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NOVA SCOTIAN EXTRA CABLE OPERATORS'  
PERCEPTIONS OF FEDERAL REGULATIONS

by

Elizabeth Ann Douglas

A thesis  
presented to the University of Windsor  
in partial fulfillment of the  
thesis requirement for the degree of  
Master of Arts  
in  
Communication Studies

Windsor, Ontario, 1987.

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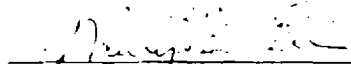
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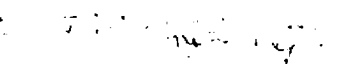
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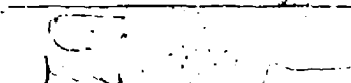
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## ABSTRACT

The Canadian Radio-television and Telecommunications Commission (C.R.T.C.) has regulated cable broadcasting in Canada since the Commission's creation in 1968. Not a great deal of attention, however, has ever been given to what cable broadcasters themselves actually felt about the federal regulator. At one time, there appeared to be the belief that cable operators might well have preferred provincial regulators who might pass more lenient rules in contrast to the stricter C.R.T.C. measures.

This thesis delineates how Nova Scotian extra cable operators perceive and evaluate C.R.T.C. regulations, and second to explore whether they would prefer provincial regulation.

To study the attitudes of Nova Scotia extra cable operators necessitated a knowledge of the industry and the manner in which it was regulated. The sources which provided this information included C.R.T.C. broadcasting policies, case law which pertained to the jurisdiction of broadcasting, and the evolution of the cable industry in Canada.

The researcher then conducted interviews with the cable operators and analyzed the data using a qualitative methodology known as Collaborative Inquiry. From this, the perceptions of



Nova Scotian extra cable operators were drawn. The two major findings were: the majority of cable operators favour one federal body, the C.R.T.C. to regulate cable broadcasting, and, that the 1986 Cable Regulations were a step towards the deregulation of the industry.

The recommendations submitted, which the researcher thought would best enhance regulation of the cable industry were: first, moderate decentralization of the C.R.T.C. and secondly, continuation with the deregulation of cable policy.

## DEDICATION

*This thesis is dedicated to my  
Mother and Father. Thanks Mom  
and Dad for all of your love  
and support.*

## ACKNOWLEDGEMENTS

I would like to extend sincere thanks to Professor Mary Gerace, who generously gave her time, assistance and support throughout the duration of this project. Also, many thanks to Dr. Tom Carney who taught the Collaborative Inquiry methodology utilized in the research, and who made himself available for consultation at all times. I am also very grateful to Professor Brian Mazer for his valuable comments, and to Professor Hugh Edmunds, who initially helped with defining the project.

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A very, very special acknowledgement towards my sister Heather and my brother Rob who have always been there for me.

This thesis would not have been possible without the contributions of the Nova Scotian extra cable operators.

Thank-you.

Libby Douglas.

Windsor, Ontario, Canada  
June, 1987.

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# CHAPTER I

## INTRODUCTION

On April 1, 1968 Canadian Parliament passed the *Broadcasting Act* which created the Canadian Radio and Television Commission (C.R.T.C.) the federal government's tribunal which was vested with authority to regulate broadcasting. Furthermore, the *Act* appeared to give the C.R.T.C. jurisdiction over cable television. Pursuant to the legislation, the Commission has since regulated cable in a manner consistent with Section 3 of the *Broadcasting Act* which sets forth broadcasting policy for Canada.

The question of federal jurisdiction over cable broadcasting undertakings, however, was the basis for both legal and political dispute during the 1970's and early 1980's. The legal question was resolved in 1977 by two Supreme Court of Canada decisions, *Capital Cities* and *Dionne*, which established jurisdiction over cable television. The political controversy with regard to the jurisdictional issue continued until the patriation of the Canadian Constitution in 1982. The Constitution however, brought forth no changes from the assignment of federal authority under Section 91 and 92 of the *British North America Act*. Despite this early interest which created much debate and produced numerous research reports, the issue of which level of government,



federal or provincial, should regulate cable lessened in emphasis during the past half decade.

Throughout the last nineteen years of cable regulations by the federal agency, and during the most intense period of jurisdictional debate, not a great deal of attention was given to what cable broadcasters themselves actually felt. At one time, there appeared to be the belief that cable operators might well have preferred provincial regulators who might pass more lenient rules in contrast to the stricter C.R.T.C. measures.

This study attempts to, first, delineate how Nova Scotian extra cable operators' perceive and evaluate C.R.T.C. regulations and, second, to explore whether they would prefer provincial regulation.

#### Statement of Aims

In 1968, when the C.R.T.C. was created and assumed the regulation of cable undertakings, only one such system was operating in Nova Scotia. As was the practice of other Canadian cable operators of that period, Eastern Cablevision Ltd., redistributed only local over-the-air signals.

With the development of technology, the capacity of cable broadcasting to improve the quality of its delivery system increased rapidly. Cablecasters petitioned the Commission to grant permission to take advantage of these advances. The C.R.T.C. initially refused. Its rationale was that cable

should be complementary to rather than competitive with local broadcasting, so that the policy objective of creating a single Canadian broadcasting system could be met.

Not until 1971 did the C.R.T.C. grant the use of microwave technology, which permitted cable systems to import distant signals into their market. This decision was particularly significant for citizens of Nova Scotia, because for the first time American television signals became available to them. Communities with a closer proximity to the American border previously had access to these signals because of the availability of local U.S. television stations.

Another decade would pass until the Commission implemented far reaching cable regulatory reform. Only recent decisions, such as the Sascable Decision (C.R.T.C. Decision 1984-915) allowing Satellite delivered services, the Distant Signal Decision, (C.R.T.C. Public Notice 1985-61), and the 1986 Cable Regulations which took the Commission from a regulatory to supervisory role, reflect a new attitude on the part of the Commission to regulate, yet still take advantage of the capabilities of the more technologically sophisticated delivery systems. Chapter II of the thesis will examine in detail C.R.T.C. regulations.

Nova Scotian extra cable operators were interviewed in January, 1987, only five months after the 1986 Cable Regulations were passed. Thus in an environment of change and cable deregulation, their attitudes were examined. The Province of

Nova Scotia was chosen as it offers small, well-defined and viable cable broadcasting undertakings, whose operators felt the effect of C.R.T.C. regulations for the past nineteen years.

As well, the author is Nova Scotian and placed importance on contributing to the region. The Atlantic Provinces are often overlooked as a source of research. Insights drawn from this seminal study of cable operator's evaluation of regulations could perhaps result in greater understanding of regional broadcasting. Although the study does not claim to be a reflection of viewpoints nationwide, conclusions could very well be duplicated in a similar investigation elsewhere.

#### Identifying Interviewees

In Nova Scotia, as with other provinces, cable undertakings fall under two categories, extra and core cable. The Canadian Radio-television and Telecommunications Commission defines extra cable television systems as a standard trunked cable system where the foreign signals are primarily received via microwave or directly off-air (C.R.T.C., Extra Cable Profile, 1986;1). These systems are not to be confused with core cable television systems which are according to the C.R.T.C., small systems serving remote and underserved communities where only a maximum of two local signals are available. Distant signals are received via satellite (C.R.T.C., Core Cable Profile, 1986;1).

Extra cable operators were chosen to be interviewed over

core cable operators for two reasons:

1. Thirty-two core cable licences have been granted in Nova Scotia to date. Thirteen licensees are also extra cable operators (operators who run extra cable systems). five systems are not in service. four systems are owned by the same licensee, and the remaining systems all have less than five hundred subscribers (C.R.T.C. Core Cable Profile, 1986;217-310).

2. These smaller core cable systems often only have an office manager, who collects fee payments for the service. With some systems, only a mailing list is provided for subscriber fees to be forwarded. Therefore, core cable operators were not deemed feasible to study.

Listed in the Atlantic Regional C.R.T.C. Extra Cable Profile, 1986, were twenty Nova Scotian extra cable television systems. However, upon closer examination, including the listing of the microwave consortium, and multiple ownership of extra cable undertakings, what once appeared to be twenty autonomous licensees was substantially reduced. Thus, there were nine cable operators in the province who were interviewed,

as well as four operators who completed questionnaires based on initial interview responses. This resulted in 100% participation of Nova Scotian cable broadcasters in the project. For the purpose of validating interviewee statements, the Atlantic Regional C.R.T.C. Director General and Assistant, as well as the Nova Scotia Provincial Communication's Policy Director and Assistant were approached.

### The Problematique

The study of attitudes and perceptions of Nova Scotian extra cable operators necessitated a knowledge of the industry, and the manner in which it was regulated. The sources which provided this information included C.R.T.C. broadcasting policies, case law which pertained to the jurisdiction of broadcasting, and the evolution of the cable industry in Canada. From these sources emerged several themes of which the researcher was aware when conducting interviews. These included the preference of the cable broadcaster for the C.R.T.C. and federal regulators. Especially important was the fact this body had recently become increasingly more lenient in the regulation of cable broadcasting. The 1986 Cable Television Regulations were a step towards deregulation, because they allowed the cable industry to increase yearly subscriber rates by 80% of the Consumer Price Index (C.P.I.); permitted greater access to Canadian signals, and approved limited advertising on the community channel.

Cable operators in smaller provinces might have perceived federal regulators in Ottawa as being distant and unconcerned with their problems. As a result, provincial control of regulations could be viewed as a better option. Alternatively, decentralization of the C.R.T.C. might have emerged as a favourable choice with cable broadcasters. More regulatory powers such as limited decisions affecting the region, might be made at the regional offices of the C.R.T.C.. Another option might have been total deregulation. Cablecasters, instead of endorsing the notion that airwaves were 'public property', might have favored an economic approach which would maximize their business interests.

### Methodology

The methodology for the study was based on in-depth interviews conducted by means of non-leading questions posed to Nova Scotian extra cable operators. The approach is termed Collaborative Inquiry and is based on research synthesized by Dr. T. F. Carney at the University of Windsor, Windsor, Ontario. This type of qualitative research identified those interviewed, in this instance, Nova Scotian extra cable operators, as collaborators. They were allowed the opportunity to define their own reality. Thesis Chapter III defines the methodology in detail.

### Interview Format

The goal of the interviews was to obtain maximum input

from the extra cable broadcasters. Questions were carefully thought out and categorized. They were non-leading, so as to have had no influence on the mind set of the respondents.

Therefore, the development of a question protocol was necessary, and those posed included:

1. When federal control of cable regulations comes to mind, what do you think of?
2. When provincial control of cable regulations comes to mind, what do you think of?
3. When you think of federal control of cable regulations, how do you feel?
4. When you think of provincial control of cable regulations, how do you feel?
5. Are there any factors you think are important for your reasons in preferring federal or provincial regulations?
6. Is there anything else concerning federal or provincial regulations you would care to discuss?

### Main Themes

From the questions posed in interviews, emerged main statements which coincided with themes evolved from the readings.

Nova Scotian extra cable operators, for the most part, preferred the federal regulatory agency, the C.R.T.C. over possible provincial regulators. However, the cablecasters still complained the industry was overregulated despite the

1986 Cable Regulations which were viewed as a positive step towards a supervisory role for the Commission. The cable operators still stated greater deregulatory action was needed.

The collaborators' viewpoints are analyzed and the main themes which emerged from the interviews are set forth in Chapter IV. Recommendations derived from statements made by Nova Scotian extra cable operators, are presented in the final thesis chapter.



# CHAPTER II

## BACKGROUND INFORMATION: C.R.T.C CABLE POLICY DEVELOPMENT AND THE LEGAL FRAMEWORK

To fully understand, and conduct research within the current cable broadcasting environment, one must analyze and comprehend the legal framework which has upheld the jurisdictional rights of the federal government in cable television matters, C.R.T.C. policy development, and the political debate which has surrounded the issue. The aim of this chapter is to focus upon the forces which have shaped the cable broadcasting industry.

### Jurisdictional Authority: The Legal Framework

Broadcasting and cable was non-existent in 1867 when the *British North America Act* was passed, but because of considerable expansions in technology, including the introduction of cable television, dispute over jurisdiction erupted between the federal and provincial governments. Powers granted under Section 91 of the *British North America Act* delineated the areas of federal jurisdiction, while Section 92 enumerated the areas of provincial power.

Section 92, provided as well exceptions to provincial jurisdiction. Subsection 10 of Section 92 reads:

10. Local Works and Undertakings  
other than such as are of the  
following Classes:

(a) Lines of Steam or other Ships, Railways, Canals, Telegraphs, and Undertakings with any other or others of the Provinces, or extending beyond the Limits of the Province;  
(b) Lines of Steam Ships between the Province and any British or Foreign Country;  
(c) Such Works as, although situate within the Province, are before or after their Execution declared by the Parliament of Canada to be for the general Advantage of Canada or for the Advantage of Two or more of the Provinces (Magnet, 1983,597).

Section 92 (10) (a) (b) (c) of the *British North America Act*, therefore allocated to the federal government jurisdiction over international and interprovincial undertakings. The provinces were provided with authority over undertakings of a provincial nature only, which do not infringe on Section 92 (10) (a) (b). Thus the jurisdictional debate questioned whether broadcasting had an international, interprovincial nature, which would then confer power to the federal government, or a local nature which would confer power to the provinces.

The first case, *Re Regulation and Control of Radio Communication in Canada*, to address jurisdiction over broadcasting was decided in 1932. The provinces had appealed to the Judiciary of the Privy Council in England a decision from the Supreme Court of Canada (see *A. G. Que. v. A. G. Can.*) in which jurisdiction over radio communication had been granted to the federal government. The

provinces argued on grounds concerning the nature of the hardware used in radio communications. That is, the provinces tried to establish that the transmitter and receiver were separate entities. The provinces claimed jurisdiction over the provincially located receiving equipment. The federal government, however, claimed power over communications based on the fact that transmitter and receiver were inseparable. Since the undertaking might not be situated within a single province the regulation of radio communication was an interprovincial and international matter.

Viscount Dunedin, writing for the majority of the Privy Council in *Radio Reference*, stated:

Broadcasting as a system cannot exist without both a transmitter and a receiver. Their receiver is indeed useless without a transmitter and can be reduced to a non-entity if the transmitter closes. The system cannot be divided into two parts, each independent of the other... A divided control between transmitter and receiver could only lead to confusion and inefficiency (*Re Regulation and Control of Radio Communication*, D.L.R. 1932;86-88).

After dismissing the provinces claim to partial jurisdiction of radio communication because of provincial receiver location, the Privy Council examined sections of the *British North America Act* which were applicable to communications. Viscount Dunedin wrote:

The Lordships draw special attention to the provisions of heading 10 of s.92.... Now does broadcasting fall within the excepted matters? Their Lordships are of opinion that it does, falling in (a) within both the words "telegraphs" and the general words "undertakings connecting the Province with any other or others of the Provinces or extending beyond the limits of the Province".... Their Lordships have therefore no doubt that the undertaking of broadcasting is an undertaking "connecting the Province with any other or others of the Provinces and extending beyond the limits of the Province" [*Re Regulation and Control of Radio Communication*, D.L.R. (2), 1932,86-88].

The Privy Council in *Radio Reference* established that radio communication pertained to 1) Telegraph matters, they were, 2) undertakings which extended beyond provincial boundaries; and 3) the transmitting and receiving equipment could not be viewed as separable. Radio communication fell under Section 92, subsection 10 of *The British North America Act*. Therefore jurisdiction was allocated to the federal government.

This decision set precedent for the next legal disputes which followed fifty years later, after the arrival of television and the introduction of cable. During the 1970's several broadcasting cases came before the courts. Two decisions, *Capital Cities Communications Inc. v. C.R.T.C.* (*Capital Cities*) and *Re Public Service Board et al.*

*v. Dionne et al. And Attorney-General of Canada et al. (Dionne)*, dealt with jurisdictional rights.

The issue of jurisdiction over cable television systems which receive and distribute radio broadcast signals over the air was finally laid to rest in two judgements of the Supreme Court of Canada pronounced on November 30, 1977 (Johnstone, 1980,11).

The *Capital Cities* decision established precedent on a number of issues involving cable broadcasting.

An American television broadcasting station which was owned by Capital Cities Communications, and was based in Buffalo, New York, challenged the Canadian Radio Television Commission's policy of commercial deletion and substitution, that is, the C.R.T.C. rule which permitted American ads on American signals distributed to cable subscribers in Canada to be replaced with Canadian public service announcements.

The lower court decision upheld the right of the C.R.T.C. to permit commercial substitution. Capital Cities had appealed the decision to the Supreme Court. The provinces of Ontario, Quebec, British Columbia, Alberta and Saskatchewan sided with the appellants. They were not as concerned with commercial substitution as with challenging federal jurisdiction over cable television.

The main argument of the appellants and of those in support of their position is that legislative jurisdiction is divided in respect of regulation of television signals

received by cablevision companies. Exclusive federal jurisdiction is conceded so far as concerns the reception of foreign or domestic television signals at the antennae of the cablevision companies. It is contended, however, that once received at those antennae federal legislative power is exhausted, and any subsequent distribution of those signals, whether in the same or modified form within a particular Province is a matter exclusively for that Province (*Capital Cities* 18 N.R. 181;81 D.L.R. (3d), 1977; 609).

The provinces conceded that federal jurisdiction existed with regard to signals received by cable television head ends. They claimed, however, that the redistribution of the signal, by means of coaxial cable, was a provincial matter, because redistribution took place solely within provincial boundaries.

Mr. Justice Laskin, writing for the majority, extended the rationale of *Radio Reference* concerning the nature of the hardware, to cable systems. The court claimed broadcasting transmitting and receiving equipment could not be separated. Therefore with cable television, the antennae used in receiving signals and the coaxial cable utilized to retransmit the signal to cable subscribers constituted one system.

