



CANADA  
MEDIA FUND

FONDS DES MÉDIAS  
DU CANADA

# PERFORMANCE ENVELOPE MANUAL 2022-2023

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## A. INTRODUCTION

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The Performance Envelope Manual (the “Manual”) is intended to provide Broadcasters with a customized guide to the Performance Envelope (“PE” or “Envelope”) Program<sup>1</sup>, details on the methodology by which the 2022-2023 PE Allocations were calculated, as well as the policies which govern their management and usage. This Manual is intended to complement the Performance Envelope Guidelines (the “Guidelines”) which contain information on project funding eligibility criteria. It is strongly recommended that Broadcasters who have earned (or who seek to earn) a PE Allocation familiarize themselves with the Guidelines. They can be found on the CMF website at [cmf-fmc.ca](http://cmf-fmc.ca).

Broadcasters<sup>2</sup> with PE Allocations, as well as everyone on the CMF mailing list, will be notified by email if updates are made during the fiscal year.

This Manual is provided for informational purposes only. In all questions of interpretation of this Manual, the CMF’s interpretation is final. The determination of the amount of each Broadcaster’s PE Allocation in each fiscal year is made by the CMF alone and is final.

Terminology used but not defined in this Manual shall have the meaning as defined in the Guidelines.

### A.1 SUMMARY OF CHANGES

Below is a list of changes to the PE system which have been incorporated into this document and in the Guidelines and Business Policies:

#### 1. Management of the 2022-2023 PE Allocations

- a. the CMF [2022-2023 COVID-19 Flexibility Measures to CMF Programs](#) (“**Flexibility Measures**”) apply.
- b. If there is a conflict between any of the policies contained in the Performance Envelope Manual and policies in either of the Flexibility Measures documents, the policies in the Flexibility Measures documents shall prevail.

#### 2. Genre Targets for 2022-2023 Allocations

- a. Due the expansion of the POV Program for French-language projects, the Documentary genre target used to allocate 2022-2023 French Envelopes has been reduced to 17%. The genre target for French Children’s & Youth Envelope allocations is now increased 3% to 21%.
- b. Beginning in 2022-2023, the French-language Documentary budget allocation is no longer split between one-offs and series. One-off documentaries may be eligible for the POV Program.

**3. Definition of “Diverse Community:** After focusing on Indigenous Peoples to Canada and Racialized Communities in year 1 of its Equity and Inclusion Strategy, the CMF will expand its definition of “Diverse Community” and include the following groups 2022-2023:

- a. 2SLGBTQ+; and
- b. Persons with disabilities

**4. Gender Balance Initiatives:** beginning in 2022-2023, the CMF will expand its gender balance initiatives to include “individuals that identify as women”. Individuals that meet this broadened definition will now count for any CMF Program that has a gender initiative, include the Performance Envelope Gender Parity Obligation.

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<sup>1</sup> The PE Program is a production funding program. For information on the Development Envelope and all other CMF funding streams, please visit [cmf-fmc.ca](http://cmf-fmc.ca).

<sup>2</sup> For the sake of simplicity, this Manual refers to envelope allocation users as “Broadcasters” whether they are a broadcasting ownership group or an independent Broadcaster.

## B. PERFORMANCE ENVELOPE OVERVIEW

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### B.1 PERFORMANCE ENVELOPE BACKGROUND

The PE system is designed to provide funding predictability to both the Broadcaster and production communities by allocating funds to Broadcasters at the beginning of each fiscal year based on selected performance criteria. Broadcasters can then choose which of their licensed projects will be submitted for funding approval, bringing the decision-making process as close as possible to market forces.

### B.2 WHAT IS A PERFORMANCE ENVELOPE ALLOCATION?

A PE Allocation is an amount of CMF funding made available to a Broadcaster<sup>3</sup> to commit to Eligible Projects (as defined in the [PE Guidelines](#)). The amount of funds allocated to each Broadcaster is calculated annually based on the following performance factors, (a) Audience Success – total hours tuned (AS-THT), (b) Audience Success - Original First Run (AS-OFR), (c) Historic Performance, (d) Regional Production Licences, (e) OTT First Run Licences Factor and (f) Diverse Community Production Licences Factor (each, a “Performance Factor”). Once the calculations are complete, each Broadcaster is notified of its results.

At the beginning of the CMF fiscal year, Broadcasters receive an Allocation letter outlining the amount of funding that has been made available to them, in each of the CMF-supported genres (children’s and youth, documentary, drama, and variety and performing arts) as well as a calculated flex amount.<sup>4</sup>

PE Allocations must be committed to Eligible Projects within the same fiscal year they are allocated to Broadcasters. Allocations that remain uncommitted by the published deadline are placed in the CMF’s reserve fund.

Broadcasters that do not receive a PE Allocation may use the Alternative Access option (see section E.1.1)

PE Allocations may only be committed to Projects that meet eligibility requirements for the specific genre to which the funds were allocated. However, Allocations categorized as flex or committed via the Alternative Access option may be committed to any eligible CMF genre project(s).

As PE Allocations are distributed (in part) by language, they may only be used if a Broadcaster has purchased the rights to that project in that same language.<sup>5</sup>

The CMF calculates PE Allocations each fiscal year to account for changes in broadcaster performance within the specific Performance Factors. This also gives the CMF an opportunity to modify the nature of the Performance Factors used in PE Allocation calculations (as well as their relative weight, if necessary) to ensure the system remains in harmony with the CMF’s mandate and objectives.

It is important to note that PE Allocations are not paid to Broadcasters. Rather, these funds are committed to Eligible Projects by Broadcasters through their PE Allocation, and any funds paid out by the CMF are paid directly to the applicable production company of an Eligible Project (the “**Applicant**”).

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<sup>3</sup> For clarity, a Broadcaster meets the definition in section 2.1.1 of the [Performance Envelope Program Guidelines](#).

<sup>4</sup> See section E.6 entitled “Genre and Flex Amounts are Calculated” for a more detailed description.

<sup>5</sup> For example, a Broadcaster with a French-language performance envelope may only allocate those funds to a project for which they have purchased the French-language rights.

## **B.2.1 Broadcast Ownership Groups**

Broadcasters affiliated by ownership to a parent company shall be allotted an Allocation as a group to that parent company (and by language, if applicable). If an eligible service affiliated to the group seeks to participate in the PE Program, such service shall use the group's Allocation to support licensed projects. For clarity, this requirement will now apply to parent companies that operate both a Broadcaster and a BDU. Broadcasters that are independent of a group (e.g., TVO or Télé-Québec) will continue to receive an individual PE Allocation.

Where a Broadcaster's ownership is shared by more than one ownership group, the CMF will review a signed letter from all relevant parties concerned and make any exceptions to its ownership group allocation policy on a case-by-case basis, in its sole discretion, advising the CMF of the appropriate ownership group designation for Allocation management purposes.

The CMF publishes a list of Broadcasters that have received PE Allocations in the current year. This list can be found at the CMF website under the "[Envelope Administration](#)" section.

### **B.2.1.1 Change of Broadcaster Ownership**

Where the ownership of an individual service changes and the change is approved by the CRTC, the parties involved must notify the CMF of the change and direct the CMF to effect this change to the applicable PE Allocations. The notification and direction must be in writing and signed by both parties. It should include details as to the transfer of licences for CMF-funded projects so that the CMF can properly assign PE Allocation calculation credit. Absent such notification and direction, the CMF will not be responsible for any changes to the affected PE Allocations.

