



[CB-CDA 2024-058]

## ORDER OF THE BOARD

### Proceeding: Radio Retransmission Tariff (2019-2023)

July 12, 2024

#### I. INTEREST RATES

[1] The Parties' jointly-submitted text ("JST") includes a transitional provision to address the differences between the interim and final royalties.

[2] However, it is unclear whether all users paid interim royalties and how final royalties are calculated, paid-out, and distributed among collectives.

[3] To ensure completeness, we have the following questions for the parties:

- a) Are there any users that did not pay the interim tariff?
- b) Should the tariff include a mechanism to govern royalty refunds (for reference, the interim tariff provided for payment of only three portions of royalty vs. four in the JST)? If so, provide a draft text for such a mechanism.

[4] Furthermore, we have added to the JST, an interest table for the transitional provision. We seek the parties' views on this as well as the two changes in the attached revised transitional provision in the JST under Annex A:

- a) Section 30. (1) should be corrected and refer to section 25 of the tariff (not section 30)
- b) The definition of "settlement date" should be corrected so that it does not refer to the parties' Agreement date, but to the typical date set by the Board after which late payments interest is due. This ensures that users who are *not* signatories to the Agreement are compensated for their opportunity costs during the entire tariff effective period.

#### II. ORDER

[5] Parties shall provide their joint answers no later than **Friday, August 2, 2024**.

Greg Gallo  
A/Secretary General

## ANNEX A: Transitional Provision Revisions

### Transitional Provisions

29. In this part of the tariff

“overpaid royalties” means the refund owed to, and enforceable by, retransmitters and their respective successors and assigns as a result of a difference between the rates set in this tariff and the Interim Tariff, whether or not they had been paid by the date this tariff is published in the Canada Gazette. (« redevances additionnelles »)

“Interim Tariff” means the Interim Radio Retransmission Tariff, 2019-2023 as of January 1, 2019, and issued on December 28, 2018. (« Tarif provisoire »)

“settlement date” means [~~November 2, 2022~~ Date to be set at three months after the publication of this tariff] (« date de règlement »)

30. (1) The table of interest rates shall apply for all refunds of overpaid royalties made on or before the settlement date; thereafter, refunds of overpaid royalties shall be treated as late and subject to section ~~25~~ 30 of this tariff.

(2) Overpaid royalties shall bear interest from January 1, 2019, to the date of the refund of the overpaid royalties. Interest shall be calculated daily, at an annual interest rate equal to the Bank 12 Rate, as amended from time-to-time, on the last day of the previous month. Interest shall not compound.

(3) The interest rates in the table of interest rates are the Bank Rates published on the last Wednesday of each month at the time of approval of this tariff.

(4) The table of interest rates is

	2019	2020	2021	2022	2023	2024
<b>January</b>	2.00	2.00	0.50	0.50	4.55	5.25
<b>February</b>	2.00	2.00	0.50	0.50	4.75	5.25
<b>March</b>	2.00	1.20	0.50	0.73	4.75	5.25
<b>April</b>	2.00	0.50	0.50	1.04	4.75	5.25
<b>May</b>	2.00	0.50	0.50	1.25	4.75	5.25
<b>June</b>	2.00	0.50	0.50	1.73	4.94	
<b>July</b>	2.00	0.50	0.50	2.32	5.16	
<b>August</b>	2.00	0.50	0.50	2.75	5.25	
<b>September</b>	2.00	0.50	0.50	3.35	5.25	
<b>October</b>	2.00	0.50	0.50	3.58	5.25	
<b>November</b>	2.00	0.50	0.50	4.00	5.25	
<b>December</b>	2.00	0.50	0.50	4.38	5.25	

\*Note: Table will be updated for latest months prior to publication