I am unable to accept the submission of the appellants and of the Attorneys-General supporting them that a demarcation can be made for legislative purposes at the point of where the cable distribution systems receive

the Hertzian waves. The systems are clearly undertakings which reach out beyond the Province in which their physical apparatus is located...they each constitute a single undertaking which deals with the very signals which come to each of them from across the border and transmit those signals, albeit through a conversion process, through its cable system to subscribers (*Capital Cities* 18 N.R. 181;81, D.L.R. (3d), 1977;611).

Because reception and retransmission must be considered one, and signals retransmitted by cable systems might have originated outside the provinces, a cable system could not be considered to be a provincial local work or undertaking, as identified in Section 92 (10). Instead the system would constitute an exception and fall under federal jurisdiction.

The *Capital Cities* case formed the backbone of all broadcasting law in Canada. In the same month, November, 1977, a second decision regarding cablecasting was issued by the Supreme Court of Canada. *Re Public Service Board et al. Dionne et al. And Attorney-General of Canada et al. (Dionne)* reiterated the rationale of the *Capital Cities* decision with respect to federal jurisdiction over cable television.

During the 1970's, two separate cable television licensing mechanisms operated in Quebec. The federal agency, the C.R.T.C., issued cable licences in Quebec, in a manner similar to which the Commission had done in other Canadian provinces.

The Public Service Board of the Province of Quebec, also granted licences, in a bid to extend provincial power over cable broadcasting. Fortunately, the two had granted licences to the same applicants. It was not until a conflict in licensing arose, that the matter was litigated. The lower court ruled that the C.R.T.C., the federal body, had exclusive authority to grant cable broadcasting licences.

The decision was appealed to the Supreme Court. Writing for the majority, Mr. Justice Laskin cited both the *Capital Cities* and *Radio Reference* decisions:

The fundamental question is not whether the service involved in cable distribution is limited to interprovincial subscribers or that it is operated by a local concern but rather what the service consists of. This is the very question that was faced by the Privy Council in the *Radio* case.... There is another element that must be noticed, and that is that there can no more be separation for constitutional purposes between the carrier system, the physical apparatus, and the signals that are received and carried over the system. The inquiry must be as to the service that is provided and not simply as to the means through which it is carried on. Divided constitutional control of what is functionally and interrelated system of transmitting and receiving television signals, whether directly through air waves or through intermediate cable line operations, not only invites confusion but is alien to the principle of exclusiveness of legislative authority (*Dionne*, 18 N.R. 271; 83 D.L.R. (3d), 181.



The Court again upheld the exclusive jurisdictional powers of the federal government over cable. Reiterating, the issue that cable television cannot be considered a local undertaking, as signals are perhaps received from outside provincial boundaries, the Court instead looked beyond the nature of the hardware. It considered cable to be an integral part of the over-the-air television system in which federal jurisdiction was exclusive.

These three legal decisions; *Radio Reference*, *Capital Cities* and *Dionne* firmly established federal jurisdiction, first, over broadcasting and later over cable television. *Radio Reference* established that the hardware used in broadcasting was part of a single interprovincial service. It therefore fell under Section 92 (10) which granted federal jurisdiction over certain undertakings. *Capital Cities* and *Dionne* again looked at the nature of the hardware with respect to cable systems, and established federal jurisdiction over cable broadcasting.

Jurisdictional Authority of the C.R.T.C. Under the  
*Broadcasting Act.*

Not only have the courts determined the jurisdiction of cable television, but they have also established the parameters of the Commission's authority with respect to cable broadcasting.

The *Broadcasting Act* sets forth the definition of a broadcasting undertaking as:

[2] In this Act, "broadcasting undertaking" includes a broadcasting transmitting undertaking, a broadcast receiving undertaking, and a network operation, located in whole or in part within Canada or on a ship or aircraft registered in Canada (*Broadcasting Act*, R.S.C. 1970 c.B11 s.2).

The *Act* does not define "broadcasting receiving undertaking". The C.R.T.C. treated cable undertakings as broadcasting receiving undertakings. The *Capital Cities* decision addressed the issue of whether cable broadcasting constituted a broadcasting receiving undertaking.

The appellants *Capital Cities Inc.*, claimed cable broadcasting was not a broadcasting receiving undertaking. Therefore, the C.R.T.C. did not have the authority to regulate cable television and grant permission for Canadian cable companies to delete and substitute American commercials.

However, Mr. Justice Laskin stated:

It is patent to me that a cable distribution system, at least one which receives signals from a broadcaster and sends them through the system, is a broadcasting receiving undertaking and is in that respect at least within the regulatory and licencing authority of the Commission (*Capital Cities*, 18 N.R. 181,81 D.L.R. (3d), 1977,614).

The Supreme Court of Canada again determined that cable, because it was an extension of over-the-air television systems,

was a broadcasting receiving undertaking as delineated in Section 2 of the *Broadcasting Act*.

*Capital Cities* also addressed the question of whether the C.R.T.C. had authority to regulate the programming transmitted by cable television undertakings. Mr. Justice Laskin stated:

I am therefore in no doubt that federal legislative authority extends to the regulation of the reception of television signals emanating from the regulation of the transmission of such signals within Canada. Those signals carry the programmes which are ultimately viewed on home television sets, and it would be incongruous, indeed, to admit federal legislative jurisdiction to the extent conceded but to deny the continuation of regulatory authority because the signals are intercepted and sent on to ultimate viewers through a different technology. Programme content regulation is inseparable from regulating the undertaking through which programmes are received and sent on as part of the total enterprise (*Capital Cities*, 18 N.R. 181; 81 D.L.R. (3d) 623).

The fundamental issue decided by the Supreme Court in *Capital Cities* was that cable broadcasting operations constituted a 'broadcasting receiving undertaking'. As such, not only did the C.R.T.C. have jurisdiction to license cable undertakings, but also to determine what programs could be

transmitted on cable systems. This decision was extremely important in establishing the status of cable broadcasting in Canada. *Capital Cities* constituted a legal precedent for other cable broadcasting disputes which would be decided.

The *Dionne* decision, handed down by the Supreme Court of Canada in 1977, dealt with cable programming as well as jurisdiction over the undertaking. Mr. Justice Laskin, writing on behalf of the majority of the Court in *Dionne*, stated that:

On the facts established in the *Capital Cities* case, that exclusive legislative authority in relation to the regulation of cablevision stations and their programming, at least where such programming involved the interception of television signals and their retransmission to cablevision subscribers, rested in the Parliament of Canada (*Dionne*, 18 N.R. 271; 83 D.L.R. (3d) 180).

Once again, the Supreme Court sent forth a clear message. The C.R.T.C. had authority over both cable broadcasting licensing and the programming retransmitted on cable systems.

A third case, *R. v. Shellbird Cable Ltd.*, (1982) relied upon both *Capital Cities* and *Dionne*, reiterating that the C.R.T.C. had power under the *Broadcasting Act* to make decisions regarding programme content on cable television. *Shellbird*, however, was distinguished from the previous cases, as it addressed for the first

time. satellite delivered services.

Shellbird Cable Ltd., serving Corner Brook, Newfoundland, was initially taken to court for carrying the American Public Broadcasting Service (P.B.S.). The dispute arose because Shellbird took P.B.S.'s network feed from a satellite by means of a TVRO and retransmitted it on cable. Shellbird was not licensed to carry the satellite delivered P.B.S. signal.

The District Court ruled P.B.S. was not broadcasting, as it was a satellite delivered service. The *Broadcasting Act*, claimed the Court, did not cover satellite technology, nor non-broadcasting programming, therefore the C.R.T.C. had no jurisdiction in the matter.

The C.R.T.C. appealed the decision to the Newfoundland Court of Appeal. The Court citing both *Capital Cities* and *Dionne* concluded that:

The total programming carried by a licenced broadcasting undertaking must be governed by its licence to operate....  
(*R. v. Shellbird Cable Ltd.*  
38 Nfld. and P.E.I.R. and 108 A.P.R. 231).

The Newfoundland Court of Appeal upheld the authority of the C.R.T.C. to determine cable programming by means of the condition of licence it established. *Shellbird* was significant because the case recognized not only that the C.R.T.C. had the power to determine which signals could be carried on cable undertakings, but also that it could deter-

mine which satellite services cable systems could provide. These decisions were of utmost importance in providing the C.R.T.C. with a strong mandate in establishing cable policy. As well, *Radio Reference, Capital Cities Dionne* and *Shellbird* laid to rest the question of jurisdiction over cable broadcasting. According to the courts, federal jurisdiction was exclusive.

#### C.R.T.C. Policy Development: An Evaluation

The Minister of Communications, Judy La Marsh was responsible for the 1966 White Paper on Broadcasting which outlined policy for Canadian broadcasting, including Community Antenna Television Systems (CATV), the first name given to early cable systems. CATV's were to be part of national broadcasting and thus subject to regulations. (White Paper on Broadcasting, 1966;13). In 1967, Ms. La Marsh pressed the House of Commons to pass legislation and create broadcast policy as had been set forward in the White Paper.

On April 1, 1968, the current *Broadcasting Act* was passed in Parliament, which created the Canadian Radio and Television Commission [C.R.T.C.]. Section 3 stated the broadcasting policy for Canada. All broadcasting undertakings, which would include cable, had to constitute a single system.

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- \* There have been numerous reports and Royal Commission's appointed to study Canadian broadcasting including the initial Aird Commission Report and the most recent, 1986 Caplan-Sauvegeau. Report of the Task Force on Broadcasting Policy.

Thereby, cable television must complement rather than threaten national broadcasting and thus cable systems could not compete with local broadcasters. Because cable undertakings in border cities had the capacity to retransmit American signals by means of local antenna, cable systems also had "to safeguard, enrich and strengthen the cultural, political, social, and economic fabric of Canada" (*Broadcasting Act*, R.S.C. 1970 c.B11 s.3). Cable undertakings also had to "be responsible for programs they broadcast" and therefore maintain standards set by the C.R.T.C., (*Broadcasting Act*, R.S.C. 1970 c.B11 s.3). By fulfilling all the above conditions cable broadcasting undertakings followed the mandate set forth for broadcasting receiving undertakings by the *Act*.

One of the C.R.T.C.'s first duties pursuant to the new legislation was to develop regulations for an expanding cable marketplace. The C.R.T.C. began to issue exclusive cable licences for designated areas. In its first Annual Report, the C.R.T.C. claimed that developing cable regulations and processing cable television applications were the most complex area of its activities (C.R.T.C. Annual Report, 1968-69).

As applications for licences rapidly increased, so did the demand by both licensees and subscribers that cable systems be allowed to use microwave technology to bring in distant signals, instead of depending solely on a local head-end antenna which could not pick up foreign services. Canadians living near the American border (for example those living near

Buffalo) could receive the many and varied American broadcasting networks via local head-ends. Canadians, however, residing in areas further away from the border, including Nova Scotians, who could not pick up such programming demanded that the C.R.T.C. permit cable systems to use the appropriate technology to make these signals available. Clearly there was a great discrepancy in C.R.T.C. policy. The majority of Canadians could receive American signals locally, but in trying to protect local broadcasting, the Commission refused the use of microwave technology to cable systems, and thereby denied the same signals to Canadians living a distance away from the border.

On May 13, 1969, the C.R.T.C. issued a Public Announcement entitled "Community Antenna Television" (C.R.T.C. Public Announcement Community Antenna Television, 1969). The statement declared that the Commission was developing strategy for implementing the use of microwave. Until this fully evolved, the order of precedence on cable television channels would be:

- (i) CBC French and English networks,
  - (ii) private Canadian networks,
  - (iii) independent Canadian T.V. Stations,
  - (iv) local and educational programming,
  - (v) non-Canadian television stations
- [These non-Canadian television signals could not be brought in via microwave. Border cities such as Windsor, Vancouver, and others



could pick up these signals locally], and  
(vi) duplicate channels [C.R.T.C. Public  
Announcement, 1969,1).

The Commission had therefore ignored technological capacity of  
the cable broadcasting industry, and instead promoted the local  
off-air system.

On December 3, 1969, the C.R.T.C. released another Public  
Announcement, "The Improvement and Development of Canadian  
Broadcasting And The Extension of U.S. Television Coverage In  
Canada By CATV" (C.R.T.C. Public Announcement, 1969), which  
stated that the Commission had decided against the use of  
microwave by cable systems. The reason cited was that the  
influx of American signals would destroy Canadian broadcasting,  
and also create a North-South (Canadian/American) flow of ideas  
instead of an East-West flow among the Canadian provinces.

As an increased number of cable regions in Canada were  
cabled, the C.R.T.C. in 1970 once again revised its list of  
guidelines for cable television. Another C.R.T.C. Public  
Announcement, "Guidelines For Applicants Regarding Licences to  
Carry On CATV Undertakings" (April 10, 1970) stated:

1. A proposed cable television system should not prevent the extension of television service into an area, seriously inhibit local television programming or cause the financial failure of a broadcasting station serving the area. In granting a licence to carry on a cable undertaking, the Commission may, as a condition of the licence, reduce the

number of channels from that requested by the applicant if such action is necessary to maintain the principles expressed in this paragraph.

2. The following list revises the priorities contained in the announcement of 13 May 1969 and will be used by the Commission as a basis for determining the channels to be carried by a system proposing a local head-end connected to the distribution cable by a broad band system.
  - (a) CBC network service,
  - (b) Canadian private network service,
  - (c) Canadian B contour T.V. stations,
  - (d) a channel for community programs,
  - (e) the Commission may require reception from additional Canadian stations which have significantly different program schedules categories (a) to (c),
  - (f) service from one non-Canadian commercial station,
  - (g) service from one non-Canadian non-commercial station. (emphasis added)
3. The Commission may authorize cable television systems operating with a local head-end to carry from more than one non-Canadian commercial television station.
4. Each receiving head-end must be located within Canada and controlled by a licensee of a broadcasting undertaking.
5. The non-Canadian programs broadcast by Canadian broadcasting station serving the area shall not be duplicated on a cable system simultaneously or during the week prior to and the week subsequent to the date of airing on the Canadian stations unless authorized by the Commission. And,
8. A system for the importation of non-Canadian signals should

be consistent with the ultimate development of an orderly East-West distribution of systems within Canada (C.R.T.C. Public Announcement, 1970,2-3).

The only apparent difference between the 1969 and 1970 Public Announcements was that cable systems were now allowed "one non-Canadian commercial station and one non-Canadian non-commercial station" (C.R.T.C. Public Announcement, 1970).

But really there was no change. The American signals were only permitted on local over-the-air systems, and because microwave technology could not be used to pick up distant signals, Canadian systems outside the reach of American over-the-air signal could still not benefit.

Within a month of the Public Notice, cable TV applicants applied for licences to serve the cities of Edmonton and Calgary. Licences were granted allowing distant head-ends to be located in British Columbia to permit American commercial signals for both cities. In July, 1970, the Commission also approved cable television licences for Halifax and Dartmouth, Nova Scotia. In this instance the C.R.T.C. "left the subject of a distant head-end open for discussion with the licensees" (C.R.T.C. Decision, 1970,2). Thus distant signals were not allowed into Halifax. The C.R.T.C. had contravened its own policy, by allowing distant head-ends in Alberta. While the Commission permitted these services in Alberta, it refused, for the immediate time, distant head-ends in Nova Scotia. Thus the policy set forth by the Commission was viewed as confusing and contradicting. However, in considering the distant

head-end concession. The Commission tried to ensure the integration of cable television into the single Canadian broadcasting system, so as not to provide undue competition to local broadcasters. The C.R.T.C. was also extremely concerned that the availability of American programming would negatively affect Canadian culture. Although wanting to recognize progressive technological advances, the C.R.T.C. pondered the implications of the technology upon Canadian nationalism.

In April 1971, the C.R.T.C. again studied cable policy and released a document entitled "Canadian Broadcasting - A Single System". The C.R.T.C. summarized the policy as follows:

- Canadian television broadcasting stations must be carried in accordance with a priority system established by the C.R.T.C.,
- Stations not within the priority requirements are to be called optional stations. They can be carried if all basic or priority stations are already carried,
- The fundamental relationship between television broadcasting undertakings was "television stations are the suppliers and cable television systems are the users". Therefore cable systems should pay for programs and services they receive from broadcasters by buying Canadian productions.
- The logic of the local licence should be restored. Thus, if a distant station on cable was carrying the same program as the local station, the cable licensee should remove the program of the distant station and substitute

the same program from the local station.

- If an identical program from the schedule was carried on more than one channel during the same period, the station having a higher priority could require the cable television undertaking to delete the transmission of the lower priority station, and

- Cable television undertakings could delete commercials from television broadcasting which were not licensed to serve Canada (C.R.T.C. Policy Statement, 1971).

This 1971 Policy Statement differed from the 1970 revised list of guidelines for cable television by allowing microwave technology. In doing so, the Commission recognized that cable television and local broadcasting could co-exist in Canada if the local stations were given priority within the cable system.

The numerous Policy Statements from 1969, 1970 and 1971, illustrated the disarray of the cable broadcasting policy.

Microwave technology was refused in 1969 and 1970, distant head-ends were granted as a condition of licence later in 1970, and in 1971, microwave technology was allowed.

In doing so, the C.R.T.C. had failed in providing clear cable policy guidelines. On November 26, 1975, the C.R.T.C. released its "Cable Television Regulations". These included the same priority of television signals as established in the 1971 "Cable Policy Statement" New regulations delineated classes of cable licences. The C.R.T.C. identified Class A cable under-

takings as those having 3,000 subscribers or more. Class B undertakings were cable systems with fewer than 3,000 subscribers (Cable Television Regulations, 1975;1-10). By distinguishing classes of cable licences, the Commission had recognized that cable television had expanded not only into larger, major centers of Canada, but also into smaller communities. Therefore, cable undertakings were firmly established as an integral element of Canadian society. Overall, the regulations again provided no new developments for cable.