## **B.3 THE ROLE OF THE BROADCASTER**

It is the responsibility of Broadcasters to maintain strong channels of communication with the Applicants that produce those projects to which they have committed PE Allocations, and to follow up with them regarding the status of those projects in relation to CMF deadlines and eligibility reviews.

It is the responsibility of the Broadcaster to provide the applicable documentation required for Applicants to appropriately complete funding applications and it is the responsibility of the Broadcaster to subsequently fulfill all of its CMF project licence fee obligations.

The Broadcaster is also responsible for reviewing the Broadcaster Status Report of current applications (section C.3) on an ongoing basis and respecting all deadlines as stated within the Manual and in CMF communications.

### **B.3.1 Communications with Broadcasters and the CMF Website**

The CMF maintains a list of all Broadcasters with PE Allocations and their associated contacts. When calculation process documents are updated each year, or when significant PE policy clarifications are made, the CMF emails everyone on its PE contact list with this information. Additionally, the CMF posts all such materials on its website, as well as PE Allocation results and regular updates on projects accepted for funding.

Broadcasters are encouraged to notify the CMF of changes to their contact information, and to visit [cmf-fmc.ca](http://cmf-fmc.ca) at regular intervals to ensure that they have not missed important notifications or correspondence.

## **B.4 THE ROLE OF THE APPLICANT**

Once an Applicant has secured a commitment from a Broadcaster for some of a PE Allocation, it is the responsibility of the Applicant to provide the CMF with all required documentation for funding application purposes ahead of appropriate deadlines. The Applicant must also produce and deliver the project in accordance with the applicable set of CMF Program Guidelines.

The CMF will initially communicate with the Applicant (not the Broadcaster) in matters relating to a project's application.

## **B.5 THE ROLE OF CMF AND TELEFILM**

The CMF has entered into a Services Agreement with the CMF Program Administrator ("CMFPA") at Telefilm Canada. As per this arrangement, the CMFPA handles almost all activity related to the management and administration of project funding applications on behalf of the CMF. The administration of PE Allocations, however, is managed jointly by CMF and CMFPA staff.

CMF staff manage all aspects of the PE Allocation calculation and allocation process. CMF staff are the primary point of contact where PE policy issues or questions arise.

Once PE Allocations are calculated and distributed, CMFPA staff manage PE Allocation accounts and ensure funds are released from PE Allocations to Applicants in accordance with the CMF's policies.

## C. 2022-2023 PERFORMANCE ENVELOPE ALLOCATION MANAGEMENT POLICIES

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The CMF has a number of policies governing the manner in which Broadcasters must manage the funds in their PE Allocations.

### C.1 PERFORMANCE ENVELOPE ALLOCATION AGREEMENT LETTERS

At the beginning of the fiscal year, Broadcasters with Allocations receive an Allocation agreement letter outlining how much funding has been made available to them in one or more of the CMF-supported genres as well as a calculated flex amount. The agreement letter includes terms and conditions by which the Broadcaster is permitted to use its PE Allocation, as defined below. Broadcasters using the Alternative Access option must also abide by the terms and conditions, as described below in the PE Manual and as applicable.

These Allocations are conditional upon the CMF receiving resources at the budget level determined for the fiscal year. No CMF funds will be payable from a PE Allocation until the associated agreement letter has been fully executed.

### C.2 PERFORMANCE ENVELOPE CONTRIBUTIONS

CMF funding contributions in the Performance Envelope Program come in two (2) forms: licence fee top-ups and equity investments.<sup>6</sup>

Broadcasters can decide what portion of a PE Allocation to commit to an Eligible Project, up to specified Maximum Contribution Amounts delineated in the Guidelines.

An Eligible Project may receive CMF funding contributions from more than one PE Allocation.

Eligible Projects may receive contributions from both a French-language PE Allocation and an English-language PE Allocation. The terms under which this is permitted are detailed in the [PE Guidelines](#).

#### C.2.1 Broadcaster Agreement Form

A “Broadcaster Agreement Form” (“BAF”) is a document that provides authorization from a Broadcaster to an Applicant to apply to the CMF for a portion of a PE Allocation for a given project. BAFs are an essential component of the documentation required for all Television applications. The Applicant creates the BAF in the Dialogue portal<sup>7</sup> and submits it to the Broadcaster for approval. The BAF includes the following:

- the amount of funds the Broadcaster is contributing from a PE Allocation to a given project;
- basic terms of the licence<sup>8</sup>; and
- an agreement by the Broadcaster to broadcast and/or make the TV Component available to be viewed on an eligible service, closed captioned (if applicable), in prime time (if applicable), within eighteen (18) months of completion and delivery and to make the DM Component (if applicable) available for at least three (3) months and contemporaneously with the associated Television Component.
- acceptance of the terms of the OTT First Run Licences Factor for the TV Component.
- The two Convergent Criteria as defined in section 3.2.6 below<sup>9</sup>.

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<sup>6</sup> Please refer to the [PE Guidelines](#) for a detailed explanation of these terms and the rules governing the manner in which each amount is determined

<sup>7</sup> Contact CMF for access to the portal.

<sup>8</sup> Please refer to the [PE Guidelines](#) for the complete requirements of an Eligible License Fee and [Appendix B](#) for Broadcaster Business Policies.

<sup>9</sup> New for 2022-2023.



In order for the licence to be considered eligible and thereby count towards a project application's licence fee threshold requirement, a BAF must be completed and received by the CMF. All Factor calculations, except for Audience success – Total Hours Tuned are based on Eligible Licence fees and the activity they trigger. Therefore, a BAF must be completed by any Broadcaster who wishes to have their CMF-funded project financing activity count towards PE Allocation calculation credit.

## **C.2.2 CMF Funding Application Deadlines**

Application deadlines are dates by which complete applications for CMF funding must be received by the CMF. Application deadlines are imposed by the CMF to ensure that CMF funds are committed prior to fiscal year-end and that the calculation of PE Allocations for the following year may be completed in a timely manner.

Note: project applications received after the appropriate deadline will be rejected by the CMF regardless of whether or not a Broadcaster committed PE Allocation funds to that project in a timely manner. The impact that late or rejected applications will have on the calculation of a Broadcaster's future PE Allocation will not be a consideration for the CMF.

### **C.2.2.1 First Closing Date**

#### **C.2.2.1.1 75% Spend Requirement**

Broadcasters who have a total PE Allocation (all genres and flex combined) greater than \$2.5 million are required to commit at least 75% of that PE Allocation by a given deadline (the "First Closing Date"). The deadline for 2022-2023 is October 13, 2022. The exact dollar amount that affected Broadcasters are obligated to commit is specified in each appropriate Broadcaster's PE Allocation letter. For the purposes of measuring compliance with this policy, the CMF will not consider PE Allocation monies as having been committed until the associated project applications are received.

Any portion of the 75% amount not committed by the deadline will be removed from the Broadcaster's PE Allocation.

#### **C.2.2.1.2 First Closing Date Exemptions**

A Broadcaster may apply to the CMF for a waiver of the First Closing Date in the PE Program, if, as a result of a significant corporate event involving the Broadcaster, the Broadcaster cannot reasonably be expected to make commitments to projects to be funded from the Broadcaster's PE Allocation that will allow a sufficient number of applications to be made to satisfy the requirements the First Closing Date.

