



[CB-CDA 2022-024]

ORDER OF THE BOARD

Files : Commercial Television Tariffs and CBC Television Tariffs

May 3, 2022

[1] On February 4, 2021, in Notice CB-CDA 2021-008 and on December 21, 2021, in Notice CB-CDA 2021-059, the Board informed the parties that it would hold a hearing for the consideration of all of the following proposed tariffs (the “Proposed Tariffs”):

- **CMRRA**
 - Tariff No. 5 — CMRRA Commercial Television Tariff (2015, 2016, 2017, 2018, 2019)
 - Tariff No. 6 — CMRRA CBC Television Tariff (2016, 2017, 2018, 2019)

- **SOCAN**
 - Tariff No. 2.A — Television – Commercial Television Stations (2014, 2015, 2016, 2017, 2018, 2019–2020, 2021, 2022–2024)
 - Tariff No. 2.D — Television – Canadian Broadcasting Corporation (2015, 2016, 2017, 2018, 2019, 2020–2022, 2023–2025)
 - Tariff No. 17 — Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings (2014, 2015, 2016, 2017, 2018, 2019–2020, 2021, 2022–2024)

- **SODRAC**
 - Tariff No. 8 — Reproduction of Musical Works by Commercial Television Stations (2017, 2018, 2019)

- **SOCAN/SODRAC**
 - Tariff No. 2.A.R — Commercial Television Stations (2020-2021, 2022–2024)

[2] At this time, the Board requires further information from the parties in order to set its docket, including determining the type of hearing required and next steps in its consideration of the Proposed Tariffs.

A. ORDER 1

[3] For each series of Proposed Tariffs, as grouped above (e.g. CMRRA Tariff No. 5; SOCAN/SODRAC Tariff No. 2.A.R), the proposing collective management society shall file with the Board a single Notice of Grounds for Proposed Tariffs.

[4] The Notice of Grounds for Proposed Tariffs must include an explanation of how all proposed royalty rates—including any minimum fees—in the corresponding Proposed Tariffs were determined.

[5] The explanation should be clear and detailed enough to permit the Board and users to understand the general basis for the royalty rates and royalty structure.

[6] The explanation should include any relevant details on any source for the royalty rate and rate structure, including any minimum fees (e.g. previously approved tariff, licensing agreements, theoretical or economic model, estimates, hypotheses). If there is no such source, this must be indicated. If the proposed royalty rates or structure differ from the identified source, explain how the adjustment was determined (e.g. inflation, gradual adjustments, changes in the market).

[7] The Notice of Grounds for Proposed Tariffs must also include grounds for any terms and conditions regarding the collection of information.

[8] If there are any differences between the Proposed Tariffs in a series (e.g. scope of proposed tariff), they should be explained.

[9] Each collective management society shall also indicate the official language in which they wish to participate for the consideration of the Proposed Tariffs.

[10] Each collective management society must file their Notice(s) of Grounds by **Monday, July 4, 2022**.

B. ORDER 2

[11] Any objector identified in the Annex must file a single Notice of Grounds for Objection in relation to the series of Proposed Tariffs to which they have objected to.

[12] The Notice of Grounds for Objection must clearly indicate to which Proposed Tariff(s) it relates (*i.e.*, specify the Proposed Tariff name and year(s)).

[13] The Notice of Grounds for Objection must explain why the objector contends that the Proposed Tariff is not fair and equitable.

[14] The Notice of Grounds for Objection should address all issues the party wishes to raise in respect of:

- royalty rate or royalty-rate structure;
- scope or clarity;
- terms and conditions; and
- any other relevant issue that would affect the Board's consideration of the Proposed Tariff(s)

[15] Only those objectors that file a Notice of Grounds of Objection will be entitled to participate in the consideration of the Proposed Tariffs.

[16] Each objector shall also indicate the official language in which they wish to participate for the consideration of the Proposed Tariffs.

[17] Objectors must file all Notices of Grounds for Objection by **Tuesday, August 2, 2022**.

C. ORDER 3

[18] Parties shall jointly or separately file a submission on which of the above Proposed Tariffs the Board should consider together.

[19] In particular,

- whether the Board should consider the Proposed Tariffs that cover uses by the CBC together with the Proposed Tariffs that cover uses by Commercial Television;
- whether the Board should consider the Proposed Tariffs with an effective period from 2019 onwards with all earlier Proposed Tariffs; and
- whether the Board should consider Proposed Tariffs applying to reproductions together with the Proposed Tariffs covering performances to the public (including communication to the public by telecommunication).

[20] The submission should identify potential common issues, including the effect of exceptions on the pricing of reproductions.

[21] Any submissions must be filed by **Tuesday, August 16, 2022**.

Lara Taylor
Secretary General

ANNEX – LIST OF OBJECTORS

Tariff Series	Objectors
CMRRA	
Tariff No.5 — <i>CMRRA Commercial Television Tariff</i>	Canadian Association of Broadcasters Cogeco Communications (The “BDUs”) Québecor Média Inc. (The “BDUs”) Rogers Communications Canada Inc. (The “BDUs”) Shaw Communications Inc. (The “BDUs”) Stingray Digital Group Inc.
Tariff No. 6 — <i>CMRRA CBC Television Tariff</i>	Canadian Broadcasting Corporation
SOCAN	
Tariff No. 2.A — <i>Television – Commercial Television Stations</i>	Restaurants Canada Canadian Association of Broadcasters
Tariff No. 2.D — <i>Television – Canadian Broadcasting Corporation</i>	Canadian Broadcasting Corporation
Tariff No. 17 — <i>Transmission of Pay, Specialty and Other Television Services by Distribution Undertakings</i>	Bell Canada (The “BDUs”) Bragg Communications Inc. (C.O.B. as Eastlink) (The “BDUs”) Canadian Association of Broadcasters Canadian Broadcasting Corporation Canadian Cable Systems Alliance (The “BDUs”) Cogeco Communications Inc. (The “BDUs”) Québecor Média Inc. (The “BDUs”) Rogers Communications Canada Inc. (The “BDUs”) Shaw Communications Inc. (The “BDUs”) Stingray Digital Group Inc.
SOCAN/SODRAC	
Tariff No. 2.A.R — <i>Commercial Television Stations</i>	Canadian Association of Broadcasting Canadian Broadcasting Corporation Stingray Digital Group Inc.
SODRAC	
Tariff No. 8 — <i>Reproduction of Musical Works by Commercial Television Stations</i>	Canadian Association of Broadcasting Canadian Broadcasting Corporation Stingray Digital Group Inc.