In 1979, as in 1975 and 1971, the C.R.T.C. reexamined cable broadcasting undertakings. The Commission issued a cable statement which permitted "all U.S. signals generally available over-the-air, except from this time forward no duplication of U.S. network signals would be allowed and if microwaving of U.S. signals is involved, a total of not more than three U.S. commercial and one non-commercial will be permitted" (C.R.T.C. Annual Report, 1981;59). These American signals known as "three plus one" referred to ABC, CBS, NBC and PBS networks.

The 1979 cable review stated for the first time, cable could retransmit, by means of microwave, three American commercial networks and one non-commercial American network. In the same release, the Commission endorsed the community channel, a channel which had to be maintained for community use by cable undertakings. The purpose of the community channel was a social dividend supported by the cable licensee. The

community channel was to be used by local residents, who were given an opportunity to learn how to operate and run a television system. The channel was to focus on community affairs and thereby provided the local broadcasting component of cable undertakings. No fee was charged to use this channel, nor was advertising permitted.

The main focus of this cable review was an assessment of cable undertakings. The C.R.T.C. had permitted redistribution of more American signals ('three plus one'), but at the same time reinforced the idea that cable was not to threaten local broadcasting. Indeed, by promoting the community channel, the Commission was forcing cable operations to contribute to the communities in which they were licensed.

In summary, C.R.T.C. cable policy underwent minimal change in the 1970's. Microwave technology was finally permitted to bring in foreign signals in 1971. It was not until 1979, eight years later, that four American networks were allowed to be retransmitted by cable undertakings. By comparison, the 1980's was a period of enormous change. Satellite delivered services became economically feasible, and TVRO's were accessible to cable. Thus a whole new range of technological possibilities were made available to cable undertakings.

C.R.T.C. Decision 81-252 (1981) licensed the Canadian Satellite Communication Corporation (Cancom), the first satellite broadcasting system to provide Canadian television services to areas without "foreign programming and having two

or less local stations" (C.R.T.C. Decision. 1981:1). In Decision 83-126 (1983), the Commission expanded Cancom's services to allow carriage of "three plus one", the three commercial and one non-commercial American signals extra cable systems had distributed since 1979.

With respect to cable broadcasting, the most significant decision relating to Cancom was C.R.T.C. Decision 84-915. The Commission permitted Sascable Services Inc. of Saskatchewan to delete U.S. signals received via microwave from North Dakota and replace them with Cancom Satellite delivered signals from Detroit, Michigan. The Commission ruled that microwave signals could be replaced by satellite services if technical problems occurred. This was a major breakthrough for cable undertakings as services could be received by satellite as well as microwave technology. The decision also created the possibility of creating U.S. superstations in Detroit, Michigan. The C.R.T.C. had also expanded its mandate in 1982 with the introduction of satellite delivered Pay T.V. (Decision-84-654). The Commission had totally restructured Pay T.V. in Canada by 1984 which resulted in one national Pay T.V. service in Canada today.

By 1984 as well, the C.R.T.C. had licensed discretionary specialty services including, MuchMusic, a music video channel, The Sports Network, a service featuring regular sports fare, and Multilingual Services, from which languages other than English and French would be broadcast. On March 14, 1985, the



Life Channel was approved to provide a service which gave Canadians a health network. In a period of two years, the C.R.T.C. deviated from the practice of protecting local broadcasters to allowing satellite delivered services, Pay T.V., and specialty services to be carried on cable television. This rapid evolution in cable policy was credited to the current C.R.T.C. Chairman Andre Bureau who took office in 1983.

With the introduction of satellite delivered services, the Commission claimed in Public Notice 1982-65 that it would be necessary to establish a tiered system for cable television. By 1983 (Public Notice 1983-245) the C.R.T.C. had decided that channels 2 to 13 would be the basic tier (C.R.T.C. Public Notice, 1983;2). The basic tier included all of the priority Canadian services and signals required by the "Cable Television Regulations". Specialty programming which included Canadian and up to five American specialty services, pay television, and non-programming services, was not permitted on the basic tier.

On March 22, 1985, the C.R.T.C. again relaxed its cable policy regulations. With the release of Public Notice 1985-61, "Distant Canadian Television Signals", additional distant Canadian signals were permitted to be carried on cable undertakings. This again was another example of the Commission's willingness to expand the range of services available on cable and the recognition of the need for more diverse Canadian services to be broadcast on a national basis.

The most dramatic change, however, in C.R.T.C. cable policy began in February, 1986, when the Commission called for research proposals concerning the future role of regulations in cable broadcasting. On August 1, 1986, the Commission set forth new Cable Television Regulations which included changes in the regulation of cable rates, advertising on the community channel, and more Canadian services such as CITV, CHCH-TV and BC-TV.

The Commission claims it has adopted a more supervisory course of action. The Commission is confident that such an approach is now required in view of the increasingly competitive environment confronting the cable television industry ( C.R.T.C. Cable Regulations, 1986;3).

Perhaps the most significant of the newly relaxed regulations was that cable licensees were now permitted to increase subscriber rates yearly "of up to 80 percent of the annual percentage increase in the consumer Price Index (C.P.I.)" (C.R.T.C. Cable Regulations, 1986;19). More importantly, this could be achieved without applying to the Commission. Instead, a rate increase would be announced to subscribers and to the C.R.T.C., and following a forty day waiting period, the increase will automatically go into effect.

Also, sponsorship, credit, and contra-advertising would now be allowed on the community channel. This was not commercial spot advertising, but instead a corporation, group or

individual would be able to sponsor (or credit) a community channel program. Advertising on the community channel appeared to go against the original objectives of the channel; that is, to promote local talent and have members of the community use the channel and thus learn to operate the equipment and enhance community affairs. The 1986 Cable Regulations hoped advertising revenues from the channel would be returned to benefit the community channel, such as the purchasing of new equipment. It would not be revenue generating for the undertaking.

The 1986 Cable Regulations also included revisions so that more Canadian services such as CITV and CHCH-TV would now be available. However, the basic band channel options and tiering of services remained the same, with specialty and Pay T.V. not available on the basic band.

This "business" approach created by partial deregulation of the cable industry was the most important C.R.T.C. policy document concerning cable broadcasting undertakings. It was only in the past five years, with the introduction of specialty and satellite delivered services that the regulations evolved in step with expanding cable technology. The new supervisory role the Commission adopted should certainly have a strong impact on cable broadcasters.

It was within the framework of recent progressive policy development, that Nova Scotian extra cable operators were interviewed as to their perceptions of federal and possible provincial regulations.

### Political Debate Over Jurisdiction

During the early stages in the development and regulation of cable broadcasting, another scenario became evident; the provinces were demanding a role in the jurisdiction of the industry. Provincial Ministers met several times in the early 1970's until the Canadian Constitution was patriated in 1981.

In November, 1973, the Ministers met in Moncton, New Brunswick to set forth objectives for gaining broadcasting jurisdictional rights. The Honorable Leonard Pace, Minister of Transportation of the Province of Nova Scotia presented a paper in which he summarized the difficulties facing the provinces:

There is no way in which we can solve the current [communications] problems if we continue to discuss only the jurisdictional issue. Therefore, the Province of Nova Scotia has put to one side, at least for the moment, the jurisdictional question. We believe that we must first derive a set of national goals which are acceptable to each and every province (Nova Scotia, 1973,3).

The Provincial Ministers continued to meet with each other throughout the decade, however, agreement as to acceptable national communication goals was not achieved. Major differences in accordance with regional ideologies surfaced, which created diverse objectives severing a united front from all provinces.

Another two provincial meetings occurred in March, 1977 in Edmonton, Alberta and again in Charlottetown, Prince Edward Island in March of 1978.

For the most part, statements made by the various English provincial governments at federal-provincial conferences indicate a desire to regulate or control cable distribution systems, which are regarded by them as "local works and undertakings". But there appears to be some range from the position of Saskatchewan to that of the Maritime provinces, which view broadcast signals on cable systems as a matter of federal concern and which in the past have conceded some advantages to a strong federal role (Linton et al, vol. 2., 1979;25).

In 1978, the Prime Minister of Canada, the Honorable Pierre Trudeau decided to patriate the Constitution by 'bringing it home' to Canada. One of the concessions Mr. Trudeau offered to the provinces, to entice provincial support, was the proposal that provinces be given jurisdiction over communications.

Such a proposition produced numerous studies on the issues and generated much debate. Provincial control of communications never actualized, and many questioned Mr. Trudeau's true convictions in putting forth such a bargaining offer. In 1977, the *Capital Cities* and *Dionne* legal cases awarded exclusive federal jurisdiction in broadcasting matters,

only a year prior to Mr. Trudeau's proposal.

Today, the issue of provincial jurisdiction of broadcasting appears obsolete. On April 30, 1987 an agreement was reached between the federal and provincial governments, that would bring Quebec into the Constitution. Quebec was the only Canadian province not to have signed the Constitution Accord in 1981. Communications and provincial control of the cable broadcasting undertakings was not discussed as a concession to bring Quebec into the agreement (MacLean's, May 11, 1987; 10-11). Therefore, the matter appears to be settled. The provinces have accepted exclusive federal jurisdiction over cable broadcasting including cable undertakings, by the provinces.

#### Summary

Three fundamental issues, jurisdiction of cable broadcasting within the legal framework, evolution of C.R.T.C. policy, and the provincial debate surrounding authority over communications have been presented to provide an illustration of the underlying characteristics involved in creating the current state of cable broadcasting regulation. Perhaps, the *Radio Reference*, *Capital Cities*, *Dionne* and *Shellbird* legal cases establishing federal authority over cable broadcasting and content, coupled with the prevalent lack of provincial demand to gain control, has allowed the Commission to pursue the supervisory role towards cable regulations as set forward in the 1986 Cable Regulations. The Nova Scotian extra

cable operators experienced first hand, the C.R.T.C. regulations during the past twenty years. Their expressed perceptions of the regulations of cable broadcasting were examined in this thesis.

# CHAPTER III

## AN UNDERSTANDING OF NEW PARADIGM RESEARCH: COLLABORATIVE INQUIRY METHODOLOGY

In the social sciences, a "paradigm" means...a way of seeing/framework of reference/picture of reality... The New Paradigm assumes that social reality is constructed by members of society from their subjective versions of the actuality they create through interacting symbolically with one another (Carney, 1983,2).

This section will explain New Paradigm Research, namely the Collaborative Inquiry Method utilized for this research.

Collaborative Inquiry employs qualitative techniques and is based upon in-depth, rapport interviews and non-leading questions.

In this study, there were no predetermined hypotheses to have been tested. Instead, the advantage of the technique was that it let respondents (who are known as the collaborators) speak. Rather than posing specific questions, which might have put preconceived ideas into their heads, open-ended questions were put forward. It was in terms of these questions that collaborators expressed their view of reality.

### Ethics

To utilize this method, it was important to be aware of and respect certain research factors. First, and most



important, was the ethical code. This was an upward study: senior persons with considerable expertise in cable broadcasting were the collaborators; they were respected and carefully listened to at all times. The collaborators, Nova Scotian extra cable operators, were told the aims of the project and encouraged to participate actively.

Collaborators gained personal insight into the area studied, thus enhancing their willingness to participate in the project.

This ethical code is modelled from the work of Reason and Rowan (1981) ...and includes:

1. "levelling" with collaborators which means that they cannot be "tricked" or manipulated.
2. The study must have positive aims, and be socially significant.
3. Evaluation on the part of the respondent is required, and is both formative and summative; that is, respondents see the on-going work and are asked to comment on it.... Their input is welcome at any point, for they are experts on the topic (Edwards, 1985,15).

Ethics were of primary significance. It was necessary to build trust in the relationship between researcher and collaborator to achieve empathy. Under no circumstances were the collaborators misled or manipulated. As well, confidential information given to the researcher by the collaborators remained confidential. All collaborators were asked their permission to use their names and quotes for this project; if

this request was agreed to the collaborator's name was provided, if not, confidentiality was assured. The basic ethical commitment was that under no circumstances would this project cause anyone pain or anguish. The ethical code was adhered to in conducting this research.

### Statement of Aims and Propositional Inventory

This researcher initiated the project by reading the policy sources outlined in Chapter II. From these, a list of topics were derived which attempted to anticipate collaborators responses (known in the methodology as candidate explanations). As the study progressed, these explanations developed into a list of propositions (propositional inventory) for examination. The following components were involved in the development of this inventory:

1. The researcher's statements of aims for pursuing the topic. The author had been employed for a two year period with the C.R.T.C. in Nova Scotia; of all broadcasting undertakings, cable television was found to be the most intriguing to her, thus the researcher wanted to learn more of the subject.
2. Assumptions emerging from the study. The researcher initially thought cable broadcasters would be extremely critical of the C.R.T.C., and as a result of this would favour provincial regulators.

3. Theories and concepts of the field.

From readings and the examination of case law, C.R.T.C. policy, and the political question of jurisdiction of broadcasting, as previously detailed in Chapter II, several major themes evolved. These included: (1) cable operators preference for federal regulators, namely the C.R.T.C., or alternatively (2) preference for provincial regulators, or (3) preference for total deregulation of cable broadcasting (See Appendix B).

4. The researcher's areas of doubt. Given the disarray of early cable broadcast policy, this researcher doubted that the 1986 Cable Regulations would have a strong impact on the industry. Doubts also existed about the feasibility of provincial regulatory control over cablecasting, as this would result in ten provincial regulatory bodies. Numerous problems could arise because regulations would vary from province to province.

These steps helped to define the project and to focus on what was hoped to be gained from the research, that is, a clearly defined picture of Nova Scotian extra cable operators' perceptions of regulation. As well, and perhaps most importantly, this step made the intention of the scholar explicit. The propositional inventory was also beneficial

after research had begun, to recheck original aims of the project, and discover the realities that came forward from collaborators.

### Emergent Design

Collaborative Inquiry research is based upon non-leading questions. The goal of the project was to become conscious of a group's reality, in this case Nova Scotian extra-cable operators' perceptions of federal regulations, and to explore the possibility of provincial regulation.

The research design was initially articulated in the form of several different theories (the various topics) to be considered. The design was amended when interviews with collaborators indicated that this would be desirable. Because statements from collaborators coincided with topics discovered from the readings, the design emerged as the most dominant theme became clearly focused. The evolution of design is normal in interpretivist studies as the primary goal of the research is the recognition of the collaborators' reality which usually differs from the researcher's original presumptions. However, the investigator had to commence with a clear picture of what might have been said (hence the themes) in order to appreciate what the collaborators did say.

### Data Base

The primary evidence on which this study of Nova Scotian extra cable operator's was based is found in the following:

1. Interview tapes, interview notes, non-verbal sheets and comment sheets;
2. Analysis of the tapes;
3. Written transcripts, main points of interviews as ranked by the collaborators;
4. Peer de-briefing notes;
5. Reflexivity journal;
6. Bibliography;
7. The list of themes and the matrices used to integrate items into main themes; and
8. Any other additional material the researcher might find useful in helping one proceed with the research, such as diagrams illustrating the movement of the research.

It was this data which formed the subject matter for analysis.

#### Interview Format

The goal of the interview is to obtain maximum input from the collaborators. So the interview must be intensive, in-depth, and of an unstructured nature. From this, the respondent's view of reality can be derived. So questions asked were carefully thought out and positioned.

Therefore, the development of a question protocol was necessary. Questions were non-leading, so as not to direct the attention of the collaborator to specific theories under review. Thus the opening questions, dealing with the collabor-

ator's thoughts on the subject, took the form "When you think of X, what ideas come to mind?" Specifically in this study, the questions used were: "When federal control of cable regulations come to mind, what do you think of?" and, "When provincial control of cable regulations come to mind, what do you think of?"

The second type of question, dealing with the collaborator's feelings on the subject, took the form "When you think of X, how do you feel?" In this study the two following questions were used: "When you think of federal control of cable regulations, how do you feel?" and, "When you think of provincial control of cable regulations, how do you feel?"

The third type of question, which probed for a narrative (rather than analytical) response, was the critical incident. The collaborator was asked if there "Were any factors which had an influence on the topic?" The participant's values are often differently expressed in his or her response to this type of question, than they were expressed in his or her responses to the other questions, which involve analysis and generalization.

As well, a background questionnaire was provided to the collaborator. This augmented data obtained in the interviews. The questionnaire used structured questions to provide hard data from the respondents.

To end the interview, and after the questionnaire has been filled out, an additional open-ended question was put

forward to the collaborators. This took the form "Is there anything else you would care to discuss concerning federal or provincial regulations?" As the respondent was an expert in the field being probed, the interview triggered several additional areas of discussion.

### Conducting The Interview

In collaborative inquiry, the collaborator was informed before initiating the interview what the aims of the project were and who would benefit from it; the interviewer also had to seek permission to use the tape recorder during the interview.

The tape recorder was essential because notes cannot be copied down. The researcher also had to code unusual non-verbals (which might occur, for example, in the body language of the collaborator) during the interview, and also record in the interview commentary sheet, any factors that might have had an effect on the interview.

The researcher, in this way, took advantage of the 'going out the door' phenomenon. This phenomenon occurred because the collaborator had begun to feel more comfortable, when the tape recorder was turned off. Also, he or she had time to review the interview while completing the questionnaire, thus a 'sleeping effect' was apt to occur.

### Formative Evaluation and Check on Reflexivity

Successful use of the Collaborative Inquiry technique

required the researcher to utilize a series of procedures which tested the researcher's own prejudices and kept her open to the respondent's viewpoints (see Diagram 1.1 on the following page). These included the propositional inventory, the reflexivity journal, checks by peers, and by respondents.