For clarity, the determination of whether a Broadcaster was involved in a corporate event and the number of times the Broadcaster will be allowed to claim a Closing Date Exemption, will be determined by the CMF in its sole discretion. For reference, the CMF shall determine when a corporate event has occurred by evaluating whether there has been a significant change to the corporate structure of the broadcaster, including, but not limited to, mergers, acquisitions or other consolidation transactions.

Each application for a waiver must satisfy the following requirements:

- It must be made within a reasonable period of time before the First Closing Date in order to provide the CMF with sufficient time to consider the application before that date;
- It must describe the significant corporate event that is the basis for the application;
- It must set out the reasons the Broadcaster cannot reasonably be expected to satisfy the First Closing Date Requirements; and
- It must include a timetable for committing the remaining funds in the PE Allocation of the Broadcaster over the period from the application date to the Final Closing Date that takes into account the policy objectives that the First Closing Date Requirements were designed to achieve and a commitment from the Broadcaster to use its remaining PE Allocation in accordance with the timetable.

Decisions respecting applications for waivers of the First Closing Date Requirements will be made by the CMF at its sole discretion.

### **C.2.2.2 Final Closing Date**

The date by which all PE project applications must be received by the CMF is the “Final Closing Date”. The Final Closing Date for 2022-2023 is December 6, 2022. Any funds remaining in a PE Allocation for which the CMF has not received a complete application by the Final Closing Date will be removed.

### **C.2.3 Flex Amount<sup>10</sup> Transfers**

All transfers from the flex amount to a specific genre-language Allocation are implemented automatically by the CMFPA at the time an application is submitted which over-subscribes a genre-language Allocation.

### **C.2.4 Allocation Exchanges**

Broadcasters are permitted to exchange any portion of their PE genre Allocations (including the flex amount) with other PE Allocation holders. Exchanges must be dollar-for-dollar and simultaneous. For example, ‘Broadcaster A’ may wish to exchange some of its Documentary funds for some of ‘Broadcaster B’s’ Drama funds. Broadcaster A and Broadcaster B may execute an exchange of those funds as long as the exchanged amounts are exactly the same and occur at the same time.

Exchanged funds must remain within the same language to which they were originally allocated. Furthermore, the funds cannot change genres once received by the recipient Broadcaster.

In-house and affiliated programming spending allowances may not be transferred with exchanged funds. For more information on in-house and affiliated programming spending allowances, please see section C.2.7 further on in this document.

In order to execute an exchange of PE Allocations, the appropriate “Request to Exchange” form must be completed and signed by each participating Broadcaster and returned as directed prior to or at the time of project application. The form can be requested from the CMF. Failure to submit a “Request to Exchange” form in the directed timeframe will result in the delay of CMF funds being released to eligible projects from affected PE Allocations.

### **C.2.5 Creating a Genre Envelope**

A Broadcaster is permitted to use its flex amount in a genre for which it did not originally receive an Allocation. Through an exchange, a Broadcaster may also receive funds in a genre for which it did not have a pre-existing Allocation and thus create a new genre Allocation. In this manner, a Broadcaster may generate PE Allocation credit in a new genre for future calculations.

### **C.2.6 Digital Media Component Obligation**

Eligible Projects in the Performance Envelope Program must be convergent, meaning they must have

- 1) A Television Component (as defined in section 3.2 TV of the [Performance Envelope Guidelines](#)) made available by one or more Canadian Broadcasters (as defined in section 2.1.1 of the [Performance Envelope Guidelines](#))

and

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<sup>10</sup>As defined in section E.6 below

- 2) Any or all of the following:
  - a) One or more Digital Media Components (defined under section 3.2 DM of the [Performance Envelope Guidelines](#))
  - b) The Television Component made available to Canadians by:
    - i. One or more Canadian Broadcasters
    - ii. A Canadian entity through non-simulcast digital distribution

For clarity, a Television Component made available via the *same type* of Canadian Broadcaster cannot, by itself, satisfy the requirements of both 1) and 2) above for the same Eligible Project at the same time. For example, Applicants must elect whether making the Television Component available via an online service owned, controlled and operated by a CRTC-licensed programming undertaking is considered under 1) or 2) above.

Broadcasters must ensure that:

- i. at least 60% of Eligible Projects supported through their PE Allocation are projects that include a Digital Media Component<sup>11</sup>; or
- ii. at least 60% of the PE Allocation is committed to projects that include a Digital Media Component.

The Digital Media Component must be indicated in the 2<sup>nd</sup> Convergent Criteria in the BAF (see section C.2.1.). Additionally, only projects that include new eligible Digital Media Components or pre-existing ones that are sufficiently modified (post-application) will give credit towards this obligation. The determination as to what constitutes a sufficient modification to a pre-existing component will be made at the CMF's discretion on a case-by-case basis, (see Schedule A for more information). For details on the Digital Media Component obligation penalty, please see section D.1.

### C.2.7 Gender Balance Requirement

Broadcasters are **required** to direct at least fifty percent (50%) of their respective Performance Envelope Allocation dollars to Eligible Projects where, of all the cumulative Producer<sup>12</sup>, Director<sup>13</sup> and Writer<sup>14</sup> paid positions on an Eligible Project, forty percent (40%) of the total number of positions are held by individuals that identify as women.

Beginning in 2022-2023, the CMF shall rely on the self-identification information associated with each individual's PERSONA-ID number to determine eligibility to meet CMF gender balance requirements. For more information about Persona-ID, please visit the [CMF's Persona-ID page](#).

For details on the Gender Balance obligation penalty, please see section D.2.

### C.2.8 Small Broadcaster Exemption

Broadcasters that earn PE Allocations under five million dollars (\$5,000,000) or who are educational Broadcasters are defined as Small Broadcasters. Both language Allocations of a Broadcaster (if applicable) are combined to determine the threshold. However, single-channel, dual language Broadcasters will not have the language combined.

<sup>11</sup> Applicants who are unsure of their project's eligibility are encouraged to contact the CMFPA | Telefilm Canada for a pre-application consultation.

<sup>12</sup> "Producer" shall be defined as Producer, Executive Producer/Showrunner, Executive Producer, Co-executive Producer, Supervising Producer, Associate Producer, or Creative Producer positions

<sup>13</sup>"Director" shall be defined in accordance with Guild collective agreements and ascribed the same meaning as commonly understood in the broadcast, television and film industries.

<sup>14</sup>"Writer" shall be defined in accordance with Guild collective agreements and ascribed the same meaning as commonly understood in the broadcast, television and film industries.

Small Broadcasters:

- Will be given a flex amount representing 100% of their allocation. They will not be given genre allocations.
- Will not have a cap placed on the amount of funding that can be allotted to in-house and affiliated programming.

These Broadcasters will be required to continue to respect other rules and policies such as the sixty percent (60%) Digital Media Component obligation, the Gender Balance obligation, exchange rules, Final Closing Date requirements and any other rules for which they are not given an explicit exemption in this section.

### **C.2.9 In-house and Affiliated Programming**

Affiliated programming refers to projects produced by a Broadcaster-affiliated production company, and which are licensed by the company's affiliated Broadcaster(s). In-house programming refers to a project produced and owned by the Broadcaster. For further details on the CMF's definition of a Broadcaster-affiliated production company, please refer to the [PE Guidelines](#).

Broadcasters are limited in the amount of their PE Allocation that they are permitted to commit to in-house and affiliated programming. Broadcasters may commit up to twenty-five (25%) of their PE Allocations to in-house and/or affiliated programming. Broadcasters are notified of their respective in-house and affiliated programming PE commitment allowances in their PE Allocation letter. Small Broadcasters are exempt from this limit.

