Survey¹ deflates the Commission's objective to obtain as much information about online undertakings as possible. DOC confirms our interest in the proposal of a \$1 million threshold for online undertaking registrations.
8. DOC agrees with many of the intervenors that the Commission should calculate gross revenues across broadcasting ownership groups in order to capture a more accurate picture of the totality of its audience, revenues, and programming. A group-based approach also precludes any incentive for a broadcasting group to allocate revenues across different platforms in such a way as to take advantage of exemptions available to them if the revenues from those platforms are treated as separate entities.

C. Exemption Order

9. DOC reiterates our position that we generally agree with the Commission's proposed exemption of video games from registering at this stage but note the many interventions

¹ \$25M for audio services, \$50M for video services (Broadcasting Regulatory Policy CRTC 2022-47)

that called for careful monitoring of this sector as it evolves, including the Canada Media Fund's comment regarding evolving interpretations of how "video game" is defined.²

10. DOC reiterates our position that transactional video on demand should not be exempt from the registry.

D. Exclusions from Conditions of Service

11. With regard to BNC 2023-140, DOC reiterates our position that transactional video on demand services should not be exempt from conditions of service in the new CRTC oversight regime.
12. DOC reiterates our position that we oppose excluding online undertakings with annual revenues under \$10 million from new conditions of service.

E. Conclusion

13. DOC appreciates the opportunity to participate in these proceedings and looks forward to the next stages of the Commission's consultations.

Sincerely,



Sarah Spring
Executive Director
Documentary Organization of Canada

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² "It is, however, unclear whether this definition would include software applications in the extended reality (XR) space, which includes augmented reality (AR), virtual reality (VR) and mixed reality (MR), and other types of content in the immersive and/or interactive space. ... many XR applications may not be considered games, as defined in Appendix 2, because they do not involve "active interaction," but rather "passive reception" of sounds and visual images." CMF 2023-139