The researcher was also aware of the possibility of her unconsciously adopting her collaborators' viewpoints, that is becoming so involved with the collaborator's world that the emerging phenomenon became clouded with emotional attachments. As well, the researcher had to be aware of her possible biases in the reconstruction of the respondents' viewpoints.

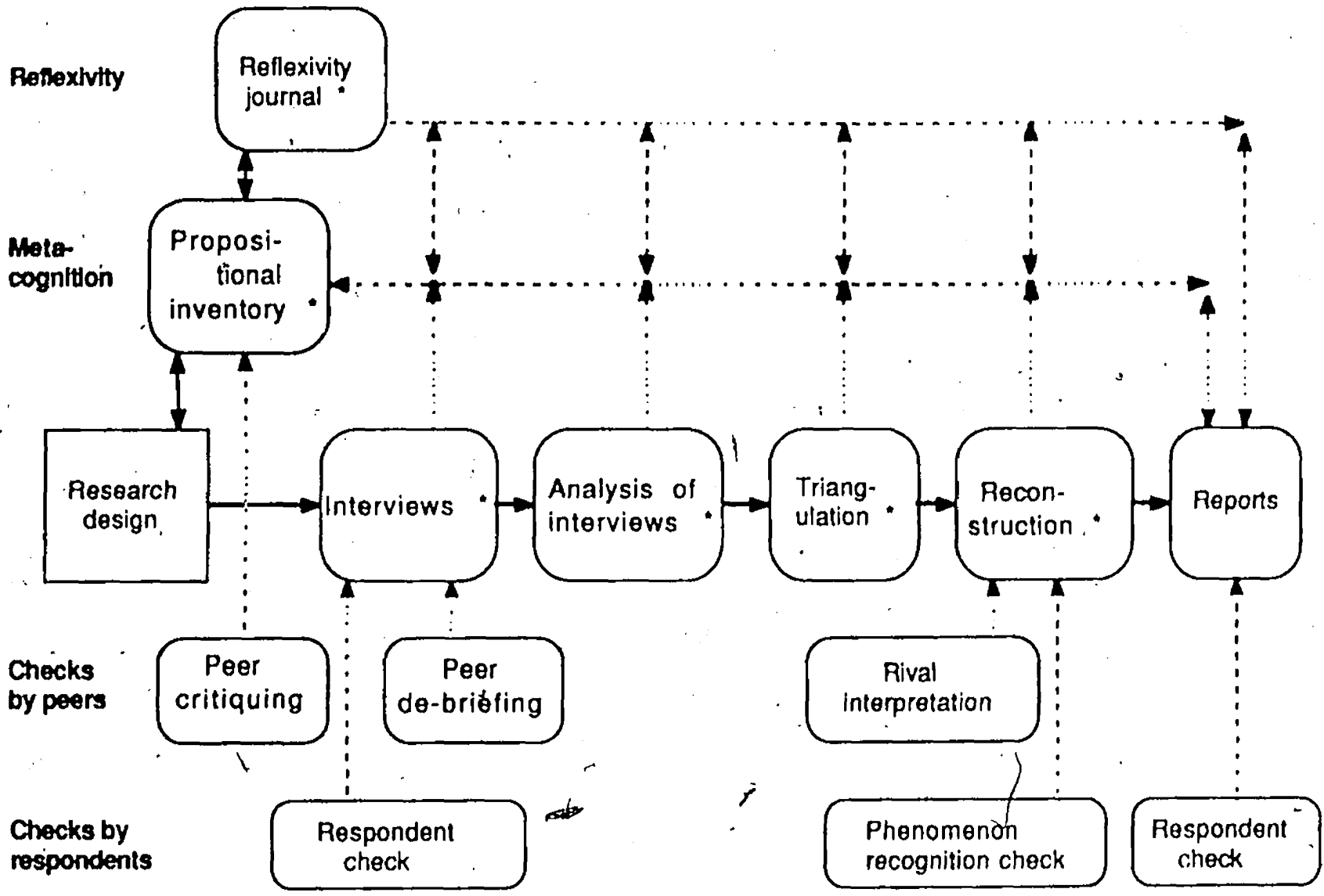
The creation of awareness was achieved through a process of checks, journal recordings and peer debriefings. (See Checks by Peers in Diagram 1.1).

#### Peer Debriefing

The process in which a partner would review the researcher's work is called "peer debriefing". The researcher might become so involved in the project that blind spots in analysis of the collaborators' tapes might evolve, resulting in important insights being overlooked because of her predispositions to look only for what she perceived the most likely candidate explanations to be. After the first interviews, and periodically throughout the remaining interviews, the peer went over the collaborators' interview transcripts, as well as the researcher's notes. Evaluation and advice were provided as needed.



### Diagram 1.1: Steps in the Collaborative Inquiry Method



\* Records for audit trail

### Interview Analysis: First Order

Analysis of the interview transcript involved many intricate steps. In the first order of analysis, each transcript was studied independently. In the second order of analysis all transcripts were consolidated and analyzed.

Upon completion of each interview, the first step for the researcher was to take notes of observations (comment sheets), as soon as possible after leaving the interview so that important ideas might not have been lost (especially, from the going out the door stage).

Data logging was the next stage, in which transcripts of the interviews were written out, and a "face sheet" provided for each interview. "Face sheets" included the name of the collaborator, date of the interview, place of the interview, and the signature of the interviewee.

Two margins were used on the written transcript of the interviews. In the left margin, unusual non-verbals cues were listed. In the right margin, notes on the interview were made so that columns and transcript could be viewed simultaneously.

The interview transcript was recorded a second time, logged on blank cards and forwarded to each collaborator so that a ranking of his or her main points could be made in order of priority. The purpose of this step was to uncover the respondent's mind set, that is, his or her deep structure of ideas. This permitted the collaborator's involvement in the research at all levels.

Peer debriefing, that is, the review of analytical notes by another to uncover biases or blind spots, was included as a step in finalizing the above prioritized main points.

The researcher continuously jotted down notes of her emotions, learned experiences and insights into the collaborator's world. These were recorded as memos in the reflexivity journal.

From the above described procedures, the researcher became aware of main themes emerging from the interviews. As the researcher already had considerable knowledge in the area of cable broadcasting due to research on the topic, what was referred to as a "red thread" or similarity of themes was uncovered. However, the researcher did not expect all collaborators to have the same viewpoints, nor did she expect only topics from the readings to be presented. The collaborators were an elite group with considerable expertise in their field, therefore new insights were expected.

From this first stage of analysis, main themes were recorded for a twofold purpose: 1) as a pool which formed a crosscheck questionnaire for the second group of collaborators and 2) to derive topics from the interviews which established a basis for further analysis in the data reduction and display and final reconstruction.

#### Reflexivity Journal and Audit Trail

The reflexivity journal focuses on the researcher's metacognitive process. It consists of the

researcher's on-going notes about insights and new concepts that have come along... Thus the journal acts as a kind of clearing house for ideas wherever they start up in any of the project's components (Carney, 1987,33).

To enable the reader to evaluate the soundness of the method used in the research for the thesis, an audit trail was constructed. This consisted of a reflexivity journal and data accounting sheets. The reflexivity journal has three components which addressed the following questions:

1. Log - What new items or changes occurred?

Where were these new concepts inserted into the various stages of research? (See Appendix A)

2. Journal - What actually was done to establish an interview's main points, or to reduce data to put them into a matrix?

3. Diary - This established the climate of observational analysis. What was the researcher feeling at given points? When did the researcher become aware that emotions were influencing her?

Also, review of the reflexivity journal helped trace the growth of the researcher's consciousness and understanding of the collaborator's viewpoint. The reflexivity journal redefined and focused more sharply on the statement of aims initially listed.

Peer debriefing and respondent checks detected biases, if

they started to develop. The reflexivity journal illustrated the researcher's growing awareness of her biases as pointed out by checks and also of fresh insights and changes of her emotional involvement with the project.

Data accounting sheets were also needed to form an audit trail. Data accounting sheets consisted of forms used to record:

1. Additions to the propositional inventory;
2. Instruments used for conducting the interviews;
3. How the main topics in each interview were arrived at;
4. How the data was reduced for entry into matrix;
5. How the procedures were used to carry out triangulatory checks; and
6. How charts reconstructing the findings were produced. (See Appendices C, D and E for these steps).

The data from the reflexivity journal and data accounting sheets were essential for the production of an audit trail. The audit trail was important as it enabled readers to examine and verify project findings. It did so by providing for analysis, all material used and all steps involved in researching the project.

#### Data Reduction and Display

Data reduction and display was the mode of approach that was employed to set out the facts of the database briefly and

economically. This stage constituted an integral element of the collaborative inquiry process, and developed the researcher's initial statement of possible themes and beliefs. The outcome of this stage was the production of grounded theory (the final results).

Data reduction and display involved:

1. Establishment of the main points from each interview (through steps previously explained);
2. Assembly of these points in a matrix;
3. Rotation of the rows and columns in the matrix to cross compare variables; and
4. Expression of the results.

This procedure is further explained on page 56 on the section Data Analysis: Second Order.

#### Triangulation; Cross Checks

In addition to the interviews with the collaborators, a cross-check questionnaire was formulated and administered to the control group. The questions were derived from the recurring themes which emerged when the interview transcripts were studied. The members of the control group were also experts from the cable industry, (Nova Scotian extra cable operators), which enabled them to verify and comment on the statements made by the first group.

For the purpose of providing yet another check a second group, consisting of the Director General of the Atlantic

Regional Office of the C.R.T.C., his Assistant, and the Director of the Communications Policy Division for the Province of Nova Scotia, and his Assistant, was provided with a cross-check questionnaire. The questionnaire was based upon main points derived from the collaborators' interviews. As well as being given the questionnaire to fill out, these two control groups were also given a list of the main themes derived from the collaborators' interviews, and were asked to prioritize them. (See Appendix C for the list of themes)

Therefore control groups including cable operators, federal regulators and provincial communications experts, by completing checks on the interview data in the above described manner, performed a technique known as triangulation. Triangulation is important. Each and every research technique has its own particular bias. By checking the findings from the interviews against those of the cross-check questionnaire, similarities in the data became evident. Overlapping data was likely to be produced and resulted in the findings from the research. Thus, overlapping data was discovered from using both triangulation techniques of providing questionnaires derived from the collaborator's interview transcripts to control groups, and from control groups ranking the main points of the collaborators' interview transcripts.

#### Data Analysis: Second Order

The second step in analysis consisted of matrix analysis

of the data obtained from the interviews, peer-debriefings, memos, the reflexivity journal and respondent checks. From these data, the collaborators' main points were derived (this was the actual data reduction stage which is illustrated in Appendices C, D and E).

Prevalent main themes, as well as nonconforming views were logged and reduced enabling the researcher to collapse data into matrices, rotate the latter, and express findings in diagrams. This procedure was also repeated to reduce findings from triangulation techniques. Collapsing the data (an extremely valuable tool) was done because matrices and diagrams are much more compressed and provide easier comprehension for the reader (as opposed to reading page after page of reports to discover the same scheme of interpretation).

#### Synthesis: Construction of Thesis

In this final stage before reports were written, conclusions would be drawn from the analytical operations of the previous steps. The final display of charts illustrated the top themes which emerged after a ranking by collaborators, an alphanumeric value was then awarded to each. Only the themes with a value over twenty points were included. (See Appendices C, D and E for the actual reduction steps). After conclusions were drawn from the highest ranking themes, reports were written.

#### Reports

The final action of the Collaborative Inquiry was



the reporting of research work. There were two different reports, prepared for;

1) the collaborators; and

2) the authorities, which in this case were the members of the Thesis Committee, Department of

Communications, University of Windsor, Windsor, Ontario.

As has been illustrated throughout the above listed description of New Paradigm Research utilizing the Collaborative Inquiry Methodology, it was the collaborators view of reality that had to be defined. To define Nova Scotian extra cable operators view of reality, research was based on the Collaborative Inquiry technique synthesized by Dr. T. F. Carney, University of Windsor, Windsor, Ontario.

# CHAPTER IV

## RESEARCH DESIGN DATA REDUCTION AND DISPLAY AND EMERGENT THEMES

### Identifying Collaborators

As has been stated in the Introduction; Chapter I, Nova Scotian extra cable operators were chosen as collaborators. Listed in the Atlantic Regional Canadian Radio-television and Telecommunications Profile, 1986, were the following twenty extra cable television operations in Nova Scotia:

### Extra Cable Licensees in Nova Scotia

Able Cablevision Limited (Liverpool)  
Antigonish Cablevision Limited (Antigonish)  
Cape Breton Cablevision Limited (Sydney)  
Central Cable Television Limited (Amherst)  
Central Cable Television Limited (Bridgewater)  
Chamcook Communications Limited (Microwave Consortium)  
Colchester Cable Services Ltd. (Debert)  
Dartmouth Cable T.V. Ltd. (Dartmouth)  
Dartmouth Cable T.V. Ltd. (Digby)  
Eastern Cablevision Limited (Truro)  
Halifax Cablevision Ltd. (Halifax)  
K-Vision Services Limited (New Glasgow)

K-Right Cable Co. Ltd. (Windsor)  
Kings Kable Limited (Kentville)  
Metrovision Limited (Bedford)  
Mid-Valley Cablevision Limited (Kingston)  
Sackville Cable T.V. Limited (Sackville)  
Seaside Cable T.V. Limited (Glace Bay)  
Springhill Cable T.V. Limited (Springhill)  
Strait of Canso Cable T.V. Limited (Port Hawkesbury)  
Viking Cable T.V. Limited (Yarmouth)

However, upon closer examination of the operations, there was a reduction in the numbers of operators eligible to have been involved with the project. For example, one listing was Chamcook Communications Limited, which was in fact the micro-wave consortium. Also, there was multiple ownership within the Nova Scotian extra cable industry.

Licensee John L. Bragg and General Manager, Fred Nix, operated five broadcast undertakings, including:

1. Antigonish Cablevision Limited, Antigonish, Nova Scotia.
2. Central Cable Television Limited, Amherst, Nova Scotia,
3. Central Cable Television Limited, Bridgewater and areas, Nova Scotia.
4. Mid-Valley Cablevision Limited, Kingston and areas, Nova Scotia, and
5. Springhill Cable T.V. Limited, Springhill, Nova Scotia.

Licensee Stu Rath owned and was the General Manager of Eastern Cablevision Limited, Truro, Nova Scotia, and as well, the President of Halifax Cablevision Limited, Halifax, Nova Scotia. Mr. John Bragg, listed above, and Mr. Charles Keating, discussed next, owned the remaining shares in Halifax Cablevision. Licensee Charles Keating owned and operated:

1. Dartmouth Cable T.V. Limited, Dartmouth, Nova Scotia,
2. had the licence for Dartmouth Cable T.V. Limited in Digby, Nova Scotia, and
3. owned 45% of Halifax Cablevision, Halifax, Nova Scotia (C.R.T.C. Atlantic Regional Office, 1986;126-210)

Therefore, the number of operators qualifying to be collaborators was substantially reduced. Thus, there were nine cable operators in the province who were interviewed, as well as four operators who provided cross checks as a control group. The collaborators in this study were:

List of Extra Cable Operators Involved As Collaborators

Able Cablevision Limited (Liverpool)  
Cape Breton Cablevision Limited (Sydney)  
Central Cable Television Limited (Amherst)  
Colchester Cable Services Ltd. (Debert)  
Dartmouth Cable T.V. Limited (Dartmouth)  
Eastern Cablevision Limited (Truro)  
K-Right Cable Co. (Windsor)  
K-Vision Services Limited (New Glasgow)

Kings Cable Limited (Kentville)  
Metrovision Limited (Bedford)  
Seaside Cable T.V. Limited (Glace Bay)  
Strait of Canso Cable T.V. Limited (Port Hawkesbury)  
Viking Cable T.V. Limited (Yarmouth)

Also, a second control group was composed of The Director and Assistant Director of the Atlantic Regional Office of the C.R.T.C., Halifax, N.S., Mr. R.W. Oxner, and Ms. Lynda Daigle, and The Director and Assistant Director of Communications Policy Division for the Province of Nova Scotia, Mr. Dave Colville, and Ms. Kathy Peart, respectively.

#### Data Reduction and Display

The Collaborative Inquiry methodology yielded hundreds of pages of interview transcript. Main points of the interviews were ranked by the collaborators. The maximum number of main points made by any one collaborator was seven. These were given a letter which corresponded with the collaborators prioritized ranking of topics. For example, Mr. Norm Crosby ranked "cable is overregulated" number 1; his most important theme in Question 1. This topic was then given an 'a' value (see Appendix C). Thus the following letter values corresponded with prioritized ranking of main themes:

1 = a  
2 = b  
3 = c  
4 = d  
5 = e  
6 = f  
7 = g

Numeric point values were then given to each prioritized theme to reflect the ranking. Thus, a main theme which was ranked most important was given 7 points. Therefore, the following alphanumeric values were awarded in Appendix D, to each statement made in response to the six questions asked in the interviews:

a = 7 points  
b = 6 points  
c = 5 points  
d = 4 points  
e = 3 points  
f = 2 points  
g = 1 point

Many of the responses made by the collaborators dealt with the same topic. It was necessary to cluster all of these responses so as to reduce the number of main themes. For example, any responses which favoured provincial rather than federal regulation were collapsed. The result was to reduce the responses listed in Appendix E to the matrices present on pages 65, 68, and 71.

The next stage was to consolidate all the main points made by all the collaborators, for each question posed to unem. Thus if, for example, two collaborators made the statement "cable is an overregulated bureaucracy", and ranked it as the first priority, the response would be given the value of fourteen points.

If the same observation was made in response to more than one question, then the totals for the responses and these questions would be combined. For example, the statement "the

new 1986 Cable Regulations are a step towards deregulation" was made in questions 1, 3, 5 and 6. The values for this statement from each question were totalled.

