



Canadian Media Guild

La Guilde canadienne des médias

CWA/SCA CANADA

October 1, 2010

Robert A. Morin
Secretary General
CRTC
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: CRTC 2010-649 – Sun TV News application

1. The Canadian Media Guild is a union representing 6,000 media workers across Canada at CBC/Radio-Canada, TVO, TFO, the Aboriginal Peoples Television Network, ZoomerMedia and CW Television. We also represent employees at Reuters Canada and The Canadian Press. Our Canadian parent union, CWA Canada, also represents employees at Sun newspapers in Ontario. A significant proportion of our members work in news and current affairs.
2. The CMG supports new Canadian news ventures that are serious about producing quality editorial content and aim, among other things, to enrich our diverse country's public debates, dialogue and decision-making.
3. We are pleased to provide our comments on the application by Quebecor for a new specialty all-news station, Sun TV News:
 - The CMG **supports** the application for a **Category 2 licence, with conditions** relating to the number of dedicated journalists and electronic newsgatherers Sun TV News must employ and to enhanced measures to deal with the real possibility of complaints about abusive content.
 - The CMG **opposes** the exceptional **mandatory access** requested in the application.
 - Given the questions the application raises about the **definition of news and news balance**, the CMG recommends that a **policy hearing** be held on these questions prior to granting the Category 2 licence.

- The Commission must open up the **conventional OTA licences** currently held by Sun TV to a **competitive process**.

The Sun news record

4. The Sun TV News application acknowledges the failure of the local Sun TV station in Toronto, a station of which the CMG has some firsthand knowledge having represented employees there between 2005, when it was still known as Toronto 1, and 2007. In that period, Quebecor cancelled the 60-minute local news show and laid off all electronic newsgathering and reporting staff. Sun TV eventually replaced the newscast with a 30-minute current affairs program that relied almost entirely on appearances by Toronto Sun newspaper columnists for editorial content. That was our first opportunity to measure Quebecor's commitment to broadcast news, and a diversity of editorial voices, in the largest market in English Canada. We were not very encouraged.
5. Further, members of our Canadian parent union, CWA Canada, have firsthand knowledge of Quebecor's approach to local print journalism. These members work for newspapers in the former Osprey chain in small cities and towns in Ontario, bought by Quebecor in 2007. They were affected by the cut of more than 600 jobs across the national Sun chain in December 2008; bloodletting on a smaller scale has been continuous to this day. The Quebecor approach has meant far fewer local journalists, the outsourcing of some editorial functions and reduced local commentary and viewpoints.
6. And just this year Quebecor ended its membership in The Canadian Press, the century-old national news co-operative that is in the process of transforming into a for-profit enterprise. Quebecor's departure from The Canadian Press denies the Sun chain access to this quality news reporting that would be especially helpful to fill in the gaps in the Sun's national and international reporting as well as in regions such as the Maritimes and Saskatchewan.

What is Sun TV News really offering?

7. It is for these reasons that alarm bells go off when we read in Appendix 1 of the application, under the heading "Synergies with QMI's news properties and local presence," that "(w)ith the help of over 1,000 Sun Media journalists that are located in every major city of the Country [*sic*], Sun TV News would have a dedicated multiplatform team in order to report about any news event in all regions of Canada." As the Sun TV experience in Toronto suggests, **it is not possible to translate print journalism directly into quality TV news broadcasting**. The print journalists have day jobs; they can't be expected to tack on to their day the production of "local presence" for the national news network without undermining quality. Furthermore, it is difficult to argue that Sun TV News would provide a new news voice in Canada if it is simply recycling news, analysis and viewpoint that Canadians can already get in their local daily Sun newspaper or on Sun websites.

8. **We therefore recommend that Sun TV News be required, as a condition of licence, to directly employ a certain number of editorial employees.** We would recommend that, in the first licence term, the channel be required to employ at least 75% of the number of editorial employees reported by CTV's all-news channel in 2010. The jobs that would qualify are reporters, editors, writers, videographers, on-air hosts, researchers and producers. Given Sun TV's track record on news and current affairs, we believe this is the best mechanism to ensure that what is approved is a true television news service.
9. It is difficult to distinguish between the project's daytime "hard news" and evening "straight talk" elements. It appears that the delivery of extemporaneous opinions by talking heads will be a feature of both. From Appendix 1:

"Hard News' will almost exclusively rely on live reporting and real-time conversations with journalists covering breaking news – as opposed to the more traditional news wheel format that features a revolving set of news stories. **But these headlines will be analysed, commented upon and discussed at length.**" [emphasis added].