## **C.3 BROADCASTER STATUS REPORTS**

Broadcaster Status Reports are available on demand through the Dialogue portal<sup>15</sup>. The purpose of the report is to inform Broadcasters of those project applications that have been received to date by the CMF to which the Broadcaster has committed PE Allocation funds or to which the Broadcaster has provided licences eligible to trigger credit in PE Allocation calculations. The report lists summary and project-by-project information including the following:

- Summaries of genre and flex amount allocation usage.
- project status (Recommended, Signed, etc.);
- eligible Broadcaster contribution (paid by that particular Broadcaster);
- Broadcaster's contribution from their PE allocation;
- commitments from other Convergent Stream CMF programs;
- regional status;
- OTT First Run Factor flag
- Diverse Community Factor Flag
- budget;
- Gender Balance eligibility designation;
- Digital Media Component eligibility designation;
- In-house and affiliated programming designation.

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<sup>15</sup> Contact CMF for access to the portal.

Broadcaster status reports allow a Broadcaster to stay abreast of their PE Allocation deadline obligations, as well as monitor the relevant statistics that the CMF has recorded with respect to the projects supported by that Broadcaster via their PE Allocation.

Broadcasters are strongly encouraged to notify the CMF of any discrepancies or errors contained within these reports as soon as possible.

#### **C.4 REALLOCATING PE ALLOCATION FUNDS DUE TO PROJECT INELIGIBILITY**

On rare occasions, a project to which a Broadcaster has committed PE Allocation funds will be deemed ineligible for CMF funding or the funding amount may be reduced. In these cases, the committed PE Allocation funds are returned to the Broadcaster's appropriate genre-language Allocation. When projects are rejected prior to the Final Closing Date for applications, the Broadcaster may re-commit those funds to new or existing projects. If funds are returned after the Final Closing Date but prior to the end of the fiscal year, the affected Broadcaster may be permitted to reallocate the associated PE Allocation funds to other existing CMF projects. Such reallocations are addressed on a case-by-case basis and at the CMF's discretion.

Reallocations of this nature may be subject to genre, Digital Media Component obligations, in-house and affiliated programming spending capacity rules as deemed appropriate.

Reallocations are not permitted for funds committed to applications deemed incomplete after the Final Closing Date.

## D. PERFORMANCE ENVELOPE PENALTIES FOR NON-COMPLIANCE WITH OBLIGATIONS AND REQUIREMENTS

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Should a Broadcaster fail to meet any of its obligations to eligible projects that it licenses, or has licensed, for CMF funding in any prior fiscal year, or if the Broadcaster breaches any provision of the PE Guidelines, the CMF reserves the right to make adjustments to the amount of a Broadcaster's PE Allocation in a subsequent fiscal year. Please note that an adjustment to one Broadcaster's PE Allocation may not result in an increase to other Broadcasters' PE Allocations.

Furthermore, if after making reasonable enquiries the CMF finds that a Broadcaster is practicing unfair dealings with an Applicant, the CMF reserves the right to impose (in its sole discretion) a penalty on such Broadcaster's use of its PE Allocation, (including but not limited to a reduction in the amount of, or suspension of use of or access to the Allocation).

### D.1 DIGITAL MEDIA COMPONENT OBLIGATION PENALTY

If a Broadcaster with a PE Allocation does not meet its obligation towards Digital Media Components as explained in section C.2.6, the CMF, in its sole discretion, will impose one of the following penalties during the next year's PE Allocation calculations:

- For the "60% of projects funded" obligation, the penalty will be \$100,000 per project for the number of projects that is deficient from the obligation for English Broadcasters and \$50,000 per project for French Broadcasters. For example, an English Broadcaster may have committed to 10 convergent projects and only 4 of them have Digital Media Components. The 60% obligation would be 6 projects. The resulting penalty would be \$200,000;
- For the "60% of the PE allocation" obligation, the penalty will be the amount of money unspent in the DM Component obligation, dollar-for-dollar. For example, if a Broadcaster has a \$500,000 digital content obligation and commits only \$300,000 towards such projects, the CMF will reduce that Broadcaster's PE Allocation by \$200,000 the following year.

The penalty will be deducted from the Broadcaster's flex amount.

### D.2 GENDER BALANCE REQUIREMENT PENALTY

If a Broadcaster with a PE Allocation does not meet the 50% gender balance requirement as explained in section C.2.7, the CMF will impose a dollar-for-dollar penalty during the next year's PE Allocation calculations.

For example, if a Broadcaster has a \$1,000,000 PE Allocation, and a \$250,000 gender balance requirement, and commits only \$100,000 towards Eligible Projects that meet the CMF's gender balance initiative threshold, the CMF will reduce that Broadcaster's PE Allocation by \$150,000 the following year.

The penalty will be deducted from the Broadcaster's flex amount.

### D.3 POST-ALLOCATION WITHDRAWAL PENALTY

In the event a Broadcaster withdraws a license fee payment to a project that generated credit and an Allocation amount after such Broadcaster's PE Allocation calculations have been completed, that Broadcaster's PE Allocation will be adjusted by the CMF according to one hundred percent (100%) of the value of the credit. The PE Allocation in question will only be adjusted in the genre in which credit was earned (and/or the flex amount). If insufficient funds remain in the genre Allocation (and/or flex) for the full adjustment to be made, the adjustment will be made to the next possible PE Allocation.

## E. CALCULATION OF 2022-2023 PERFORMANCE ENVELOPES AND ALLOCATIONS

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### E.1 ENVELOPE BUDGETS ARE SET

The amount of funding budgeted for the PE Program is determined by the CMF Board of Directors each fiscal year. This amount is divided according to language and genre targets (“Envelopes”). For the 2022-2023 PE budget, genre targets were as follows:

	ENGLISH ENVELOPES	FRENCH ENVELOPES
DRAMA	60%	54%
DOCUMENTARY	16%	17% <sup>16</sup>
CHILDREN'S & YOUTH	21%	21%
VARIETY & PERFORMING ARTS	3%	8%

#### E.1.1 Alternative Access to the Performance Envelope Program

Broadcasters that have not generated a PE Allocation in a given year are eligible for Alternative Access to the Performance Envelope Program.

Prior to the primary PE English and French Envelopes being divided by genre targets, the separate budget for the Alternative Access portion of the PE Program is divided into its own English and French Envelopes. Unlike the primary English and French Envelopes, the Alternative Access Allocation has no genre targets.

Eligible Broadcasters may utilize this Alternative Access via the appropriate English or French Envelope on a first-come, first-served basis, by providing an Eligible Licence Fee and a BAF with a PE commitment to an Eligible Project, until the entire Alternative Access budget is spent.

Eligible Broadcasters are limited to three applications using the Alternative Access portion of the PE Program or \$150,000 in total PE commitments in 2022-2023, whichever is less.

### E.2 PERFORMANCE FACTORS ARE DETERMINED

Broadcasters compete against one another for the available funding in each Envelope according to different categories (i.e., Performance Factors) determined by the CMF Board of Directors. Broadcasters are automatically included in PE Allocation calculations if the Broadcaster has earned credit through the Performance Factors<sup>17</sup>.

It is important to note that from year to year, the CMF may eliminate or add a new Performance Factor for a given fiscal year's Envelope calculations based on the changing nature of the CMF's mandate and objectives.