By means of this process the initial unprioritized responses were finally collapsed into the following three matrices which reflect the priority given to the main topics by all the collaborators. From this, main points, which had a value over twenty, are displayed in Matrix One. The research indicated that seven of nine collaborators preferred federal regulations and the C.R.T.C. over possible provincial regulators. The issues emphasized to explain this finding are featured in Matrix Two.

Matrix Three illustrates some collaborators' thoughts about why they preferred a provincial regulatory body. Two matrices are included as that issue constitutes the only theme for which significant outlying factors emerged.

After providing the data reduction and display matrices, the themes have been expanded upon and explained.

MATRIX ONE: MAIN THEMES

MAIN ISSUES	INTERVIEWEES									TOTAL POINTS PER ISSUE
	#1	#2	#3	#4	#5	#6	#7	#8	#9	
With the recent, new cable regulations (1986 Cable regulations) Cablecasters think that since the C.R.T.C. has moved toward deregulation, the C.R.T.C. has substantially changed its policy direction.	7	24		24	9	2	18	5	4	93
There is always going to be some sort of federal control and dual regulation is not needed.	7	13	6	6	26				13	71
Cablecasters are frightened of provincial control of cable regulations, because it is not feasible to have provincial regulations and national broadcasting.	6	19			4	19				48
TOTAL POINTS PER INTERVIEW	20	56	6	30	39	21	18	5	17	



MATRIX ONE: MAIN THEMES

MAIN ISSUES	INTERVIEWEES									TOTAL POINTS PER ISSUE
	#1	#2	#3	#4	#5	#6	#7	#8	#9	
The C.R.T.C. is slow in making decisions. There is a long time lapse involved before cablecasters receive a decision.				4	7			7	13	31
Cable is an overregulated bureaucracy.	7			3			6	5	7	28
TOTAL POINTS PER INTERVIEW	7			7	7		6	12	20	
TOTAL VALUE MATRIX ONE	27	56	6	37	46	21	24	17	37	

Matrix Two: Issues Favouring Federal Regulations

Matrix Two illustrates the statements put forward by collaborators in favour of the C.R.T.C. and current federal regulations.



**MATRIX TWO: MAIN THEMES FAVOURING FEDERAL REGULATIONS**

MAIN ISSUES	INTERVIEWEES									TOTAL POINTS
	#1	#2	#3	#4	#5	#6	#7	#8	#9	PER ISSUE
There is always going to be some sort of federal control and dual regulation is not needed.	7	13	6	6	26				13	71
Cablecasters are frightened of provincial control of cable regulations, because it is not feasible to have provincial regulations and national broadcasting.	6	19		4		19				48
Cablecasters hope the province would stay out of regulations.		4		9	5	7				25
The cable industry is not in favour of provincial control of cable regulations.		6		7						13
<b>TOTAL POINTS PER INTERVIEW</b>	<b>13</b>	<b>42</b>	<b>6</b>	<b>22</b>	<b>35</b>	<b>26</b>			<b>13</b>	

MATRIX TWO: MAIN THEMES FAVOURING FEDERAL REGULATIONS

MAIN ISSUES	INTERVIEWEES									TOTAL POINTS
	#1	#2	#3	#4	#5	#6	#7	#8	#9	PER ISSUE
It is easier to stay with federal control than to try and adapt to provincial control.	7					6				13
Provincial regulators would be more easily influenced by individuals and groups.				7		5				12
The provinces would be very socialistic. Cablecasters would be asked to relinquish their profits.						10				10
TOTAL POINTS PER INTERVIEW	7			7		21				
TOTAL VALUE MATRIX TWO	20	42	6	29	35	47	0	0	13	

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Matrix Three: Issues Favoring Provincial Regulations

Matrix three features statements ranked by collaborators which would prefer provincial regulators. These statements are helpful in showing the differences between Matrix Two, statements in which collaborators preferred federal regulators.

MATRIX THREE: MAIN THEMES FAVOURING PROVINCIAL REGULATIONS

MAIN ISSUES	INTERVIEWEES									TOTAL POINTS PER ISSUE	
	#1	#2	#3	#4	#5	#6	#7	#8	#9		
The provinces would be in a better position to regulate us due to the fact that they would care more about us.							6	10			16
The provincial government would certainly be more concerned on an individual level. They would know you, the company, and the needs of the subscriber better.							7	7			14
There is still a nameless, faceless bureaucracy in Ottawa which knows nothing about us.							5	9			14
TOTAL POINTS PER INTERVIEW							18	26			

MATRIX THREE: MAIN THEMES FAVOURING PROVINCIAL REGULATIONS

MAIN ISSUES	INTERVIEWEES										TOTAL POINTS PER ISSUE	
	#1	#2	#3	#4	#5	#6	#7	#8	#9			
A need exists for more input by local people, who know the area and that means the provinces.							6	7				13
Dealing with the provincial Communications Division is much easier than dealing with the C.R.T.C.								13				13
Cablecasters would like to see the province regulate cable as regulations would be much looser.												11
TOTAL POINTS PER INTERVIEW							6	31				
TOTAL VALUE MATRIX THREE							24	57				

Two other groups, including the four remaining Nova Scotian extra cable operators, and the Regional Director General and Assistant of the C.R.T.C., as well as the Director and Assistant of the Communications Policy Division for the Province of Nova Scotia, all filled out questionnaires based upon responses of the collaborators. The following matrix is the displayed reduction of answers from the questionnaires.



**MATRIX FOUR**  
**CROSS CHECKS FROM QUESTIONNAIRES**

MAIN POINTS	NOVA SCOTIAN EXTRA CABLE OPERATORS				PROVINCIAL COMMUNICATIONS EMPLOYEES		ATLANTIC REGIONAL C.R.T.C. EMPLOYEES	
	#1	#2	#3	#4	#5	#6	#7	#8
1. Should cable be regulated by the C.R.T.C.?	YES	YES	YES	YES	YES	YES	YES	YES
2. Would a Provincial Regulatory agency be more effective?	NO	NO	NO	NO	NO	NO	NO	NO
3. Would you prefer to see total deregulation of cable?	NO	NO	NO	NO	NO	NO	NO	NO
4. Are there any areas in which the C.R.T.C. could be improved or changed?								
a) 1986 Cable Regs were a positive change.	YES	YES	YES	YES	YES	YES	YES	YES
b) Speed up decision-making process.	YES	YES	YES	YES	N/A	N/A	N/A	N/A
c) Offer more services.	YES	YES	YES	YES	YES	YES	N/A	N/A
d) More flexibility in regulations.	YES	YES	YES	YES	N/A	N/A	N/A	N/A

### Main Themes

From data analysis and data reduction as illustrated in the matrices, the collaborators' main themes emerged. This section shall discuss those topics to illustrate further Nova Scotian extra cable operators' perceptions of cable policy.

Language used by collaborators to answer the questions varied, but the end result was the appearance of identical reflections from seven of the nine respondents. The topic upon which two collaborators disagreed with the majority, was in their preference for a provincial regulatory body. The remaining seven emphatically supported federal jurisdiction of cable broadcasting and the C.R.T.C..

Several other predominant themes put forward by Nova Scotian extra cable operators will also be presented. The cross-check groups both supported views expressed by the majority of collaborators.

Theme 1: The 1986 Cable Regulations Were Viewed As A  
Positive Change Towards Deregulation

The 1986 Cable Regulations became effective August 1, 1986 and were eagerly accepted by cable broadcasters as a positive change in policy direction from the regulatory to the supervisory role taken by the C.R.T.C. Collaborator Keith Wyer stated:

The new regulations are a real step forward. I'm allowing myself to be excited. Because of deregulations, because of a sensible approach to what you can and can't carry (Keith Wyer, Interview, January 6, 1987).

This view was echoed by all collaborators and cross check groups. Credit for the policy change was given to C.R.T.C. Chairman Andre Bureau, who was praised by seven of the nine cable operators who were interviewed. Mr. Bureau was viewed as the instigator of the change to a market place approach to regulating the cable industry, rather than the previous more rule-bound oversight by the C.R.T.C. Donna Hearn, General Manager of Shaw Cablesystems (N.S.) Ltd., explained:

Andre Bureau seems to be more concerned with the needs of the cable industry....Under Mr. Bureau, the C.R.T.C. is starting to deregulate and it will be much

better for the broad-  
cast industry and the  
public, our subscribers  
(Donna Hearn, Interview,  
January 7, 1987).

Two principal innovations which emerged from the 1986 Cable Regulations were the yearly rate increase allowance of 80% of the Consumer Price Index (C.P.I.), and the increased availability of services.

The 80% C.P.I. rate increase was favoured not only for the monetary gains in subscriber fees which were made possible, but also for the fact that lengthy applications would no longer be required. Instead, subscribers would be notified of the pending increase in monthly fees. As well, the Commission would receive an announcement of the tentative increase. Once a forty day waiting period had expired, the fee augmentation would occur. Collaborators felt the regulations allowed partial cost recovery for the market of mature systems. Bob Curley of K-Vision Services Ltd., New Glasgow, Nova Scotia, discussed how the 80% C.P.I. yearly increase would bring monetary gain to the operation.

Just getting back to C.P.I.  
In 1971 our rate was \$6.00  
on our original licence.  
We've done a study of C.P.I.,  
over the past 15 years if we  
had the 80% C.P.I. our rate  
would now be \$12.65 instead  
of \$10.15. We as cable  
owners and management can  
look at it and say that's not  
very much. But if we would  
have had that at the beginning

our rates would be better. So I see it as an opportunity to at least recap some of the increases in the day to day operational expenses and I think that is a step in the right direction (Bob Curley, Interview, January 5, 1987).

In addition to the 80% C.P.I. allowance, the 1986 Cable Regulations listed three other ways monthly fee increases could be justified:

- (1) Installation costs which had been incurred could be passed on to subscribers
- (2) If the operation showed an economic need over and above the 80% C.P.I. it could be allocated.
- (3) The estimate of capital expenditures, or the costs the operation which would be incurred during a twelve month period could be recouped (C.R.T.C. 1986 Cable Regulations, 1986,19).

In addition to heartily welcoming the partial cost recovery and subscriber fee increases, the cable operators were just as pleased with the removal of the application process for rate increases. Both the long time lapse in receiving a decision and the amount of work involved in preparing the application created dissatisfaction. Collaborators complained of having to complete rate increase applications which ranged from twenty to sixty pages in length. The broadcasting undertaking often had to seek advice from a consultant and chartered accountant before submitting application forms and then the

Commission would not reach a decision for months. Collaborators did state, however, improvements in areas other than rates were needed. Development of cable policy was also required to reduce the time lapses in the decision-making process, and in the determination of other cable matters. However, if the C.R.T.C. were freed of rate applications having to be approved, its decisions with respect to other issues might perhaps take a shorter length of time.

Another change in the 1986 Cable Regulations which the respondents favoured was the approval of contra, credit advertising on the community channel. This channel was originally intended to be a social dividend provided by the cable broadcasting undertaking in return for an exclusive cable licence. The purpose was to provide an opportunity for community members to learn equipment operation, and to produce of television programming free from commercial censorship.

Credit or contra advertising should not be confused with spot commercials on other channels. The former would permit local business or community groups to sponsor a program. If advertising were not purchased, the show would not necessarily be cancelled.

By permitting contra, credit and sponsorship advertising, the 1986 Cable Regulations claim that:

No evidence ha[d] been brought forward to indicate that this type of advertising activity would have any serious effect on the

revenues of local broad-  
casters or that the nature  
of the community channel  
would be altered [C.R.T.C.  
1986 Cable Regulations,  
1986;11].

Collaborators, discussing the advertising, agreed with the Commission. Elizabeth Duncan of Dartmouth Cable T.V., asserted that the advertisements would be revenue generating which in turn would be used for better equipment to operate the channel.

Cablecasters felt strongly that they should be allowed to carry all services available. This was particularly true of Canadian services. Joe Shannon, owner of Strait of Canso Cable T.V. in Port Hawkesbury, Nova Scotia, and also the licensee of several core cable operations, contended that the regulation and guarantee of Canadian services should be the only aspect of cable programming regulation by the C.R.T.C. The cable broadcasters noted that Cancom could provide to its subscribers CHCH-TV, CITV, and BCTV, all of which are Canadian television signals. However, prior to the new 1986 Cable Regulations operators could not distribute these signals because of C.R.T.C. regulations. Joe Shannon of Strait of Canso Cable T.V., strongly expressed his views on the policy:

We've had experiences here with our own system in Port Hawkesbury, for example, where we've tried to get BCTV, CITV in Edmonton, and CHCH-TV in Hamilton, on our system here and they wouldn't let us do it.

because of some stupid regulation....I clearly believe that CHCH, CITV can compete with the ABC, CBS and NBC networks of the United States (Joe Shannon, Interview, January 14, 1987).

The 1986 Cable Regulations permitted extra cable broadcasting undertakings to retransmit these signals. Again, this theme illustrated that positive changes have resulted from the new policy. Reflections by the collaborators upon previous regulations disclosed that the constraints resulted in their own frustration as well as that of the subscribers.

The new Cable Regulations, however, were not hailed as a complete solution to cable policy problems. As illustrated by Matrix One, cablecasters still felt the cable industry was overregulated. The new philosophical approach was praised as a step (author's emphasis) in the right direction towards the creation of a Commission which operated in a more supervisory role. Improvements, however, in other areas could still be made. This point was stated by Fred Nix, General Manager of five extra cable operations in Nova Scotia, as well as four other collaborators. Mr. Nix claimed:

Rate increases used to take forever. It's become better with the new Cable Regulations, but for other decisions it still takes forever for the bureaucrats to make their minds (Fred Nix, Interview, January 12, 1987).

Cablecasters, overall, felt the 1986 Cable Regulations were



a beneficial, yet only partial, change in policy direction. Nova Scotian cable operators hoped that more flexible regulations would follow.

Theme 2: C.R.T.C. Favoured As The Best Regulator: Dual Regulations Not Needed

Seven of the nine collaborators favoured federal jurisdiction over cable broadcasting and felt the C.R.T.C. was the best body to regulate the industry. Although problems were perceived in policy and regulation of cable undertakings, collaborators stated they were better off dealing with one federal governing agency. Six of the nine Nova Scotian extra cable operators alleged that the federal government would never totally be eliminated from a role in regulating. As a result, cablecasters would be faced with regulation at both the federal and provincial levels.

Keith Wyer, licensee of Able Cablevision Ltd, Liverpool, Nova Scotia, stated the following when asked his thoughts on provincial regulation:

I think the province should stay a million miles away from the regulations. I think overall the industry and the subscriber are better served by having one regulatory body.... All I have to say is that we must do everything in our power to prevent any kind of dual control or tier control where I have to go to the municipal or provincial governments and ask for territory, for instance, and then go to the federal boys and

ask for signals, or prices -- anything! (Keith Wyer, Interview, January 6, 1987).

Two-tiered regulations would produce a catalytic effect within the broadcasting industry. Collaborators worried that two-tiered regulations would increase bureaucracy, and therefore would also increase the current inefficiency created by one regulatory body. Collaborators expressed, in very emotional terms, their strong feelings against any such move. Norman Crosby, licensee of Colchester Cable Services Ltd., Debert, Nova Scotia, stated the following:

I shudder when I think about provincial involvement. There is always going to be some sort of federal control and we don't need double regulating bodies. (Norm Crosby, Interview, January 2, 1987).

Similar reflections illustrated that the collaborators not only preferred the C.R.T.C. to regulate cable, but also claimed a federal role was ingrained. Even if provincial regulations were introduced, they felt the federal government would never totally relinquish its power to regulate cable.

Not only did the majority of Nova Scotian extra cable operators prefer single level federal jurisdiction, but also the Communications Policy Division of the province of Nova Scotia conceded that the C.R.T.C. was the best regulatory body to govern cable:

The Nova Scotia government has not had to deal with broadcasting cable jurisdiction in quite some time. As a result the Government does not have a "position". However, cable should be regulated and the C.R.T.C. should be the regulator.... The national regulator overall is in the best position to coordinate and supervise broadcasting cable services. (Kathy Peart, Communications Policy Divisions, March 5, 1987).

The Province also acknowledged that in certain areas, such as tailoring federal policies to regulate the provincially based undertakings, the Province would be better positioned. They agreed, however, dual regulation would be a mistake and instead submitted, as did the majority of collaborators, that one national regulatory body, the C.R.T.C. was, indeed, the best agency to regulate cable.

Theme 3 : The Cable Industry Is Not In Favor Of And Is Frightened Of Provincial Control Of Cable Regulations.

The national cable organization, the Canadian Cable Association (C.C.A.) does not favour provincial control of cable regulations. The majority of Nova Scotia cable broadcasters were in agreement with that position.

Stu Rath, licensee of Eastern Cablevision Ltd., Truro, Nova Scotia, claimed provincial control of regulation would fragment national broadcasting and ultimately adversely affect national unity. As well, twelve regulatory provincial and territorial

bodies would create havoc in the system. Policy would vary from province to province. For example, the provinces of Ontario and Nova Scotia, based on financial ability alone, would not be able to offer similar support to the development of provincial regulatory agencies. The end result would be that the subscribers in smaller regions would be penalized with respect to the services which would be provided. Other collaborators further criticized the idea of provincial control over cable. Bob Curley of K-Vision Services Ltd., in New Glasgow stated that provincial regulators would be more easily influenced by individuals and groups which might result in bias in the development of policy or the awarding of decisions.

Elizabeth Duncan of Dartmouth Cable T.V. Ltd., was most adamant against provincial regulation:

What I really feel, and this is based on the contacts I've had with the provincial government, is that it would expect cable companies to be very socialistic. The provincial government is not at all sympathetic to free enterprise, to making money, or to even being reasonable in its demands on cable operators, particularly with respect to extension services. The province is pushing to get cable extended to remote areas because that is what get votes. (Elizabeth Duncan, Interview, January 7, 1987).