10. Then comes what might also be termed the harder opinion of the proposed evening schedule:

"Straight Talk' will be programs featuring hosts and guests that deliver strong opinions and analysis of stories that are important to Canadians that day. ... The challenging of ideas in itself may feed the news but at least will attempt to have Canadians make their own mind [*sic*] on the events occurring every day in Canada."

11. From a broadcasting perspective, there is nothing wrong in principle with filling airtime with live opinion from hosts and guests on any issue under the sun. However, we do know from previous experience at, for example CHOI FM and MSNBC Canada, that this format can lead to the type of abusive comment that requires Commission intervention. Given the apparent preponderance of the format on Sun TV News, extra steps should be taken to ensure Canadians can get access to both a digital record and an efficient public complaints process.
12. **We therefore recommend that Sun TV News be required, as a condition of licence, to maintain digital recordings of its programs for six months that could be made available to the Commission and the public following a complaint.** The Commission should hold a hearing on any complaint it deems worthy within six months of receiving it and file its ruling publicly in a timely manner. The Commission should further provide a report at the end of the licence term outlining all complaints, including a summary of each, received during the licence term and how those complaints were processed.
13. From a public policy perspective, it is not entirely clear whether filling airtime with live opinion from hosts and guests fits with the requirement to provide programming "of high standard" that serves to "safeguard, enrich and strengthen the cultural, political, social

and economic fabric of Canada.” We note that US President Barack Obama is quoted in the current edition of *Rolling Stone* magazine as saying that Fox News – the stated model for Sun TV News – is, in fact, “destructive for the long-term growth of a country that has a vibrant middle class and is competitive in the world.” We acknowledge that the *Broadcasting Act* is not prescriptive on news, even though news has clearly been interpreted by the Commission and others as one of the most valuable commitments by licence-holders to the public service they are expected to provide.

14. We note that the applicant proposes, in Appendix 1, to “provide balanced information.” We certainly support both the commitment and the idea, but are unclear as to how to measure that commitment in reality. We do not believe a comprehensive understanding of what a single licensee must do to ensure balanced information exists in the regulatory framework beyond voluntary codes. In our view, a prior determination on this question is crucial to assessing the current application.
15. There has been no application proceeding on an English-language Canadian news service in nearly 14 years, when the hearing for CTV all-news service was held. To our knowledge, there has not been a pan-Canadian opportunity to examine policy issues related to the definitions and public expectations of a Canadian “all-news” service.
16. **We therefore recommend that a policy hearing be held to examine the definition of news and news balance before the Category 2 licence be granted.** Such a hearing would not focus exclusively on Sun TV News, but would be an opportunity for Canadians to provide views and research on matters related to broadcast news in general. It would also be an opportunity to examine news in the context of the major changes in the broadcasting industry over the last two decades, including the move to extremely large and integrated ownership groups. If the Commission opts to grant a Category 2 licence to Sun TV News before such a policy hearing could be held, we urge the Commission to hold the hearing nonetheless and use any determinations in future licence hearings, including renewals, for all-news channels, including Sun TV News.

Is the Sun TV News project exceptional?

17. The Commission announced earlier this year in CRTC 2010-198 that it would not accept any applications for new Category 1 services until after October 2011. In August, the Commission announced that it would not accept new 9(1)(h) applications until after June 2012. It seems clear that the Commission’s intention is not to consider “mandatory access” until more than a year from now. We do not see any reason in this application to provide an exception to Sun TV News.
18. If Quebecor is correct that the new Sun TV News channel is exactly what Canadians are looking for, then Canadians will choose to pay for the service. Providing a regulatory subsidy to this start-up at this time, ahead of the new deadlines for Category 1 and 9(1)(h) applications, is unfair to the other prospective applicants – some of whom have already been waiting years to apply – and to Canadians who would be forced to pay for Sun TV

News whether they have an interest in watching it or not.

19. There is certainly no strong argument for special status for Sun TV News. Serving a need is what *all* successful applicants are expected to do in one way or another. Trying to become “the most popular” all-news network in Canada is a noble business objective, but hardly a reason to grant any regulatory exceptions.
20. **The CMG therefore opposes the exceptional mandatory access requested by the applicant.** We do not agree with any length of time for mandatory access in this proceeding. Sun TV News will be free to apply for Category 1 or 9(1)(h) status at the same time as other applicants and can make its case at that time and in that context.
21. Finally, if the application for a Category 2 service is accepted, we urge the Commission to announce what it plans to do with the conventional OTA licences. **The CMG supports the views of OpenMedia.ca and recommends that the licences be the subject of a new competitive bidding process for a new local OTA service.**
22. **We request to appear at the hearing** to further explain our policy proposals and to respond to any information that emerges in the meantime.

Respectfully submitted,

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