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<sup>16</sup> Beginning in 2022-2023, the French-language Documentary budget is no longer split between one-offs and series.

<sup>17</sup> Broadcasters should notify the CMF if they do not want to automatically participate in PE Allocation calculations.

For 2022-2023 Performance Envelope calculations, the Performance Factors were as follows:

- Audience Success – Total Hours Tuned (AS-THT)
- Audience Success – Original First Run (AS-OFR)
- Historic Performance
- Regional Production Licences
- OTT First Run Licences
- Diverse Community Production Licences

## **E.2.1 Audience Success**

Audience Success recognizes the ability of broadcasters to deliver CMF-supported programs to audiences. Audience Success is measured by two factors: Audience success – Total Hours Tuned (AS-THT) and Audience success – Original First Run (AS-OFR).

In order for a Broadcaster to generate any credit for hours tuned, its viewing must be measured and reported by Numeris. The CMF does not take responsibility for the nature or scope of a Broadcaster’s audience measurement.

For these Factors, credit is earned from projects broadcast in the 2019-2020 and 2020-2021 broadcast years for the 2022-2023 Envelope Allocation calculations.

### **E.2.1.1 Audience Success Submissions**

The CMF requires that Broadcasters submit their own AS-THT and AS-OFR calculations for CMF review and inclusion in Audience Success calculations. Full details of the CMF’s submission requirements, as well as related FAQs, are available at [Envelope Administration](#). This material is updated annually and emailed to Broadcasters on the CMF mailing list.

The CMF’s review of AS-THT and AS-OFR submissions from Broadcasters includes verification that every program title included in any submission is CMF supported. Additionally, the associated CMF genre for every title is verified.

Hours tuned formulas are checked, as are totals. Individual telecast data is spot checked against published Numeris audience data.

For further scrutiny and transparency, the CMF places all AS-THT submissions on a secure part of its website for other participating Broadcasters to verify if they choose.

Note: restrictions in Numeris subscriber agreements preclude the CMF from making this information available to non-subscribers of Numeris.

### **E.2.1.2 Audience Success – Total Hours Tuned (AS-THT)**

AS-THT credit includes viewing from anywhere in Canada (Total Canada), and across the full 24-hour day (Monday to Sunday, from 2 a.m. to 2 a.m.).

AS-THT credit is based on the “viewers 2+” age demographic for all CMF genres.

AS-THT data only includes viewing to CMF-supported programs.

A Broadcaster may receive AS-THT credit for any English or French-language (including subtitled) production supported by the CMF within the past five (5) years. This includes CMF-supported programs with licences that were not part of the original financial structure of the production (“Acquired Programs”).



### E.2.1.2.1 Genre Flexibility for Acquired Programs

Broadcasters are given a certain amount of genre flexibility with regards to AS-THT submissions. Specifically, Broadcasters are permitted to claim AS-THT credit for an Acquired Program in a genre other than the one under which the program was originally funded, as long as the request meets the following criteria:

- Due to the nature of the content of the program, the genre is ambiguous. For example, family programs could potentially qualify for CMF funding under children’s and youth genre requirements or drama genre requirements;
- The request for genre flexibility in audience success calculations is supported by the Broadcaster’s conditions of licence (and thus the Broadcaster’s programming strategy); and
- CMF staff is satisfied that the request for genre flexibility in audience success calculations (on a case-by-case basis) serves the overriding objectives of the CMF.

### E.2.1.3 Audience Success – Original First Run (AS-OFR)

The goal of the AS-OFR Factor is to incentivize Broadcasters to commission original programming and air these programs in their prime-time schedules.

“Original first-run” is defined as follows:

- a. For conventional stations: the first airing of a project (or series of episodes that make up that project) by an eligible Broadcaster.
- b. For independent stations, specialty and pay stations: three airings of a project (or a series of episodes that make up that project) by an eligible Broadcaster, within a period of 7 days beginning from the first date of the first original telecast; only one airing can be outside of prime time<sup>18</sup>.

A Broadcaster must participate in the original financing structure, with a BAF submitted and accepted by CMFPA, in order to earn credit for a given project in this Factor and acquisitions are excluded. Broadcasters may earn AS-OFR credit for the first airing(s) in their window, whether or not it is the first window overall. A corporate group is allowed to claim AS-OFR on a maximum of two channels per individual project within its ownership group comprising of either: one conventional and one specialty channel, or two specialty channels.

The AS-OFR Factor will be calculated using the same methodology as that used for AS-THT. Broadcasters will identify a specific telecast of a CMF-funded program as “original first-run in prime-time” when preparing audience success submissions for the CMF. The Broadcaster’s share of AS-OFR (as a percentage of total original first run THT submitted) will determine the share of PE credit earned in the AS-OFR Factor.

## E.2.2 Historic Performance

As the Historic Performance Factor is evaluated over a multi-year period, it helps modulate the variations in Envelope Allocations from one year to the next.

This Performance Factor refers to the amount of CMF production funding historically accessed or triggered as a result of a Broadcaster’s licensing of Television Components. A Broadcaster’s credit is determined by the cumulative amount of CMF funds triggered by that Broadcaster’s eligible licences over a three (3) year period.<sup>19</sup> “Value-added” Digital Media Component licences are included in the Eligible Television Licence.

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<sup>18</sup> “Prime time” is defined as the airing of a project in which the majority of the telecast airs between the hours of 7pm – 11pm, on any day of the week. In the case of single-feed independent, specialty and pay Broadcasters, this time period is extended to the hours of 5.30pm – 2am Eastern Time. Children’s & Youth programs are exempt from this “prime time” requirement.

<sup>19</sup> For calculation purposes, an “Eligible Licence” is one that meets the criteria set forth in the Guidelines and is accompanied by a signed “Broadcaster Agreement Form” (BAF) that is submitted with the application.

For this Factor, credit is earned from projects funded in 2018-2019, 2019-2020, and 2020-2021 for the 2022-2023 Envelope Allocation calculations.

Historic Performance credit is only applied to the same genre in which it was earned. Historic Performance credit is derived from all Convergent Stream Production Television CMF funding, except for Diverse Languages Program funding.

If more than one Broadcaster contributes an Eligible Licence for a television component, the Historic Performance credit is allocated *pro rata* according to each Broadcaster’s share of the total Eligible Licence fees. It is important to note that all Broadcasters contributing an Eligible Licence fee to a television component receive Historic Performance credit for the CMF funds triggered, regardless of whether or not they contributed CMF monies from a PE. In this way, Broadcasters without Envelope Allocations may use the Historic Performance Factor to enter the Envelope system.

For example, for a television component:

	Eligible Licence Fee	% Share of Eligible Licences	Performance Envelope Allocation Contribution	Historic Performance Credit
BROADCASTER A	\$400K	80%	\$100K	\$300K x 80% = \$240K
BROADCASTER B	\$50K	10%	\$200K	\$300K x 10% = \$30K
BROADCASTER C	\$50K	10%	\$0	\$300K x 10% = \$30K
<b>TOTAL</b>	<b>\$500K</b>	<b>100%</b>	<b>\$300K</b>	<b>\$300K</b>

### E.2.3 Regional Production Licences

When calculating this Performance Factor, a Broadcaster’s credit is determined by the total dollar amount of Eligible Licences committed to the Television Component of “Regional” CMF-funded Convergent stream projects (as defined in the [Guidelines](#)). The Regional Production Licence credit for each Broadcaster is equal to the amount of Eligible Licence fees they contributed, regardless of the number of Broadcasters involved or whether or not they contributed funds from an Envelope Allocation.