Besides the lobbying factor, the cable broadcasters questioned

the practicability and cost factor involved in the change-over from the known federal body to multiple provincial agencies. The majority of cable broadcasters contended that there appeared to be no beneficial aspects, but only debilitating factors, if there were provincial regulatory agencies controlling communications. Furthermore, this notion was so extreme as to 'frighten' collaborators of possible consequences such as the fragmentation of national broadcasting, and the ability of groups to influence provincial regulators.

Theme 4: The Length Of Time Taken By The C.R.T.C. In Reaching Decisions

The length of time taken by the C.R.T.C. to make decisions was a major complaint the collaborators had with the Commission. In fact, the long duration was viewed as one of the biggest problems in dealing with the C.R.T.C. This grievance was raised by five collaborators in their interviews, and was also a point made by the cross checks when they suggested how the Commission could be improved. This factor was cited as an example of the Commission being unavailing and bureaucratic. The term bureaucratic, in reference to the C.R.T.C., appeared again and again throughout the collaborators' interviews.

Keith Wyer of Able Cablevision claimed:

The biggest problem I think involved with regulations and C.R.T.C. is the incredible lapse in time between applying for some thing and actually receiving permission.... When you need a rate increase, you almost

wake up some morning and need the increase but it takes you six to eight months to get it. Then by the time you get it, your desperate. In eight months that have gone by, you have already realized the rate increase is inadequate because the problems in the past eight months. (Keith Wyer, Interview, January 6, 1987):

Other examples provided by the collaborators of inconceivable time lapses in the C.R.T.C. decision-making, included a year long wait to bring The Sports Network and MuchMusic specialty services to a small south-western Nova Scotian community. An extension of services to areas already listed in the conditions of licence, took seven months to receive C.R.T.C. approval.

Bob Curley of K-Vision Services Ltd., New Glasgow, Nova Scotia, stated that the long time lapses not only hurt the cable industry and the credibility of the Commission, but also, most importantly and most unfortunately, the subscriber. It was the subscriber who waited for the additional television services, and the potential subscriber who waited for the availability of the signals in an area without cable. Fred Nix, General Manager of Central Cable T.V. Ltd., Amherst, Nova Scotia, and four other extra cable operations in Nova Scotia contended the decision wait was the most bothersome and annoying when cablecasters were trying to extend cable into an authorized area. He was particularly upset that permission could not be obtained informally from the C.R.T.C. when they wished to extend

their services to their licensed areas. Mr. Nix stated that the licensees were not interested in overextending their authorized boundaries but only in providing services to communities they were permitted to cable.

Theme. 5: Cable Broadcasting Is Overregulated

When collaborators were asked their thoughts and feelings about federal control of cable broadcasting, five of the nine operators responded that the industry was still very much overregulated. This viewpoint was also shared by the four Nova Scotian cable operators who participated as cross-checks in the study.

Keith Wyer, licensee of Able Cablevision, Liverpool, Nova Scotia, summarized the thoughts of most collaborators, when he stated:

...it also flashes in my mind regulations, regulations, and more regulations. Unnecessary regulations, necessary regulations; protector, prosecutor, persecutor (Keith Wyer, Interview, January 6, 1987).

Excessive regulations promulgated by the C.R.T.C. to govern cable were viewed as the most stringent of any broadcasting undertaking. The 1986 Cable Regulations, although readily accepted, relieved only a degree of the regulatory burden.

Harry Woodman, General Manager of Seaside Cable T.V. Ltd., Glace Bay, Nova Scotia, in his cross-check questionnaire suggested the

following improvements to the role of the C.R.T.C.:

The C.R.T.C. has talked about moving towards a more supervisory approach to regulation but little evidence of this shift in philosophy is evident. The only (Mr. Woodman's emphasis) exception to this has been to eliminate some regulatory delay by allowing basic rates to inflate at 80% of the C.P.I. and to be automatically adjustable for some capitol recovery. However, the cable industry is still, by far, the most heavily regulated component to the broadcasting system (Harry Woodman, March 6, 1987).

The Commission was repeatedly described by Nova Scotian extra cable operators as a "bureauctacy". The term was part of a language trend expressed by all respondents. The "bureaucracy" was also described as "inefficient", "incompetent" and involving "too much red tape".

Elizabeth Duncan, General Manager of Dartmouth Cable T.V. Ltd., Dartmouth and Digby, Nova Scotia, claimed that the C.R.T.C. not only overregulated, but also "that the bureaucracy was just not able to react to different suggestions" (Elizabeth Duncan, Interview, January 7, 1987). While most collaborators were adamant about the cable industry being overregulated, they still felt some degree of regulation was necessary, particularly for small systems which have under five thousand subscribers. But none of the cablecasters interviewed (100% penetration of



the extra cable broadcasters in Nova Scotia was reached via interviews and cross-checks) felt total deregulation was the best approach. Instead, the extra cable operators wanted more relaxed rules, which would better serve both the subscriber and the industry. As Carl Bannister of K-Right Communications Ltd., Windsor, Nova Scotia stated, "The C.R.T.C. is sort of like a 'Big Daddy' watching us" (Carl Bannister, Interview, January 5, 1987).

Theme 6: The Provinces Would Be In A Better Position To Regulate Cablecasters.

In Collaborative Inquiry methodology, views often emerge which differ from those of the majority. Those holding these views are known as outliers.

Analysis of the data revealed two outliers, collaborators' whose views varied significantly from the majority's perceptions disclosed by the research. Donna Hearn, General Manager, Shaw Cable Systems (N.S.) Ltd., Bedford, Nova Scotia and Fred Nix, General Manager, Central Cable T.V. Ltd., Amherst, Nova Scotia (Mr. Nix is also General Manager of four other Nova Scotian extra cable systems) stated that provincial control of broadcasting would be better for the industry due to provincial understanding of the region and the needs of its people.

Both cited the fact that they felt C.R.T.C. was too bureaucratic, and distanced from Nova Scotia to understand problems of the region. Therefore concern about cable undertakings and subscribers was substantially reduced. Provincial

jurisdiction over cable operations would be much better, according to Mr. Nix, because:

The provincial people know us better. They understand us. In fact, they know us personally, not like the federal people in Ottawa. Provincial regulators would understand our problems within the cable market. They would certainly be more understanding towards us. (Fred Nix, Interview, January 12, 1987).

Ms. Hearn also agreed that the provincial government would be more interested in local matters. She felt, however, the ideal solution would be a joint venture, federal jurisdiction over cable broadcasting, but provincial input into decisions should be mandatory. This would create a two-tiered regulatory system which was vehemently opposed by seven of the nine other collaborators including Mr. Nix.

The argument to support provincial regulations was based upon the perceived characteristics of understanding, knowledge, caring and commitment attributed to provincial employees. Only two people, Mr. Dave Colville and Ms. Kathy Peart, were employed by the Province of Nova Scotia in its Communications Policy Division. They were respected because of their interest in cable broadcasting and subscriber needs, by both collaborators who favoured provincial jurisdiction over cable (Mr. Nix and Ms. Hearn) and by respondents who preferred exclusive federal authority over cable broadcasting. Mr. Nix and Ms.

Hearn claimed that greater input by local people, who were familiar with the area and cablecasters, such as Mr. Colville and Ms. Peart, was needed to regulate cable broadcasting. Therefore they felt provincial regulators would be advantageous to the industry. Ms. Hearn stated:

We feel quite alienated from Ottawa and the federal regulatory body the C.R.T.C..... the nameless, faceless, bureaucracy in Ottawa. The Provincial Government would be in a better position to regulate due to the fact they would know the area and perhaps care more about us. (Donna Hearn, Interview, January 7, 1987).

These outlying viewpoints were valuable because they drew attention to a perceived major flaw in the structure of the C.R.T.C.. The agency was viewed as bureaucratic, estranged and ineffective in dealing with regional broadcasters. Collaborators who favoured provincial regulations as well as those who preferred the federal jurisdiction of cable broadcasting, cited this complaint.

In order to attempt to determine why two collaborators would favour provincial control of regulations, the researcher looked at the information provided by background questionnaires completed by both Mr. Nix and Ms. Hearn and identified commonalities between the two. Mr. Nix was a General Manager of five extra cable systems in Nova Scotia. Ms. Hearn was the General Manager of a national cable broadcasting organization which had

a cable system in Bedford, Nova Scotia. Thus the two managed or represented numerous cable operations.

Other collaborators had stated the Province might tend to be influenced by lobbying groups of cablecasters (Bob Curley, Interview, January 5, 1987). Perhaps because of the size of their respective operations, more weight would be given to demands from companies run by Mr. Nix or Ms. Hearn. This is not to suggest influence peddling or patronage guarantees would be demanded by either Shaw Cablesystems (N.S.) Ltd., which Ms. Hearn manages, or the cable operations in Nova Scotia owned by John Bragg and managed by Mr. Nix. Working relations better than those which currently existed with the C.R.T.C. might be possible with provincial authority.

When a respondent check was conducted, however, neither Mr. Nix nor Ms. Hearn expressed the above view. Instead these two collaborators reiterated the point that the province would know and care more about provincial cable undertakings.

# CHAPTER V

## SUMMARY AND RECOMMENDATIONS

### Summary

The Canadian Radio-television and Telecommunications Commission (C.R.T.C.) regulated cable from its infancy in 1968, when the C.R.T.C. was empowered to regulate the growing technology, to the present in which 51.2 percent of households in Nova Scotia subscribed to cable in 1985 (C.R.T.C. Annual Report, 1986,43).

The C.R.T.C.'s policy with regard to cable regulation took a more expansive view of technological innovations and industry demands. The majority of Nova Scotian extra cable operators supported federal jurisdiction of cablecasting, and claimed, the 1986 Cable Regulations acknowledged the degree of penetration and the development of services provided by cable systems. In allowing a greater variety of services and reducing bureaucracy by removing the need to apply for a yearly subscriber fee (fees are now increased by 80% of the Consumer Price Index yearly), the Commission's shift from stringent regulation to more lenient supervision was overwhelmingly accepted by cable operators.

Despite these positive reforms cable was, however, still perceived as being overregulated. The restraints placed on

cable dated back to early cable policy which regarded the technology as a competitor of broadcasting which had to be carefully regulated because of its indirect threat to Canadian culture. As a result, the use of microwave to bring in foreign signals was refused until 1971. The Commission seemed to overlook the fact that the majority of Canadians lived close enough to the American border to receive this programming by means of local head-ends.

Canada's proximity to the United States and the fact that most of her population lives within one hundred miles of the border and can receive signals from the much wealthier American broadcasting system (Royal Commission on Broadcasting, 1957,8).

The primary effects of this policy was to limit the availability of services to Canadians living in outlying areas and to restrict the growth of the cable industry.

Throughout the 1970's, as the technological capacity of cable broadcasting increased, the C.R.T.C. continued to pass regulations which did not permit an expansion of the technology. It was not until 1982 with the introduction of satellite delivered services, that cable policy and regulation began to match the advancements in the field.

In view of the restrictions placed on cable undertakings for so many years, the 1986 Cable Regulations were enthusiastically welcomed by Nova Scotian extra cable operators.

Therefore, of the topics originally found in the readings, only those concerning the 1986 Cable Regulations, the preference of federal control over cable broadcasting, (seven of the nine collaborators preferred the C.R.T.C.), and the preference of provincial regulators (two of the collaborators), were brought forward.

The cases of *Capital Cities*, *Dionne*, and *Shell-bird* which were decided in favour of federal jurisdiction over cable broadcasting undertakings were not mentioned. Nor was the topic of cable monopolies. Total deregulation of cable was not regarded as a viable option in the industry.

After interviewing the cable operators this does not seem startling. Their concern was the running of a business. As one of the collaborators claimed; "This is a business which has a federal regulatory body which gives us rules, but it's just a business to be run." Therefore, the discussion of regulations and the body which governed cable operators was the most natural subject matter for collaborators.

In light of the responses provided by the cable operators, the researcher puts forth the following recommendations. The researcher feels that these would best suit the needs of the cablecasters.

### Recommendations

#### Decentralization of the C.R.T.C.

Seven of the nine collaborators claimed federal jurisdiction of broadcasting was satisfactory. It was necessary to

have one governing body. Therefore, dual regulations in the form of federal and provincial regulatory agencies would only increase bureaucracy. All the collaborators felt that the C.R.T.C. was alienated from Nova Scotia, and did not understand the needs of the area nor seemed to care. Collaborators also stated the Regional Office of the C.R.T.C. in Halifax, was beneficial but limited in effectiveness as the Regional Director has no input into decisions or regulations affecting the region. They complained of the estrangement between the Ottawa base of the Commission and the outlying provinces such as Nova Scotia. This problem appeared to create feelings of helplessness in dealing with the C.R.T.C.

To lessen the obvious estrangement between the Commission and regional broadcasters, while simultaneously increasing contribution to the decision and policy making process by regional Commission members, decentralization of the C.R.T.C. is necessary.

In a 1984 internal C.R.T.C. audit, titled the "Robson Committee Report", the Committee found that there was indeed a major problem between cablecasters and the Commission should:

...decentralize its Head Office regional teams to enable the Regional Offices to become involved in decision making, the processing of applications, and increase information about the regions (C.R.T.C.) "Robson Committee Report", 1984,60).

Therefore, the Commission had acknowledged the problems



cable broadcasters in Nova Scotia so clearly articulated in from this research. Even so, decentralization (which was not suggested as a compromise for collaborators preferring federal regulators and those preferring a provincial regulatory body, but rather as a solution) could create many problems.

Total decentralization, in which the Head Office of the C.R.T.C. in Ottawa\* is separated into wholly regional sectors, could cause regional diversity in regulation. The situation in a totally decentralized system might alienate the regions even more severely unless efforts were made to ensure that similar regulations and policy were formulated across the country in all regions. On the other hand, permitting the Regional Offices to remain in the same stagnant position would only further isolate cablecasters who felt that the regional needs and concerns were currently not being met by the Commission.

Decentralized Regional Offices would have the potential of enabling the C.R.T.C. to bridge immense geographical distances while helping the Commission become more aware of the broadcasting needs of both cablecasters and subscribers. The result would be a reduction in the feelings of indifference now experienced in dealing with a bureaucratic body in Ottawa. The C.R.T.C. also acknowledges this viewpoint:

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\*The Head Office is geographically located in Hull, Quebec, but the Commission lists its address, including mailing address as Ottawa, Ontario.

Through its regional offices, the C.R.T.C. can bring information, facts and figures and explanations of its policies and decisions to the doorsteps of the public it serves.

Through its regional offices, the C.R.T.C. can extend a helping hand and reach out to receive the other side of the dialogue that it wants with Canadians in relationship to their thoughts, and opinions on the broadcasting they receive or badly want to receive (C.R.T.C., 1984:48).

The role of the Regional Office has been studied by the C.R.T.C. several times since 1972.\* It is interesting to note that little action was ever taken after the problem was analyzed. In fact, changes in the duties of C.R.T.C. Regional Offices were never implemented. This created an environment in which Regional Offices lost their credibility in the eyes of cablecasters.

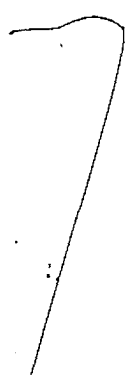
The Regional C.R.T.C. Office was viewed as ineffective. Collaborators reported that when seeking important information or when lobbying, the Regional Office was passed over in favour of direct consultation with employees from the Head Office. Ironically, the cable operators claimed that it was these same employees who were insensitive to their needs.

It is therefore submitted that if Regional Offices of the

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\*This internal C.R.T.C. Report was called the Dawson Report, the second report was termed the Foster Study in 1976, and in 1979 was known as Corporate Management Report. All were internally published by the C.R.T.C.

C.R.T.C. were decentralized, then greater authority in the areas of decision-making and policy development could be given to the particular region is concerned. This would result in a greater interaction between the C.R.T.C. and the cable broadcasting operators, and would help to solve the problems of isolation without relinquishing federal jurisdiction. Therefore, decentralization of the C.R.T.C. Regional Offices would satisfy those cable operators who favoured federal jurisdiction and those who favoured provincial control.



RECOMMENDATION: THE C.R.T.C. SHOULD CONTINUE WITH  
DEREGULATION IN AREAS OTHER THAN RATES.

Cablecasters felt that the cable industry was unnecessarily burdened by regulation. The 1986 Cable Regulations which initiated the move towards deregulation dealt with rates only. Nova Scotian extra cable operators stated deregulation must also include other cable matters.

The Canadian Cable Television Association (C.C.T.A.), which represents all cable operations, released a report in January, 1987, entitled Project 90/2. It stated that the C.C.T.A. applauded the 1986 Cable Regulations as affirmative action. Echoing the responses given by Nova Scotian cable operators, the C.C.T.A. demanded more lenient rules. The Association requested that the C.R.T.C. extend its supervisory approach by the following:

1. Moving to market-based rates for all services.
2. Encouraging the development of new services such as pay-per-view.
3. Removing the prohibitions against cable advertising.
4. Distributing foreign signals which were not directly competitive with Canadian services (C.C.T.A., 1987,59).

Approval of market-based rates and the granting of permission

for cable advertising, would mean a radical change in C.R.T.C. philosophy, which perhaps would not be the best approach.

However, the C.R.T.C. should promote the development of new services for subscribers. Cable systems should also be permitted a greater variety of services such as distant Canadian and American signals. This would allow cable undertakings to compete with systems such as TVRO's (earth stations), and VCR's which operate outside of regulation. Cable technology must be allowed to expand as the capacity for new services becomes available, or cable will be passed over by Canadians in favour of the new, unregulated technologies.

