

To the CRTC:

I have many years of experience in campus/community radio in television, as far back as CJUM-FM, and hosting sports and talk/comedy shows on Videon in the 1980's. That constituted approx. 4 years.

Between 2004 -2010 I spent 5 years on campus radio and brought to the CRTC's attention serious licence breaches and governance issues regarding two operations in Winnipeg that ended up defunct. I have also worked for commercial radio and TV licensees on-air.

I learned firsthand of the detrimental consequences for community broadcasters, when the narrow self-interest of the corporation superceded their sworn obligations to maintain requirements of the licence for public interest broadcasts.

I subsequently re-entered community TV after being invited by the former program manager for Shaw in Winnipeg to commence a weekly program on public affairs in May of 2012.

At first the degree of control expected by the employee assigned to supervise City Circus was alarming - including **her insistence that I could not use that program name as it was in her opinion disrespectful** to local elected officials and bureaucrats, and that **no one would watch a program using video footage from council meeting and the legislature that would be "stale" if analyzed a week after it transpired.**

She honestly believed that the Winnipeg (and rural) viewers of Shaw had such short attention spans that they would not find the material compelling.

However, the first week, when she saw the welcoming I received from two senior technical producers who knew me from the Videon days and

who enthusiastically embraced my vision for the program, she slunk off and I never saw or heard from her again.

I should mention there was ONE single meeting held with all the community producers just before I started, and after an hour when the questions by the shows in production already raised were putting too much heat on, the Shaw employee running the meeting said , well this has been a long meeting, ended it.

Since 2012 I was never made aware of any other session where all the community producers were gathered together and could compare their experiences with Shaw management of community TV.

I felt this isolation of community producers was a practice not in keeping with the spirit of the regulations, if not an outright violation. Cactus has led me to believe that a committee/organization of community producers was actually required.

Thereafter I established a regular pattern of scheduling guests from city council, the Taxpayers Federation, occasional community groups to promote their causes and events, to mix with my stand-up lectures about political and social matters. I also analyzed mainstream media outlets, as I had on Kick-FM, for its slanted and biased reporting, as well as applauding instances where great investigative digging or interviews was done.

On occasion I brought in volunteers such as Bob Axford who had years of experience running the station in Red Lake, researchers, etc, and Shaw was glad to be able to use my in-studio format to provide specialized technical/technique training for its own volunteers. Staff members recruited from their desks to operate cameras were glad to participate as they found my content and style enjoyable and educational.

There were also occasions when the studio was in repair or unavailable, that I recruited my own volunteer camera operator who had worked with me in radio and we filmed my reviews of city council meetings at remote locations, including beautiful city parks, a historic hotel, and the decorative lobby of the horse racing track Assiniboia Downs which had been embroiled in a legal conflict they won with the provincial government by court decision, giving context to those locales for viewers.

I incorporated viewer feedback and threads of opinions and news tips from online media to weave a tapestry of information and insight so compelling, that **when (now Member of Parliament) Robert-Falcon Ouellett appeared during his campaign for mayoralty of Winnipeg, he remarked on-camera that he knew of many faculty members at the local universities as well as city councilors, who relied on City Circus to enhance their understanding of local issues.**

Such as budgets debate, spiraling hydro costs, disastrous/fatal health care incidents, construction contract fiascos, justice issues and specific localized neighborhood matters where I took on city hall or the provincial government. Only my program displayed the actual email document that proved the Deputy Premier of Manitoba had tried to illegally redact his racist remark about "ignorant do-good white people" which caused a national firestorm.

On only one occasion was there any earnest disagreement about material which may pose a problem for the licence holder, and in a pleasant compromise we filmed the segment (showing a document about Mayor Katz) in such a way that Shaw management could view it

afterwards and decide if it was too risky to televise. It was cut out of the final version and viewers were none the wiser, and I appreciated the effort made by Jeremy Valance and my producers to try to see if it 'would work'. There were absolutely no hard feelings.

However there were not-so-subtle changes when the program manager was replaced.

The first time I saw his replacement - at a Shaw open house event - her comment was, "oh, only the crazies watch your show". I felt personally offended and insulted and it demonstrated to me, a bias against both the views that were given voice on the platform, as well as the loyal audience I had cultivated.