For example, for a television component:

	Eligible Licence Fee	% Share of Eligible Licences	Performance Envelope Allocation Contribution	Regional Production Licences Credit
BROADCASTER A	\$400K	80%	\$100K	\$400K
BROADCASTER B	\$50K	10%	\$200K	\$50K
BROADCASTER C	\$50K	10%	\$0	\$50K
<b>TOTAL</b>	<b>\$500K</b>	<b>100%</b>	<b>\$300K</b>	<b>\$500K</b>

For this Factor, credit is earned from projects funded in 2021-2022 for the 2022-2023 Envelope Allocation calculations.

Regional Production Licences credit is only applied to the same genre in which it was earned.

Regional Production Licences credit is derived from all Convergent Stream Production Television CMF funded applications. Projects funded through the Diverse Languages Program are only eligible for such credit if they are also funded through a Broadcaster’s PE Allocation.

While the CMF takes efforts to provide Applicants and Broadcasters with certainty around its defined terms, the CMF shall make the final determination on eligibility to this Factor to ensure the spirit and intent of its policies is upheld. Applicants and Broadcasters are encouraged to come forward ahead of time and have a discussion with the CMF on their specific circumstances.

### E.2.3.1 Linguistic Market Restriction

Broadcasters may only earn regional production licences credit for projects whose original linguistic market (as determined by the CMF) matches their own. For example, a French broadcaster may only earn credit from their eligible licence fees to projects whose original linguistic market is French.

### E.2.4 OTT First Run Licences

Credit for the OTT First Run Licences factor will be based on Eligible Licence Fees for Eligible Projects that are made available to Canadian audiences first and exclusively for a period of at least 7 days on any of the accepted non-traditional platforms in the CMF's Canadian Broadcaster definition (found in section 2.1.1 of the [Performance Envelope Guidelines](#)). Specifically:

- An online service<sup>20</sup> owned, controlled and operated by a Canadian CRTC-licensed programming undertaking;
- An online service<sup>21</sup> owned, controlled and operated by a Canadian broadcasting distribution undertaking (“BDU”), licensed to operate by the CRTC; and
- CRTC-licensed VOD services.

The service must be owned, controlled, and operated by the Broadcaster with the Eligible Licence Fee and the CMF shall make the final determination on a platform or service's eligibility for this Factor.

In order for Broadcasters to receive credit via the OTT First Run Licences Factor, they must declare intent and identify the name of the eligible service in a signed BAF submitted with the application before the deadline specified by CMF. Changes made after the deadline will not count for credit in the OTT First Run Licences Factor.

By claiming this OTT First Run credit, Broadcasters will be unable to claim AS-OFR credit for the same project.

For this Factor, credit is earned from projects funded in 2021-2022 for the 2022-2023 Envelope Allocation calculations.

OTT First Run Licences credit is only applied to the same genre in which it was earned.

OTT First Run Licences credit is derived from all Convergent Stream Production Television CMF funded applications, except for Projects funded through the Diverse Languages Program, which are only eligible for such credit if they are also funded through a Broadcaster's PE Allocation.

While the CMF takes efforts to provide Applicants and Broadcasters with certainty around its defined terms, the CMF shall make the final determination on eligibility to this Factor to ensure the spirit and intent of its policies is upheld. Applicants and Broadcasters are encouraged to come forward ahead of time and have a discussion with the CMF on their specific circumstances.

### E.2.5 Diverse Community Production Licences Factor

The Diverse Community Production Licences Factor was introduced as the sixth PE Factor for the 2022-2023 allocations.

Credit for the Diverse Community Production Licences Factor is based on the Eligible Licence Fees provided to “Diverse Community Projects” (defined below). Diverse Community Project broadcast licences from 2021-2022 applications to all Convergent Stream Television Production Programs are eligible to count as credit in this Factor (with the exception of Diverse Community Projects funded through the Diverse Languages Program, which are only eligible for such credit if they are also funded through a Broadcaster's PE Allocation).

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<sup>20</sup>This includes services accessed via a set-top box.

<sup>21</sup>This includes services accessed via a set-top box.

As 2021-2022 applications provide credit in this factor, the definition of Diverse Community in the 2021-2022 Guidelines applies. In the 2021-2022 Guidelines, a Diverse Community Project is a Project in which at least 51% of the ownership and control of both the Applicant company and copyright in the Project is retained by a member (or members) of a Diverse Community (defined below).

For the purposes of this definition, “Diverse Community” was defined in section 2.1.1 of the CMF’s 2021-2022 Performance Envelope Guidelines as the following:

- a) Indigenous peoples of Canada (i.e., First Nations, Inuit and Métis); and
- b) Racialized Communities:
  - o Black people: people who trace their roots to Sub-Saharan Africa including those with origins in the United States, Caribbean and Latin America;
  - o People of colour: people who are not Caucasian or of European descent who are descendant from one or more of the following communities:
    - Latin Americans (Latino, Latina, Latinx);
    - Middle-Easterns and North Africans;
    - South Asians;
    - Southeast Asians;
    - East Asians;
    - Indigenous people from outside of Canada (from Oceania, United States, Northern Europe and Pacific Islands);
    - Multiracial (a combination of any of the above categories or any of the above categories with Caucasian or European ancestry).
    -

For Broadcasters to receive credit via the Diverse Community Production Licences Factor, the Applicants of eligible applications must have declared the identity of the majority of directors and shareholders in the funding application form (choosing from the communities listed above).

While the CMF takes efforts to provide Applicants and Broadcasters with certainty around its defined terms, the CMF shall make the final determination on eligibility to this Factor to ensure the spirit and intent of its policies is upheld. Applicants and Broadcasters are encouraged to come forward ahead of time and have a discussion with the CMF on their specific circumstances.

## **E.2.6 In-house and affiliated production cap on the Regional Production Licences, OTT First Run Licences factors, and the Diverse Community Production Licences Factor.**

In-house and affiliated television productions are eligible for credit in the Regional Production, OTT First Run, and Diverse Community Production Licences Factors. The CMF deems it necessary, however, to place a limit on the amount of credit an in-house or affiliated production may earn due to the disparity between the Broadcaster’s typical financial contribution to such a project and the licences provided to typical independent productions.

This cap will be determined each year based on the highest single licence fee (expressed as a percentage) provided to an independent production in the year prior to the source year of credit, by original language of production and genre category.

## **E.3 PERFORMANCE FACTOR WEIGHTS ARE SET**

Each Performance Factor is then designated a specific weight which represents the amount of funding attributed to a Performance Factor in a given Envelope. For example, if the budget for the English Drama Envelope is \$100M and the

AS-THT Performance Factor is weighted at 40%, then that would translate to an AS-THT Performance Factor value of \$40M in that specific Envelope.