As well as dealing with new services the Commission must examine problems within the C.R.T.C.. Long time lapses between applying and receiving decisions were a great concern amongst cablecasters. If moderate C.R.T.C. decentralization were actualized, regional concerns such as granting permission to cable operations to extend their operations within their licensed areas, and other non-contentious issues, could be processed much more quickly and efficiently. Elimination of these time-consuming duties would free the C.R.T.C. Head Office and perhaps produce a faster turn over with regard to decisions of a national nature.

Regulation with respect to cable undertakings must be fair. The current regulatory framework still over burdens the cable industry, although the 1986 Cable Regulations were a beginning in breaking this trend. Cable regulation must be



flexible enough to allow for a changing environment. Therefore the C.R.T.C. should continue to move towards the supervisory role in all cable matters as promised by the 1986 Cable Regulations.

These recommendations would better suit the cable industry because it would first, facilitate cable business by increasing services available to subscribers, second, allow cable undertakings to compete with technology such as V.C.R.'s and T.V.R.O.'s, and third, implement moderate decentralization of the C.R.T.C. Regional Offices could make decisions affecting provincial undertakings more quickly and efficiently and therefore lessen delays of the bureaucracy.

From the interviews, collaborators were interested in a business approach towards their cable operations. Although they did state Canadian programming is a priority on their cable service, collaborators did not mention the need to preserve Canadian culture.

Upon examination of C.R.T.C. policy since 1968, the Commission's demand to uphold Canadian culture through the protection of local broadcasting becomes an obvious and much needed protection measure. The C.R.T.C. in the future is going to have to continue with cable regulations to protect the 'Canadian Identity' while being flexible enough to assure that cable is a part of the single Canadian broadcasting system.

#### Closing Statement

The significance of qualitative studies used to explain

cablecasters viewpoints, was supported by the Government sponsored Caplan-Sauvageau Report of the Task Force on Broadcasting Policy which recommended:

The Department of Communications and the C.R.T.C. should support the development of research in communications-related disciplines on all aspects of Canadian broadcasting, especially regulatory policies and methods. Instead of concentrating on establishing new structures, their research support should emphasize centres of excellence that already exist, particularly in the universities. In order to be able to carry out independent assessments of the broadcasting industry, the C.R.T.C. should reactivate its research department and consult specialists in all appropriate disciplines to establish and maintain a meaningful and up-to-date database on the broadcasting industry. (Caplan-Sauvageau, 1986, 184-85).

The interviews with Nova Scotian extra cable operators yielded a database which exemplified the type of research recommended by Caplan-Sauvageau. It is hoped, that this study will be beneficial in providing an illustration of the current cable broadcasting environment, and ways in which it might conceivably be improved.

Appendices



Appendix A

Background Questionnaire and Cross-Check Questionnaire (Samples)

NOVA SCOTIAN CABLE OPERATORS  
PERCEPTIONS OF FEDERAL/PROVINCIAL REGULATIONS

BACKGROUND INFORMATION QUESTIONNAIRE

1. Name: \_\_\_\_\_

2. How many cable companies do you operate or own?

one ----

two ---

three ----

four ----

five ----

3. What are the number of subscribers at each?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. What are the potential number of subscribers at each?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. a) How long have you been a Cable Operator in Nova Scotia?

\_\_\_\_\_

b) Have you ever worked in the cable industry outside of  
Nova Scotia? \_\_\_\_\_

c) If yes, where and how long? \_\_\_\_\_  
\_\_\_\_\_

6. Were you a Cable Operator during the constitutional  
discussions from 1978 to 1980, in which the jurisdiction  
with respect to communications was dealt with? \_\_\_\_\_  
\_\_\_\_\_

PLEASE CHECK NEXT TO THE APPROPRIATE RANGE

7. Do you feel the provinces should have been given control of communications. Why or why not? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. There are several different scenarios for the regulation of broadcasting, and cable in particular. Please rank the following in order of importance to YOU.

- a) Federal control (staying with the C.R.T.C.) \_\_\_\_\_
- b) De-centralization of the C.R.T.C. \_\_\_\_\_  
(so that the Regional Offices would have more power)
- c) Joint Federal and Provincial Control \_\_\_\_\_
- d) Provincial Control \_\_\_\_\_
- e) Total Deregulation \_\_\_\_\_

9. Cable Broadcasting is rarely mentioned in the Broadcasting Act. What inclusions would you like to see in an amended Broadcasting Act? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. What are your feelings on the August 1, 1986 Cable Regulations? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Any factors YOU consider specially relevant for cable regulations? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AUTHORIZED SERVICES

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CALL SIGN	NETWORK	LOCATION
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TELEVISION SERVICES

SPECIAL PROGRAMMING SERVICES

RADIO SERVICES

PAY TELEVISION SERVICES

\*\* FIRST CHOICE/SUPERCHANNEL

SPECIALTY PROGRAMMING SERVICES

NOVA SCOTIAN EXTRA CABLE OPERATORS PERCEPTIONS OF FEDERAL REGULATIONS

CROSS CHECK QUESTIONNAIRE

1. Do you feel the cable industry should be regulated by the Federal Agency, the Canadian Radio-television and Telecommunications Commission (CRTC)?

2. Are there any area's in which the CRTC could be improved or changed?

b) Are there any CRTC policies, from your position, that you feel should be revised?



7. From your respective position, what would be the 'ideal' for cable broadcasters as far as regulations are concerned?

8. There are several different scenarios for the regulation of broadcasting, and cable in particular. Please rank the following in order of importance to YOU.

- a) Federal control (the CRTC)
- b) Decentralization of the CRTC (Regional Offices with more power and influence)
- c) Joint Federal and Provincial Control
- d) Provincial Control
- e) Total Deregulation

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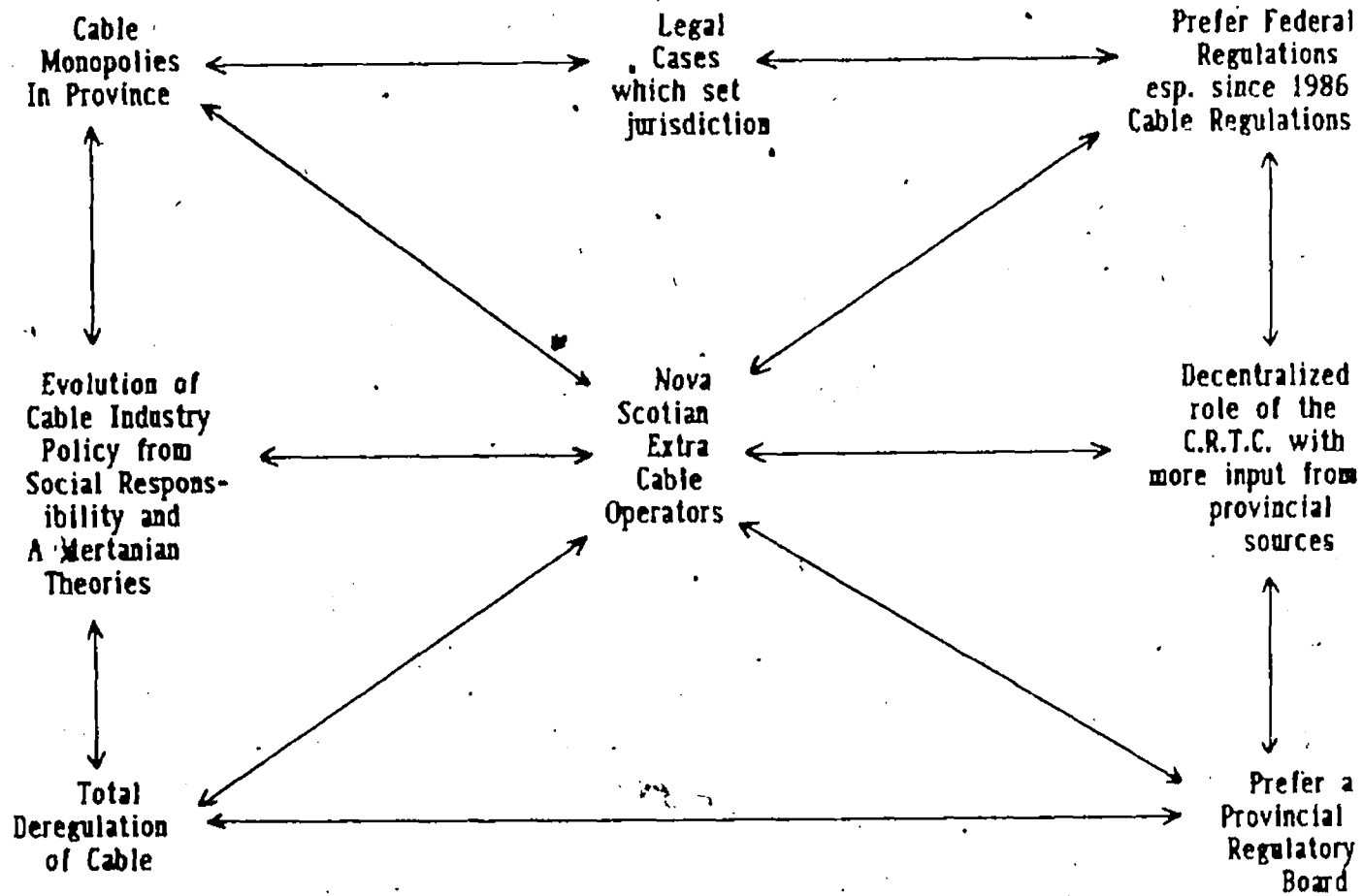


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If you have any additional comments, please list.

Appendix B  
Themes from Readings





THEMES: FROM CHAPTER II

Appendix C

Collaborators Ranking Of Main Points

(Alphabetical Value Given)

The Collaborative Inquiry methodology yielded hundreds of pages of interview transcript. Main points of the interviews were ranked by the collaborators. The maximum number of main points made by any one collaborator was seven. These were given a letter which corresponded with the collaborators prioritized ranking of topics. For example, Mr. Norm Crosby ranked, "cable is overregulated" number 1; his most important theme in Question 1. This topic was then given an 'a' value (see Appendix C). Thus the following letter values corresponded with prioritized ranking of main themes:

- 1 = a
- 2 = b
- 3 = c
- 4 = d
- 5 = e
- 6 = f
- 7 = g

**Figure 1: MAIN THEMES FROM INTERVIEWS**  
 As Ranked In Alphabetical Priority By Collaborators

Question #1:	INTERVIEWEES								
	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Cable over regulated. (bureaucracy)	a			e			b	c	a
2. The feds are doing a required job.	c								
3. Controls are needed.	b								
4. C.R.T.C. as broadcast regulators.		a		f			c	d	
5. Department of Communications - Technical Area.		b				d			
6. Regulations are a basis to run a company.			a						
7. The recent, new C.R.T.C. regulations have given the industry a chance to compete against what competition we now might have - VCR's and dishes.				a					
8. With the recent, new regulations, think of deregulation and how much the C.R.T.C. have changed policy with regard to cable. (Under Andre Bureau)				b,d	b		a		

MAIN THEMES

INTERVIEWEES

Question #1 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
9. Now allowed access now to more variety of television, and a.m. and f.m. signals.			a	c		c			
10. Have to have some regulations, but the biggest problem involved with regulations and the C.R.T.C. is the time lapse for a decision. (bureaucracy)					a			a, b	
11. The 80% C.P.I. for rate increases is fine. However, should be able to skip a year and double the increase for two years.					c				
12. New regulations covered the capitol costs of upgrading and expansion.					d				
13. The sky should be the limit to signals allowed to be carried, not bureaucratic people in Ottawa.					e				
14. Have no problems with Canadian Content regulations.					f				

MAIN THEMES

INTERVIEWEES

Question #2:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Because there is always going to be some sort of federal control and we don't need double, dual regulators.	a	e, b	b	b	a, b				
2. In Nova Scotia we've found the provincial communications people very supportive of the cable industry.		c			e			b	
3. Concern within the industry that provinces try to control regulations.		d		c					
4. The provincial amusement tax.		e	d				c		
5. The province doesn't really affect us too much, we have to abide by whatever regulations are made, and run the cable company.			a, c						
6. Provincial regulators would be more easily influenced by individuals and groups.				a		c			
7. Hopes the province would stay out of regulations.				d	c	a			

MAIN THEMES

INTERVIEWEES

Question #2. Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
8. The C.R.T.C. as the federal regulators, have taken cable T.V. as an infant and lived through its adolescence.					d				
9. The provincial government would be very socialistic. They are not at all sympathetic to free enterprise or to making money, or to even being reasonable in its demands on cable operators. Particularly with respect to extension of services.						b			
10. The province would be looking for the cable operation to give up 99% of his/her bottom line for the public good.						d			
11. The provincial government would certainly be more concerned on an individual level. They would know you, the company, and the needs of the subscriber better.							a	a	

MAIN THEMES

INTERVIEWEES

Question #2 Continued:	$\alpha 1$	$\alpha 2$	$\alpha 3$	$\alpha 4$	$\alpha 5$	$\alpha 6$	$\alpha 7$	$\alpha 8$	$\alpha 9$
12. Don't know if cable should be regulated by the provinces or the feds.							b		
13. Would like to see the province regulate cable.								c	
14. Provincial control would be much better.								d	
15. With the province, regulations would be much freer, much looser.								e	
16. Provincial regulators would still be a great big bureaucracy, except they would be in Halifax, instead of Ottawa.									a



MAIN THEMES

INTERVIEWEES

Question #3:	#1	#2	#3 d	#4	#5	#6	#7	#8	#9
1. Cable broadcasters get along fairly well with the C.R.T.C.	a								
2. The C.R.T.C. is slow in making decisions.	b				a			a	
3. The C.R.T.C. has gone in a new direction from a regulatory to a supervisory role, under André Bureau.		a, c		a			b, c	c	d
4. The C.R.T.C. is looking at cable to extend Canadian services.		b							a
5. Have no feelings towards regulations, just a fact in running a cable company.			a						
6. Have to deal with a regulatory body and the body is treated as such.			b						
7. Six months ago would have claimed the industry is over-regulated.				b					

MAIN THEMES

INTERVIEWEES

Question #3 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
8. Regulations are necessary, doesn't agree with total deregulation.						a		d	
9. Cable broadcasters are dealing with a bureaucracy that is inefficient, and not able to react to different suggestions.						b,g	d	e	c
10. The C.R.T.C. doesn't understand Nova Scotia, we are so remote to them, and that's a point for decentralization.						c	a		
11. C.R.T.C. has penalized cable broadcasters and subscribers via cable regulations. While Cancom systems appear to be given special consideration and status not accorded to small 12 channel cable systems						d			

MAIN THEMES

INTERVIEWEES

Question #3, Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. The Regional C.R.T.C. Office has no input into the Ottawa scene.						c			
13. Better off dealing with the C.R.T.C. than the provincial government.						f		l	
14. Regulations need to be more relaxed.								b	
15. Support of regulations that make an effort for cross-subsidization to deliver signals to Northern and remote areas of Canada.									b

MAIN THEMES

INTERVIEWEES

Question #4:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Frightened of provincial control of cable regulations.	b	c			d	a			
2. Provincial control of regulations would be an additional burden to the cable industry.	a								
3. Can't have eleven or twelve different controlling bodies in national broadcasting.		a				b			
4. The cable industry is not in favour of provincial control of cable regulations.		b		a					
5. If you have each province regulating cable, will end up with the same situation in rating films.		d							

MAIN THEMES

INTERVIEWEES

Question #4 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
6. This is a business which has a federal regulatory body, but its just a body to be run.			a						
7. If there was any area that the province could be an asset, would not mind the province being in charge of regulations.				b					
8. The province's part currently is the amusement tax.				c					
9. Don't need dual regulating bodies for the cable industry.					a, b				a, b
10. Provincial Communications Division are very helpful to us and are playing an important role.					c			a	

MAIN THEMES

INTERVIEWEES

Question #4. Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
11. Perhaps, the best way would be with the federal government as overseer, but having provincial input.							a		
12. The provinces would be in a better position to regulate us due to the fact that they would know the area and perhaps care more about us.							b	b,d	
13. We feel quite alienated from Ottawa and the federal regulatory body, the C.R.T.C.							c		
14. Respected by the provincial people.								c	

**MAIN THEMES**

**INTERVIEWEES**

Question #5:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Easier to stay with federal control than to try and change to provincial control.	a					b			
2. Provincial control of broadcasting would fragment the broadcast industry and disunite Canada.		a							
3. It would be impossible to have provincial regulators and national broadcasting.		b			b	a			
4. Broadcasting and television go across provincial lines.		c							
5. Prefer a federal body because that gives a fair basis to all companies.			a						

MAIN THEMES

INTERVIEWEES

Question #5 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
6. Deregulation took a long time.				a					
7. Cable broadcasters didn't always agree with steps the C.R.T.C. were taking.				b					
8. Can't compare federal and provincial regulators as the provinces have never played a role.				c					
9. Cable broadcasters have always felt the C.R.T.C. was slow.				d			a		
10. On the provincial side, the only involvement has been the amusement tax.				e					
11. If anywhere, the province might become involved with TVRO's, as they probably won't fall under the <i>Broadcasting Act</i> .				f					



MAIN THEMES

INTERVIEWEES

Question #5 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. Perhaps the province might know more about geographical rights.				9					
13. It's hard enough for the C.R.T.C. to stay on top of regulating the industry because the skies don't stop at the outside perimeter of Canada. It would then be very difficult for the provinces.					a				
14. Don't have strong feelings about provincial versus federal jurisdiction, but must have only one regulatory body.					c				
15. With the new cable regulations will not have to fill out an application for rate increase.							b		