It is not a stretch to say that aside from some sports, City Circus was the only program that drew a wide and diverse audience on Shaw access.

Not long after, on one program I filmed a segment about city hall and explained a not-so-veiled libel chill in a memo from a senior bureaucrat to Councilor Paula Havixbeck who wanted to keep investigating irregular contract practices within the administration. **I should mention that since then, the RCMP was called in and is still trying to get to the bottom of it all.**

In my wrap-up, I dared the bureaucrat to shut me up from speaking to the issues and reviewing the documents that pointed to - well, that the RCMP should be called in.

When the episode ran after the weekend editing process, that part was edited out. When I asked my technical producer why, he said that

the office was upset because **Shaw was in the middle of some sort of negotiation with the city** (I assumed it had to do with zoning or construction permits) **and were worried if it aired, "someone' would get pissed off and retaliate at Shaw for allowing me to challenge the civic administration.**

Viewers were none the wiser, but I was. I should mention I still have raw footage of the segment and can show it to the CRTC to prove this happened.

Almost immediately after this, **City Circus was on the receiving end of the most arbitrary, illogical, bizarre scheduling imaginable**, whereby it was shows at 4 PM Mon- Thursday, once during the evenings, at some other odd early morning, mid-day and overnight times (which is part of the community TV game and frankly I developed an audience even at 3 am among shift workers and bar-go-ers), but notably, **NOT A SINGLE REPLAY ON THE WEEKENDS.**

How is it possible that a program directed at taxpayers and working class viewers, who are at work generally speaking from 9-5, was not scheduled on the weekend when they were actually at home and could see it??

A Shaw employee confided that "management" wanted to minimize the visibility of the show so that whoever it was at city hall that resented being scrutinized would not see it (presuming they kept 9-5, 'normal' lifestyle hours), and to make it harder for the people it was aimed toward to see the kind of information that would make them call their councilor and "stir up shit".

I should mention that the use of a PVR for a community Tv show was not practical for many viewers, and that they expressly preferred the

collective/communal viewing experience. The debut of a new episode was special for them as my material broke stories as well as advanced ongoing stories, like an anthology.

It was around the same time, that the previous practice of having a schedule of the upcoming week sent in a mass email was discontinued.

So now, not only did we not know who the other community producers were, BUT we had NO IDEA when our shows were pre-empted by, say, Goldeyes baseball and could alert our audiences. This was especially important if the pre-emption was of the premiere of an episode as for a political show, viewers preferred the communal experience of watching it first and all being informed at the same time of the issues and background behind the MSM headlines.

The on-screen schedule often did not extend more than 3 days in advance so there was no way to even know, and be able to tell, my viewers about the entire weeks' scheduled replays. Frustrated employees would sigh and explain, it was all the decision of the program manager and there was nothing they could do to help.

It was also apparent that Shaw was favoring its own programs over community shows, **with almost no promotion of our shows, no cross-promotion with Shaw shows** - although I frequently made mention of other shows and event telecasts. Shaw also favored slick pre-packaged programs made outside the studio, which I was told were also access programs and therefore getting valuable slots on the schedule.

One such program was Megan's Menu, an independently produced infomercial for the restaurants profiled, which mysteriously, **was never**

scheduled before 11 am and never after 1 pm even though I was told, it was the same status as City Circus - "oh, it's an access show".

I was counseled NOT to take my inquiries about the favoritism of the scheduling to higher authorities which makes me wonder if there was a financial side-deal of some sort that was never offered to me or other access producers.

Another 'pride and joy' of Shaw's local management was "Switch" - a compilation of outside the studio segments by local trainees and aspiring broadcasters, and some cable subscribers told me they felt that it was promoted as a means of discouraging the traditional, in-studio, long form, thoughtful and detailed community Tv show that brings value to the viewers in favor of generating a higher number of participating volunteers to curry favour with the CRTC. It might prove interesting to see the retention rate to the seasons that followed from that number.

Increasingly pressure was being put upon me to procure my own crew to produce and edit the program, which was also an expectation Shaw was imposing of less-experienced hosts.