For the 2022-2023 Performance Envelope calculations, Factor weights were as follows for all genres:

	ENGLISH ENVELOPES	FRENCH ENVELOPES
AUDIENCE SUCCESS – TOTAL HOURS TUNED	35%	35%
AUDIENCE SUCCESS – ORIGINAL FIRST RUN <sup>22</sup>	10%	10%
HISTORIC PERFORMANCE	5%	20%
REGIONAL PRODUCTION LICENCES	30%	15%
OTT FIRST RUN LICENCES	10%	10%
DIVERSE COMMUNITY PRODUCTION LICENCES	10%	10%

#### E.4 PERFORMANCE FACTOR SHARES ARE DETERMINED

Within each Envelope, Broadcaster Statistics are then compiled and evaluated in each of the Performance Factors. For example, in the English Drama Envelope, all of a given Broadcaster's AS-THT statistics are measured against other Broadcasters' AS-THT statistics. These statistics determine the share of available funding allocated to each Broadcaster for a given Performance Factor within a given Envelope. A Broadcaster's allocated share of funding for each Envelope equals that Broadcaster's Envelope Allocation.

For example, if the English Drama Envelope had a \$100,000,000 Allocation:

FACTOR	WEIGHT	VALUE OF FACTOR	CREDIT SHARE EARNED BY BROADCASTER X*	ENVELOPE ALLOCATION
AUDIENCE SUCCESS - THT	35%	\$35,000,000	5%	\$1,750,000
AUDIENCE SUCCESS - OFR	10%	\$10,000,000	9%	\$900,000
HISTORIC PERFORMANCE	5%	\$5,000,000	6%	\$300,000
REGIONAL PRODUCTION LICENCES	30%	\$30,000,000	10%	\$3,000,000
OTT FIRST RUN LICENCES	10%	\$10,000,000	10%	\$1,000,000
DIVERSE COMMUNITY PRODUCTION LICENCES	10%	\$10,000,000	20%	\$2,000,000
<b>ENGLISH DRAMA ALLOCATION EARNED BY BROADCASTER X</b>				<b>\$8,950,000</b>

\* Relative to others.

<sup>22</sup> For 2022-2023, the Audience Success – Total Hours Tuned and Audience Success – Original First Run Performance Envelope Factor Weights have both been reduced by 5% each to provide the Diverse Community factor weight.

## E.5 MINIMUM ALLOCATION

The Minimum Performance Envelope Allocation a Broadcaster must earn to receive a PE Allocation is \$150,000. Broadcasters earning an Allocation of less than \$150,000 will not receive a PE Allocation. Broadcasters that do not receive a PE Allocation are eligible to utilize the Alternative Access option.

## E.6 GENRE AND FLEX AMOUNTS ARE CALCULATED

In order to provide increased flexibility in how Broadcasters apply their PE Allocations between eligible genres, a certain percentage is removed from each language-genre Allocation earned. These portions are then pooled together into a flex amount. The flex amount may be used at the Broadcaster's discretion and applied to any genre supported by the CMF. The remaining genre amount must be used within that genre. For Small Broadcasters, (as defined in section C.2.9) the flex percentage is 100%. For all other Broadcasters, the flex percentage is 50%.

To continue the example of Broadcaster X above, 50% of the \$7,650,000 earned in the English Drama genre allocation would be removed (\$3,825,000). This amount would be pooled with the amounts removed from all other genres and would form Broadcaster X's flex amount. The remaining amount (\$3,825,000) would become Broadcaster X's English Drama Allocation and could only be spent within that language-genre category.

ENGLISH DRAMA ALLOCATION EARNED BY BROADCASTER X	<b>\$7,650,000</b>
AMOUNT TO BE REMOVED AND POOLED INTO FLEX (50%)	<b>\$3,825,000</b>
ENGLISH DRAMA BALANCE (50%)	<b>\$3,825,000</b>

## E.7 INTERPRETING PERFORMANCE ENVELOPE ALLOCATION RESULTS

### E.7.1 Performance Factor Credit Dollars versus Performance Envelope Allocation Dollars

When examining PE calculations, it is important to note that Broadcaster expenditures that make up part of the Performance Factor calculations are not equivalent to PE Allocation dollars awarded. For example, if a Broadcaster's regional production licensing in a given year amounted to \$500,000, it would not automatically earn \$500,000 CMF dollars in its Envelope Allocation the following year via the Regional Production Licences Factor.

In this example, the \$500,000 licence fee is considered PE credit. Its value in terms of Envelope Allocation dollars is relative to the share in that Performance Factor earned by all other Broadcasters competing in that language-genre Envelope. If that \$500,000 licence fee is worth 10% of the sum of all Regional Production Licences credit earned by all Broadcasters combined in that language-genre Envelope, then that Broadcaster would earn 10% of the funding available to that genre in that Performance Factor, which may be more or less than \$500,000.

Shares earned in each Performance Factor in each Envelope will have its own relative value.

## **E.7.2 Year-over-year Performance Envelope Allocation Fluctuations**

Fluctuations in a Broadcaster's PE Allocation from year to year could be the result of:

- Changes in the overall CMF program budget;
- Changes in the relative amount of funding directed to each genre;
- Changes in the Performance Factors, their relative weights, or in the Performance Factor metrics used in establishing share;
- Changes in the amount of share a broadcaster generates for any of the Performance Factors;
- Changes in a Broadcaster's performance relative to the total, in any given Performance Factor; and/or
- An increase or decrease in the number of Broadcasters competing for Allocations in a given language-genre category.

## F. CALCULATION OF 2023-2024 PERFORMANCE ENVELOPES AND ALLOCATIONS

### F.1 PE FACTORS AND WEIGHTS FOR 2023-2024

	ENGLISH ENVELOPES		FRENCH ENVELOPES	
	2022-2023	2023-2024	2022-2023	2023-2024
AUDIENCE SUCCESS – TOTAL HOURS TUNED	35%	35%	35%	35%
AUDIENCE SUCCESS – ORIGINAL FIRST RUN	10%	10%	10%	10%
HISTORIC PERFORMANCE	5%	5%	20%	20%
REGIONAL PRODUCTION LICENCES	30%	30%	15%	15%
OTT FIRST RUN LICENCES	10%	10%	10%	10%
DIVERSE COMMUNITY PRODUCTION LICENCES	10%	10%	10%	10%

### F.2 CHANGES TO THE DIVERSE COMMUNITY PRODUCTION LICENCES FACTOR

The definition of a Diverse Community Project is expanding for the 2023-2024 PE Factor. A Diverse Community Project in this Program is a Project in which at least 51% of the ownership and control of the Applicant company and copyright in the Project is retained by a member (or members) of one (or a combination) of the Diverse Communities noted below.

(i) the Diverse Community Production Licences Factor will be expanded to include two additional groups and (ii) Broadcaster will only receive credit for this Factor based on information noted in an application and confirmed by director and shareholder records in their PERSONA-ID accounts<sup>23</sup>.

First, for the purposes of the CMF’s 2022-2023 PE Guidelines (and 2023-2024 PE Allocations), the term “Diverse Community” refers to the following groups:

- a) Indigenous peoples to Canada (i.e., First Nations, Inuit and Métis);
- b) Racialized Communities (i.e., Black People and People of colour);
- c) Members of the 2SLGBTQ+ community;
- d) Persons with disabilities.

The CMF defines each of these groups in more detail in [Appendix A of its Program Guidelines](#).

Please note, for projects licensed in 2022-2023 that combine funds from the Performance Envelope Program and any additional CMF Program, in order for a Broadcaster to earn credit in the Diverse Community Production Licences Factor, the project must comply with the “Diverse Community Project” definition in section 2.1.1 of the Performance Envelope Program Guidelines.

Second, beginning in 2022-2023, for Broadcasters to receive credit via the Diverse Community Production Licences Factor, individual directors and shareholders must answer the questionnaire in PERSONA-ID and Applicants of eligible applications must make a declaration of meeting the criteria of a Diverse Community Project and include the PERSONA-ID numbers of the Applicant directors and shareholders in the funding application form.