MAIN THEMES

INTERVIEWEES

Question #5 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
16. There is still a nameless, faceless bureaucracy in Ottawa who know nothing about Nova Scotia.							c	c,d	
17. Andre Bureau has been seen by the cable industry as a very good chairman of the C.R.T.C. He is making some progressive changes within the agency.							d		
18. Dealing with the Provincial Communications Division is much easier.								a,b	
19. No factors.									a

MAIN THEMES

INTERVIEWEES

Question #6:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. C.R.T.C. is working at relaxing regulations via new cable regulations.	a	a, c		a	e	f			
2. C.R.T.C. should speed up approval process for decisions.	b								
3. Deregulation of rates is particularly good.		b		f	d	b			
4. The C.R.T.C. should allow cable to compete with satellite deliveries.		d		c					
5. No feelings toward regulations.			a						
6. C.R.T.C. is a controlling body and they do keep an eye on your business.			b						
7. The C.R.T.C. is like a 'Big Daddy' watching us.			c						

MAIN THEMES

INTERVIEWEES

Question #6 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
8. Now can offer more services. Allowed to offer credit/ contra advertising on the community channel. Thus will have a better service for the subscriber.				b		e			
9. Now can't be critical of what the C.R.T.C. is doing, as they are now conscious of the things the cable industry has been asking for a number of years.				d					
10. The C.R.T.C. decision to allow 80% of the C.P.I. for rate increases is wise.				e.g.		a			
11. The C.R.T.C. has reacted well to the Maritimes in that we now have a Regional Office.					a				

MAIN THEMES

INTERVIEWEES

Question #6 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. We should not turn the industry into complete American or foreign signals. The fact that we must carry a minimum of 50% Canadian signals makes sense.					b				
13. Agreement with Pierre Trudeau when he said his personal philosophy was that CBC should be all Canadian content. It should be all Canadian.					c				
14. It appears that the cable-vision industry is almost grown up. At least we're being treated much fairer.					f				
15. Now permitted to pass on 100% of our installation costs through fees.						c			
16. We are now able to add CHCH and CITY, and able to sign an agreement with them from new regulations.						d			a

MAIN THEMES

INTERVIEWEES

Question #6 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
17. As General Manager of a system I think we need more input by local people, who know the area, and that means the province.							b	a	
18. The new Cable Regulations were just a start in the right direction. Overall, the regulations need to be more relaxed, looser.								b	
19. The only thing the C.R.T.C. should be regulating is to ensure we're distributing every Canadian signal that's available and we want to distribute.									b,d
20. Believe that CHCH, CITY, can compete with American ABC, NBC, and CBS networks. We should have been allowed to always carry it.									c

Appendix D

Alphanumeric Values Awarded To Themes Of Collaborators



FIGURE 2: VALUES AWARDED TO THEMES AS RANKED BY COLLABORATORS

As figure 1 illustrates, the themes from interviews were given back to the collaborators to rank in order of priority.

From this each letter will be given an alphanumeric value:

a = 7

b = 6

c = 5

d = 4

e = 3

f = 2

g = 1

Thus values can be totalled and the sum presented so that matrices can be collapsed and the top aggregate of recurrent themes, as ranked by collaborators, will be made known.



Figure 2: VALUES AWARDED TO THEMES AS RANKED BY COLLABORATORS

Question #1:	INTERVIEWEES								
	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Cable over regulated. (bureaucracy)	7			3			6	5	7
2. The feds are doing a required job.	5								
3. Controls are needed.	6								
4. C.R.T.C. as broadcast regulators.		7		2			5	4	
5. Department of Communications - Technical Area.		6				4			
6. Regulations are a basis to run a company.			7						
7. The recent, new C.R.T.C. regulations have given the industry a chance to compete against what competition we now might have - VCR's and dishes.				7					
8. With the recent, new regulations, think of deregulation and how much the C.R.T.C. have changed policy with regard to cable. (Under Andre Bureau)				6,4	6		7		

MAIN THEMES

INTERVIEWEES

Question #1 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
9. Now allowed access now to more variety of television, and a.m. and f.m. signals.				5		5			
10. Have to have some regulations, but the biggest problem involved with regulations and the C.R.T.C. is the time lapse for a decision. (bureaucracy)					7				7,6
11. The 80% C.P.I. for rate increases is fine. However, should be able to skip a year and double the increase for two years.					5				
12. New regulations covered the capitol costs of upgrading and expansion.					4				
13. The sky should be the limit to signals allowed to be carried, not bureaucratic people in Ottawa.					3				
14. Have no problems with Canadian Content regulations.					2				

MAIN THEMES

INTERVIEWEES

Question #1 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
15. Federal regulations are a two edged sword; a real pain, a real problem.					1				
16. Rates						7			
17. Programming						6			

MAIN THEMES

INTERVIEWEES

Question #2:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Because there is always going to be some sort of federal control and we don't need double; dual regulators.	7	7,6	6	6	7,6				
2. In Nova Scotia we've found the provincial communications people very supportive of the cable industry.		5			3			6	
3. Concern within the industry that provinces try to control regulations.		4		5					
4. The provincial amusement tax.		3	4				5		
5. The province doesn't really affect us too much, we have to abide by whatever regulations are made, and run the cable company.			7,5						
6. Provincial regulators would be more easily influenced by individuals and groups.				7		5			
7. Hopes the province would stay out of regulations.				4	5	7			

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MAIN THEMES

INTERVIEWEES

Question #2 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
8. The C.R.T.C. as the federal regulators, have taken cable T.V. as an infant and lived through its adolescence.					4				
9. The provincial government would be very socialistic. They are not at all sympathetic to free enterprize or to making money, or to even being reasonable in its demands on cable operators. Particularly with respect to extension of services.						6			
10. The province would be looking for the cable operation to give up 99% of his/her bottom line for the public good.						4			
11. The provincial government would certainly be more concerned on an individual level. They would know you, the company; and the needs of the subscriber better.							7	7	

MAIN THEMES

INTERVIEWEES

Question #2 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. Don't know if cable should be regulated by the provinces or the feds.							6		
13. Would like to see the province regulate cable.								5	
14. Provincial control would be much better.								4	
15. With the province, regulations would be much freer, much looser.								3	
16. Provincial regulators would still be a great big bureaucracy, except they would be in Halifax, instead of Ottawa.									7



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MAIN THEMES

INTERVIEWEES

Question #3:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Cable broadcasters get along fairly well with the C.R.T.C.	7								
2. The C.R.T.C. is slow in making decisions.	6				7			7	
3. The C.R.T.C. has gone in a new direction from a regulatory to a supervisory role, under Andre Burean.		7,5		7			6,5	5	4
4. The C.R.T.C. is looking at cable to extend Canadian services.		6							7
5. Have no feelings towards regulations, just a fact in running a cable company.			7						
6. Have to deal with a regulatory body and the body is treated as such.			6						
7. Six months ago would have claimed the industry is over-regulated.					6				

<u>MAIN THEMES</u>	<u>INTERVIEWEES</u>								
Question #3 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
8. Regulations are necessary, doesn't agree with total deregulation.						7		4	
9. Cable broadcasters are dealing with a bureaucracy that is inefficient, and not able to react to different suggestions.						6,1	4	3	5
10. The C.R.T.C. doesn't understand Nova Scotia, we are so remote to them, and that's a point for decentralization.						5	7		
11. C.R.T.C. has penalized cable broadcasters and subscribers via cable regulations. While Cancom systems appear to be given special consideration and status not accorded to small 12 channel cable systems						4			1

u



<u>MAIN THEMES</u>	<u>INTERVIEWEES</u>								
Question #3 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. The Regional C.R.T.C. Office has no input into the Ottawa scene.						3			
13. Better off dealing with the C.R.T.C. than the provincial government.						2			
14. Regulations need to be more relaxed.								6	
15. Support of regulations that make an effort for cross-subsidization to deliver signals to Northern and remote areas of Canada.									6

MAIN THEMESINTERVIEWEES

Question #4:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Frightened of provincial control of cable regulations.	6	5			4	7			
2. Provincial control of regulations would be an additional burden to the cable industry.	7								
3. Can't have eleven or twelve different controlling bodies in national broadcasting.		7				6			
4. The cable industry is not in favour of provincial control of cable regulations.		6		7					
5. If you have each province regulating cable, will end up with the same situation in rating films.		4							

MAIN THEMES

INTERVIEWEES

Question #4 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
6. This is a business which has a federal regulatory body, but its just a body to be run.			7						
7. If there was any area that the province could be an asset, would not mind the province being in charge of regulations.				6					
8. The province's part currently is the amusement tax.				5					
9. Don't need dual regulating bodies for the cable industry.					7,6				7,6
10. Provincial Communications Division are very helpful to us and are playing an important role.					5			7	

MAIN THEMES

INTERVIEWEES

Question #4 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
11. Perhaps, the best way would be with the federal government as overseer, but having provincial input:							7		
12. The provinces would be in a better position to regulate us due to the fact that they would know the area and perhaps care more about us.							6	6,4	
13. We feel quite alienated from Ottawa and the federal regulatory body, the C.R.T.C.							5		
14. Respected by the provincial people.								5	

MAIN THEMES

INTERVIEWEES

Question #5:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. Easier to stay with federal control than to try and change to provincial control.	7					6			
2. Provincial control of broadcasting would fragment the broadcast industry and dismrite Canada.		7							
3. It would be impossible to have provincial regulators and national broadcasting.		6			6	7			
4. Broadcasting and television go across provincial lines.		5							
5. Prefer a federal body because that gives a fair basis to all companies.			7						

MAIN THEMES

INTERVIEWEES

Question #5 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
6. Deregulation took a long time.				7					
7. Cable broadcasters didn't always agree with steps the C.R.T.C. were taking.				6					
8. Can't compare federal and provincial regulators as the provinces have never played a role.				5					
9. Cable broadcasters have always felt the C.R.T.C. was slow.				4			7		
10. On the provincial side, the only involvement has been the amusement tax.				3					
11. If anywhere, the province might become involved with TVRO's, as they probably won't fall under the <i>Broadcasting Act</i> .				2					

**MAIN THEMES**

**INTERVIEWEES**

Question #5 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. Perhaps the province might know more about geographical rights.									
13. It's hard enough for the C.R.T.C. to stay on top of regulating the industry because the skies don't stop at the outside perimeter of Canada. It would then be very difficult for the provinces.									
14. Don't have strong feelings about provincial versus federal jurisdiction, but must have only one regulatory body.									
15. With the new cable regulations will not have to fill out an application for rate increase.									

MAIN THEMES

INTERVIEWEES

Question #5 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
16. There is still a nameless, faceless bureaucracy in Ottawa who know nothing about Nova Scotia.			a				5	5,4	
17. Andre Bureau has been seen by the cable industry as a very good chairman of the C.R.T.C. He is making some progressive changes within the							4		
18. Dealing with the Provincial Communications Division is much easier.								7,6	
19. No factors.									7



MAIN THEMES

INTERVIEWEES

Question #6:	#1	#2	#3	#4	#5	#6	#7	#8	#9
1. C.R.T.C. is working at relaxing regulations via new cable regulations.	7	7, 5		7	3	2			
2. C.R.T.C. should speed up approval process for decisions.	6								
3. Deregulation of rates is particularly good.		6		2	4	6			
4. The C.R.T.C. should allow cable to compete with satellite deliveries.		4		5					
5. No feelings toward regulations.			7						
6. C.R.T.C. is a controlling body and they do keep an eye on your business.			6						
7. The C.R.T.C. is like a 'Big Daddy' watching us.			5						

MAIN THEMES

INTERVIEWEES

Question #6 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
8. Now can offer more services. Allowed to offer credit/ contra advertising on the community channel. Thus will have a better service for the subscriber.				6		3			
9. Now can't be critical of what the C.R.T.C. is doing, as they are now conscious of the things the cable industry has been asking for a number of years.				4					
10. The C.R.T.C. decision to allow 80% of the C.P.I. for rate increases is wise.				3, 1		7			
11. The C.R.T.C. has reacted well to the Maritimes in that we now have a Regional Office.					7				

MAIN THEMES

INTERVIEWEES

Question #6 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
12. We should not turn the industry into complete American or foreign signals. The fact that we must carry a minimum of 50% Canadian signals makes sense.									
13. Agreement with Pierre Trudeau when he said his personal philosophy was that CBC should be all Canadian content. It should be all Canadian.					5				
14. It appears that the cable-vision industry is almost grown up. At least we're being treated much fairer.					2				
15. Now permitted to pass on 100% of our installation costs through fees.						5			
16. We are now able to add CHCH and CITY, and able to sign an agreement with them from new regulations.						4			7

MAIN THEMES

INTERVIEWEES

Question #6 Continued:	#1	#2	#3	#4	#5	#6	#7	#8	#9
17. As General Manager of a system I think we need more input by local people, who know the area, and that means the province.							6	7	
18. The new Cable Regulations were just a start in the right direction. Overall, the regulations need to be more relaxed, looser.								6	
19. The only thing the C.R.T.C. should be regulating is to ensure we're distributing every Canadian signal that's available and we want to distribute.									6, 4
20. Believe that CHCH, CITV, can compete with American ABC, NBC, and CBS networks. We should have been allowed to always carry it.				5					5

Appendix E  
Collapse of Matrices

Collapse of Matrices

By totalling the alphanumeric values, the matrix shall now be collapsed, so as to reduce the number of cells. The main themes from each question will remain, as illustrated by the highest total aggregate.

FIGURE 3: COLLAPSE OF MATRICES

<u>MAIN THEMES</u>	<u>TOTAL VALUES</u>
Question #1:	
1. Cable is over regulated by a bureaucracy.	28 points
2. With the recent, new regulations (1986 Cable Regulations) cable broadcasters think of deregulation and how much the C.R.T.C. has changed policy direction. Change has occurred under C.R.T.C. chairman André Bureau.	23 points
3. Have to have some regulations, but the biggest problem involved with regulations and the C.R.T.C. is the time lapse taken for broadcasters to receive a decision from the Commission. Another example of bureaucracy.	20 points
4. C.R.T.C. is thought of as broadcast regulators.	18 points
5. Now (from 1986 Cable Regulations) allowed more access to variety of television, a.m. and f.m. signals.	10 points
6. When federal regulations come to mind, cable broadcasters think of the Department of Communications - the technical area.	10 points



MAIN THEMES

TOTAL VALUES

Question #2:

- |  |           |
|--|-----------|
| 1. There is always going to be some sort of federal control and dual regulations are not needed.   | 45 points |
| 2. Cable broadcasters hope the province would stay out of regulations.   | 16 points |
| 3. In Nova Scotia, cable broadcasters have found the provincial communications people very supportive of the cable industry.                                     | 14 points |
| 4. The provincial government would certainly be more concerned on an individual level. They would know you, the company, and the needs of the subscriber better. | 14 points |
| 5. The provincial amusement tax.   | 12 points |
| 6. The province doesn't affect cable broadcasters too much, we have to abide by whatever regulations are made and run the cable company.                         | 12 points |
| 7. Provincial regulators would be more easily influenced by individuals and groups.  | 12 points |



MAIN THEMES

TOTAL VALUES

Question #3:

- |   |           |
|---|-----------|
| 1. The C.R.T.C. has gone in a new direction, from a regulatory to a supervisory role, under Andre Bureau.                 | 39 points |
| 2. The C.R.T.C. is slow in making decisions.  | 20 points |
| 3. Cable broadcasters are dealing with a bureaucracy that is inefficient, and not able to react to different suggestions. | 19 points |
| 4. The C.R.T.C. doesn't understand Nova Scotia, we are so remote to them and that's a point for decentralization.         | 12 points |
| 5. Regulations are necessary, don't agree with total deregulation.  | 11 points |

MAIN THEMES

TOTAL VALUES

Question #4:

- |   |           |
|---|-----------|
| 1. Don't need dual regulating bodies for cable industry.  | 26 points |
| 2. Frightened of Provincial control of cable regulations.   | 22 points |
| 3. The province would be in a better position to regulate the cable industry due to the fact they would know the area better, and perhaps care more about us. | 16 points |
| 4. The cable industry is not in favour of provincial control of cable regulations.  | 13 points |
| 5. Can't have eleven or twelve different controlling bodies in national broadcasting.   | 13 points |
| 6. Provincial Communications Division are very helpful in their role to cable broadcasters and are playing an important role.                                 | 12 points |

MAIN THEMES

TOTAL VALUES

Question #5:

- 1. It would be impossible to have provincial regulators and national broadcasting. 19 points
- 2. There is still a nameless, faceless bureaucracy in Ottawa who know nothing about Nova Scotia. 14 points
- 3. Dealing with the Provincial Communications Division is much easier. 13 points
- 4. Easier to stay with the federal control than to try and change to provincial control. 13 points
- 5. Cable broadcasters have always felt the C.R.T.C. was slow. 11 points

*P*

MAIN THEMES

TOTAL VALUES

Question #6:

- 1. C.R.T.C. is working at relaxing regulations via new Cable Regulations. 31 points
- 2. The deregulation of rates is particularly good. 18 points
- 3. As General Manager of a system, I think we need more input by local people, who know the area, and that means the province. 13 points
- 4. The only thing the C.R.T.C. should be regulating is to ensure we're distributing every Canadian signal that's available and we want to distribute. 10 points
- 5. Under new Cable Regulations now able to add CHCH and CITV, and are able to sign an agreement with them. 11 points
- 6. The C.R.T.C. decision to allow 80% of the C.P.I. for rate increases is wise. 11 points

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Elizabeth A. Douglas was born in New Glasgow, Nova Scotia, in 1960. Upon completion of high school in her hometown, she entered Mount Saint Vincent University in Halifax, Nova Scotia, and completed the four year Bachelor of Public Relations Degree in 1982.

Ms. Douglas then spent a year travelling throughout the South Pacific and Australia, before returning to Halifax, where she was employed with the Canadian Radio - television and Telecommunications Commission (C.R.T.C.).

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