This, to me, was a way of silencing community members because -and this is my personal observation- when doing radio and TV shows digging into politics and corruption, a lot of prospective broadcasters and citizens are not so eager to be seen as part of it. Winnipeg is small town and retaliation is rampant. **It is also, to me, ridiculous to expect senior citizens, immigrant groups, etc to organize and maintain what is in effect, their own production house with Shaw reduced to being a warehouse with equipment and a studio.** For amateurs, coordinating

tv productions can be like wrangling cats, not everyone has that kind of personnel skill.

Again, in my experience over 30 years, this kind of practice isolates the lone wolf, the marginalized, the political dissidents, the citizen journalists, from being able to access the airwaves to get their cause or theme or issues telecast because the emphasis is for Shaw doing as little as possible to facilitate access telecasts.

The emails regarding the sudden demise of City Circus - after I was duped into placing the show on hiatus (to help accommodate to Shaw's corporate sponsorship of Grey Cup which resulted in zero access programs to my knowledge being telecast in November 2015) are illustrative of the problems with Shaw's management of Access TV:

"On Jan 27, 2016, at 1:07 PM, Jordena Kraut <Jordena.Kraut@sjrb.ca> wrote:

Hello Marty,

I wanted to reach out to you after being briefed on your recent conversations with Jim. After reviewing all the notes we have decided to not proceed with any further tapings of City Circus.

"As you recall, back in August, we had challenged you to take the time while on hiatus to review your content and propose new changes to your show's editorial and production execution."

I will point out to the CRTC, that there was nothing provided to me in writing at the meeting, but the suggestion I had to "review my content" was a clear implication of censorship by Shaw if I did not comply.

"It is evident that the your show's structure and support expectations have not changed"

I had first and foremost I asked Jim, who bears no responsibility for any of these problems by the way, **I asked if my taping day in the studio would still be Thursday and what day the following week the show would premiere**, and he told me, **it had not been discussed** at the preceding management/access planning meeting **which I found odd.**

How can Shaw then claim my support expectations had not changed, **when I was not given a taping or air dates, and could not even begin to solicit for volunteers to film and edit my program and reduce the workload for her employees?** It smelled like a trap to me and it was.

Even stranger to me, was Jim saying that when City Circus was mentioned, **a person he would not name made the disparaging remark my shows was "controversial".**

Given that no complaints with the CRTC were ever filed about my 140 or so telecasts, I failed to see how ANYONE at Shaw can make such a pejorative statement to other employees when discussing my promised return to the telecast schedule.

"However our staff resources have decreased, and we find ourselves challenged to try and maintain our modified production schedule both in the studio and on mobile productions. "

Are Shaw's corporate "resource" issues allowed to reduce community access?

"As a show that has produced over 100 episodes we have fulfilled our community access commitment to you and City Circus."

Why was that "fulfilled" angle not stated in August when I was asked to agree to go on hiatus?

Again, I see that a trap was set to get rid of my program that, after all, was only watched by 'the crazies". An access show is not like a teenager who 'ages out' of the child welfare system, is it?

*"I know this is disappointing, however **we are transitioning into new workflows with decreased resources and we need to ensure that we provide access to new voices in our community with the resources we do have.**"*

None of these new voices replaced the voices in our community I provided a platform for, in matters related to accountability and transparency. **But, now there is a show about how to put icing on cakes.** Meanwhile, I had already incurred expenses preparing for the new season.

"If you wish to develop a new show please visit our website [http://shaw.ca/uploadedFiles/ShawTV/Victoria\(1\)/Shaw_Access.pdf](http://shaw.ca/uploadedFiles/ShawTV/Victoria(1)/Shaw_Access.pdf), and review the submission guidelines."

The message was clear, that a program about transparency and accountability is not welcome under her regime, regardless of the CRTC's guidelines and expectations, and that in retrospect City Circus was NOT put on hiatus, it was slated for execution because it was "controversial".

I filed a complaint with her about being double crossed, and in particular made the point that without Jim being able to provide me a scheduling proposal, I could not solicit volunteers or resources on spec.

