



**CFTPA**

Representing television, film  
and interactive production in Canada

**ACPFT**

Porte-parole de l'industrie de la production télévisuelle,  
cinématographique et interactive au Canada

[www.cftpa.ca](http://www.cftpa.ca)

June 14, 2010

**Via CRTC comments/interventions form**

Mr. Robert A. Morin  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario K1A 0N2

Dear Mr. Morin:

**Re: Broadcasting Notice of Consultation CRTC 2010-272 – Call for comments on the distribution of Super Channel by terrestrial broadcasting distribution undertakings in the province of Quebec**

1. The Canadian Film and Television Production Association (the “CFTPA” or the “Association”) welcomes the opportunity to provide these **supporting comments** with respect to the above-referenced Notice of Consultation.
2. The CFTPA represents the interests of screen-based media companies engaged in the production and distribution of English-language television programs, feature films, and new media content in all regions of Canada. Our almost 400 member companies are significant employers of Canadian creative talent and assume the financial and creative risk of developing original content for Canadian and international audiences.
3. The Notice of Consultation seeks comments on a proposal by Allarco Entertainment 2008 Inc. (Allarco) related to the distribution of its Super Channel pay television service. Allarco has been unable to negotiate distribution of Super Channel by terrestrial broadcasting distribution undertakings (BDUs) in Quebec. Consequently, Allarco has proposed that the *Broadcasting Distribution Regulations* be amended to require Class 1 BDUs located in Francophone markets where there is a significant English-language linguistic community, i.e., Montréal and Gatineau, to distribute all pay television services in each official language.
4. In *Broadcasting Decision CRTC 2006-193*, the Commission stated the following:

The Commission notes that the new Allarco pay television service will compete directly with the incumbent English-language pay television services offered by Astral and Corus, both of which enjoy the benefits of incumbency, including significant subscriber bases and existing arrangements with BDUs and content providers. Under such circumstances, the Commission considers that it would be unreasonable to expect the new Allarco service to meet its business plan, including its commitments with respect to expenditures, promotion and exhibition of Canadian programming, and to provide an attractive service, without comparable distribution requirements.
5. The CFTPA respectfully submits that this rationale needs to be applied equally to Francophone markets where there is a significant English-language linguistic community and where competing English-language pay television services benefit from distribution.

6. The Association finds it troubling that Allarco has been unable to negotiate distribution of Super Channel with terrestrial BDUs in Quebec. Since its licensing and launch, Super Channel has provided an important new platform to which independent producers can license their programming. In a highly consolidated broadcasting environment, Super Channel adds to the diversity of voices in the Canadian broadcasting system and provides welcome competition in the pay television market.
7. Allarco notes that it has undertaken financial commitments to acquire programming from Quebec producers and to exhibit the programming on Super Channel. We find it unacceptable that this regional programming is not available to English-speaking television subscribers served by Class 1 BDUs in the province. Indeed, Quebec production companies producing in the English language should have their programs exhibited in their home province.
8. Accordingly, the CFTPA supports Allarco's proposal or any other measure the Commission deems appropriate to ensure the distribution of Super Channel in Quebec markets where there is a significant English-language linguistic community.
9. The CFTPA appreciates the opportunity to provide these comments.

All of which is respectfully submitted.

Yours truly,

*[Original signed by Norm Bolen]*

Norm Bolen  
President and CEO

c.c.: Malcolm Knox, President and COO, Allarco Entertainment 2008 Inc. (via email: [malcolm.knox@superchannel.ca](mailto:malcolm.knox@superchannel.ca))

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