<sup>23</sup> Register for PERSONA-ID on the [CMF website](#).



While the CMF takes efforts to provide Applicants and Broadcasters with certainty around its defined terms, the CMF shall make the final determination on eligibility to this Factor to ensure the spirit and intent of its policies is upheld. Applicants and Broadcasters are encouraged to come forward ahead of time and have a discussion with the CMF on their specific circumstances.

## G. CONTACTS

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### Canada Media Fund

For Envelope and PERSONA-ID questions:

Manager, Program Reporting  
[info@cmf-fmc.ca](mailto:info@cmf-fmc.ca)

Phone: 416-214-4400  
Toll-free: 1-877-975-0766  
[cmf-fmc.ca](http://cmf-fmc.ca)

### Telefilm Canada Canada Media Fund Program Administrator (CMFPA)

For funding application questions and details, please click [here](#).

## H. 2022-2023 PE CALENDAR

This calendar is a general guide only and is subject to change. Please refer to [cmf-fmc.ca](http://cmf-fmc.ca) for the most up-to-date information.

April 2022	<p>April 19th: Opening date for PE project applications.</p> <p>April 15th: PE Allocations published on CMF website.</p>
April - March	Broadcaster status reports should be reviewed by Broadcasters.
October	<p>October 13th: First Closing Date for PE applications, i.e., 75% commitment deadline for Broadcasters with PE Allocations greater than \$2.5 million.</p> <p>CMF notifies Broadcasters of specific Audience Success (THT &amp; OFR) submission requirements.</p>
December	<p>First week in December: Deadline for Broadcasters to send Audience Success submissions to CMF.</p> <p>December 6th: Final Closing Date for PE project applications.</p>
January 2023	<p>CMF notifies Broadcasters of project statistics to be used in historic performance calculations for broadcaster feedback and sign-off.</p> <p>Broadcaster sign-off of Historic Performance statistics due at CMF.</p> <p>Broadcasters who did not meet the 60% Digital Media or 50% Gender Balance obligations will be notified.</p>
February	<p>Deadline for BAF changes</p> <p>CMF reviews Broadcaster audience success submissions and notifies individual Broadcasters of final numbers.</p> <p>Last week: Broadcaster status report detailing all funding year activity issued to each Broadcaster for feedback and sign-off.</p>
March	<p>CMF Board approves the program budget for the upcoming funding year.</p> <p>PE calculations are completed and cross-checked.</p>
April	<p>1st week: PE allocation agreement letters issued to Broadcasters.</p> <p>New PE manual is published.</p>

## SCHEDULE A – NEW AND PRE-EXISTING DIGITAL MEDIA CONTENT

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One of the objectives of the CMF's Convergent Stream is to encourage and support the creation of convergent projects in which the Television Component and the Digital Media Component are meaningfully linked with each other and constitute, to the extent possible, a unified convergent experience for the audience. Where the production of a Television Component develops and evolves over time but its associated Digital Media Component does not, this is unlikely to result in such an experience.

For example, Season 1 of a television series is produced along with an eligible Digital Media Component. If Season 2 were to apply to the CMF for production funding and claim that the unmodified Season 1 Digital Media Component was also Season 2's Digital Media Component, the lack of ongoing development of the Digital Media Component would make it unlikely that a truly convergent experience would result. As such, this would be considered pre-existing content for the purposes of section C.2.6, and would not receive credit towards the Digital Media Component obligation described therein.

Given the objectives of the CMF, the rule at section C.2.6 is intended to encourage the creation of new and/or sufficiently modified Digital Media Components on an ongoing basis. Generally speaking, a "new" Digital Media Component is one that did not exist prior to the production of its associated television program and is being created specifically for the Television Component that is the subject of the CMF application.

It is not necessary, however, for completely new Digital Media Components to be created for every Television Component application. The CMF understands that some Digital Media Components, such as a website, may have a longer lifespan than a single season of a television program. As such, a Digital Media Component that is pre-existing but that is sufficiently modified or enhanced will receive credit for the purposes of section C.2.6.

What constitutes sufficiently modified pre-existing digital media content is contextual and dependent on the circumstances of each case. In making its determination, the CMF will be guided by the following principles, namely, that the modifications or enhancements:

1. Are not insignificant in proportion to the overall size and scope of the Digital Media Component; and
2. Result in the maintenance of a meaningful connection between the Digital Media Component and the current Television Component that is the subject of the CMF funding application.

The CMF's ultimate consideration will be whether the CMF's overall convergence objectives are met, with reference to the Guidelines and to the two (2) guiding principles noted above. The following indicators may further assist the CMF in determining whether pre-existing digital media content is sufficiently enhanced or modified. This list is not exhaustive:

- 50% or more of the content of the Digital Media Component is new;
  - For example, where a pre-existing Digital Media Component consists primarily of a series of ten (10) original "webisodes", the creation of five (5) new webisodes will likely constitute a sufficient modification.
- A significant new feature(s) or element(s) is/are added;
  - For example, where a pre-existing Digital Media Component consists of a website containing a series of original "webisodes", the addition of a social casual game to the site will likely constitute a sufficient modification.

For greater clarity, the following are not required in order to sufficiently modify/enhance a pre-existing Digital Media Component for the purposes of section C.2.6.

- Modification of both "feature(s)" and content.
  - Using the previously noted distinction between a "feature" or "element" (e.g. the presence of webisodes on a website, a social casual game on a website) and content (e.g. an individual webisode, a character or level of a game), to the extent that this distinction is applicable, the CMF will not require that both the feature(s)/element(s) and the content of the a Digital Media Component be modified.

Applicants or Broadcasters with further questions about the application of section C.2.6 to their particular circumstances are invited to take advantage of the Pre-Application Consultation process provided by the CMFPA.

## SCHEDULE B – DISPUTE RESOLUTION PROCESS

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Identified below is the 4-step process should Broadcasters raise issues pertaining to PE calculations:

**Stage 1:** Broadcaster issues relating to envelope calculations or envelope policies are directed to the CMF. CMF Staff will examine the issue and any precedents. The Broadcaster will be informed of the decision in writing.

If a precedent does not already exist, the process will move to stage 2.

**Stage 2:** Should the Broadcaster be unsatisfied with the CMF's initial response or if it is determined that a precedent does not exist, a detailed briefing note regarding the issue will be prepared by CMF staff.

If issues are primarily administrative in nature, the Manager responsible for the type of issue will provide direction regarding the execution of a resolution. One example of such a situation could pertain to the late acceptance of a total hours tuned submission. The Broadcaster will be informed of the Manager's decision in writing.

If the issue is not administrative, the process continues to stage 3.

**Stage 3:** If the issue is a matter of policy interpretation or if the Broadcaster is not satisfied with the decision at stage 2, the issue will be escalated to the Chief Operations Officer ("COO") accompanied by a recommendation from the responsible Manager.

The Broadcaster will be informed of the COO's decision in writing.

If the issue goes beyond administrative or policy interpretation, the process will continue to stage 4.

**Stage 4:** If the issue is a request for a policy change, it is escalated to the President and CEO, with a recommendation from the COO. The decision of the President and CEO will be final unless she feels the matter merits further consideration by the CMF Board.

Once a final decision is rendered by the President and CEO, a formal letter will be sent to the Broadcaster.