



[CB-CDA 2024-087]

ORDER OF THE BOARD

Proceeding: Commercial Television Tariffs (2014-2024)

November 1, 2024

I. BACKGROUND

[1] A case management conference (“CMC”) was held on Tuesday, October 1, 2024, to allow parties to provide various status updates.

[2] The following updates were provided:

- SOCAN Tariffs 2.A and 17 (2025-2027)

SOCAN explained that discussions regarding those tariff periods will be part of discussions regarding Internet audiovisual services as both conventional and Internet services are intertwined. As such, it is understood that proposed SOCAN Tariffs 2.A and 17 (2025-2027) will not be part of this proceeding.

- SOCAN Tariff 2.D (2015-2025)

This proposed tariff will be examined through a separate proceeding.

- Reproduction Tariffs (2015-2024)

The BDUs indicated that, subject to CMRRA’s confirmation and given the Jointly-Submitted Text filed pertaining to SOCAN Tariff 17 (2014-2024), the Online Audiovisual Services-Music (2014-2026) Tariff proceeding (“OAVS-M”) is the only proceeding relevant for BDUs regarding reproductions. As such, BDUs implied that they would not be participating further in the remaining commercial television tariffs (2015-2024) proceeding;

Regarding reproduction tariffs, SOCAN indicated that it was holding discussions with the CAB and was involved in a repertoire study in the OAVS-M proceeding. As such, SOCAN was not ready to discuss the design of a repertoire study for the reproduction tariffs;

CMRRA agreed with SOCAN and proposed that the parties report on the progress of discussions on a potential repertoire study framework in December 2024;

CBC detailed potential technical solutions regarding the design of the repertoire study in terms of use and chain of title; it also indicated potential ways to deal with exception-based adjustments; finally CBC noted that parties had not been able to progress regarding the valuation of reproduction activities.

II. NEXT STEPS

[3] I confirm that SOCAN Proposed Tariffs 2.A and 17 (2025-2027) will not be part of this proceeding. These matters will be initiated at a later date.

[4] During the CMC, the following undertaking was made: Regarding the reproduction tariffs, the parties will discuss what a general framework for a repertoire-use study (including chain of title audits) would look like. The parties will report back to me at the next CMC.

[5] I am available for the next CMC at the following dates and times:

- 1) Wednesday, December 4, 2024 from 2:00 p.m.-3:00 p.m.
- 2) Tuesday, December 10, 2024 from 10:00 a.m.-11:00 a.m. or 2:00 p.m.- 3:00 p.m.
- 3) Wednesday, December 11, 2024 from 2:00 p.m.-3:00 p.m.

[6] Parties shall confirm their availability for the CMC by **Friday, November 8, 2024**.

Furthermore, on this same date, I ask that CMRRA and SOCAN confirm their position with respect to the BDUs' position summarized at paragraph two.

René Côté
Case Manager