I wrote --

"...once he knew for sure I would otherwise be able to tape on Thursdays and could confirm the studio times, I could then try to identify volunteers and supported who would be available at those times.

*However **without the specific schedule I could not know for sure that people would be available** say, the first two weeks as I could not specifically say to volunteers hey, can you be at the studio for x pm on Feb. xx.*

As Jim did not broach any concerns regarding "editorial execution" I have not been presented with any opportunity to address that element to your satisfaction .

I would hope that you'll reconsider this decision as it is apparent that my willingness to work with Shaw and adjust my process to dovetail with your limitations was not communicated to you. "

The response was entirely a dishonest diversionary tactic.

In brief, she referenced an email SHE ASKED ME TO SEND after the August meeting putting to paper ideas I had raised for specials during the hiatus to continue covering the monthly city hall meeting. **"What happened" she asked, making it sound like I had failed to deliver.**

In fact, she never provided the promised response as to whether she could even open time on the schedule for my city hall specials over the fall and winter. I got no emails or calls about my proposal and when in the third week of September I spoke to my producer asking if I should prepare a city hall telecast, I was told "no, that ain't gonna happen."

She told two other employees included in her email, I had somehow failed Shaw and thereby blown the chance to return which was untrue. AS IF I would turn down a chance to review council debates and present it to the community on television.

Then it continued:

"Your show has been on the air for several years and hasn't evolved to become more self-sufficient."

Where does the CRTC state shows have to "evolve"?

"We have encouraged you to work outside the studio and have brought in volunteers to help with your show."

Which as mentioned, I have done remote tapings before and was willing to expand upon my own recruitment of volunteers.

"We can't continue providing resources given our current staffing levels."

So it is apparent Shaw cannot handle access program productions anymore, which is a good reason to remove their role and allow a community non-profit to assume the funding and responsibility.

"Having your show return at this time will take away resources that are allocated to other community producers who have been patiently waiting to get on the air for the first time. Our first priority needs to be with them."

Except, of course, that the study done by Cactus proves that Shaw was 20% short of the required access quota. I will mention that Jim told me the number of new shows was going to be about two, so **I seriously question that there was any backlog "patiently waiting" and if they were, it is because Adventures North was being fraudulently represented as qualifying as access.**

"Jim has not misrepresented your conversation to me and has been an advocate for your show. Our plans for evening studio shoots are not conducive to your requested timelines as they have been committed to until April."

Remember she had just said "having your show return AT TJHIS TIME. **Yet, NO offer was made to return in April -when evening studio time would have been available?**

Most seriously,-- **I was not advised of my right to dispute resolution which I view as a breach of your regulations.** I only learned of the provision for dispute resolution from CACTUS and I have been told that one element in the process is supposed to be – the committee of peers (other access producers) which Shaw Winnipeg does not have in place.

I do not view the concealment of my right to dispute resolution, given the absence of a required producers committee which might restore City Circus to the schedule, as a coincidence.

These are, Shaw will tell the CRTC, HIGHLY TRAINED AND EXPERIENCED MANAGERS, after all.

This, to me, is proof the intention of Shaw Winnipeg was to ensure City Circus was not airing during the provincial election, and I have not seen any programming related to the election on Shaw during the campaign.

ON page 15 of the Shaw online access document, they re-state:

“CRTC POLICY: ACCESS & COMMUNITY TELEVISION

*Access by citizens to the community channel has always been a cornerstone of the Commission’s policy. The factor that most distinguishes the content of community programming from conventional television services is **the ability of community programming to turn the passive viewer of television into an active participant.**”*

I submit that a program like City Circus was in itself, a cornerstone of this policy as it turned passive viewers of mundane offerings, into active participants in the politics of transparency and accountability.

In conclusion I believe:

that I was dealt with in bad faith;

that Shaw has proven untrustworthy to fulfill CRTC obligations as it relates to "provide a reasonable, balanced opportunity for the expression of differing views on matters of public concern" and has engaged in censorship and control of content;

that it uses channel 9 as free advertising for its brand and employees' pet projects;

and that the time has come to remove their corporate control over access producers in Winnipeg.

Thank you,

Martin Boroditsky "Marty Gold"

Winnipeg, Mb