

Copyright Board
Canada



Commission du droit d'auteur
Canada

CB-CDA 2025-006

Order of the Board

Proceeding: Television Retransmission Tariff (2019-2028)

January 20, 2025

I. BACKGROUND

[1] In Order CB-CDA 2024-105, I asked the Parties to comment on whether the 2019-2023 and 2024-2028 Television Retransmission proceedings should be consolidated and whether additional items should be added to the proposed agenda.

II. INITIATION AND CONSOLIDATION ORDER

[2] Based on the Parties' comments, I have decided to initiate and consolidate the examination of the TV Retransmission Tariffs for the two periods.

III. CASE MANAGEMENT CONFERENCE AGENDA

[3] The agenda items for the Case Management Conference proposed in Order CB-CDA 2024-105 were as follows:

- [A. Potential Consolidation of the two effective periods;]
- B. Grounds for the first tariff period;
- C. Statement of issues;
- D. The relevant models or proxies for valuation;
- E. Necessary steps (interrogatories, expert evidence, etc.);
- F. Allocation of royalties among collective societies;
- G. Schedule(s) of proceedings.

[4] In their correspondence of December 20, 2024, the collective societies do not propose any additional agenda items for the case management conference (CMC) apart from those already identified by the Board in its Order CB-CDA 2024-105.

[5] In their correspondence of December 20, 2024, the Broadcast Distribution Undertakings (BDUs) suggest that the Board and Parties also explore opportunities for the BDUs and the collective societies to cooperate on joint or shared evidence. This will be discussed under **item E**.

[6] In terms of **item B**, I invite the Parties to consider and expect them to speak to whether their Notice of Grounds for 2024-2028 may apply *mutatis mutandis* to 2019-2023.

[7] In terms of **items C, D, E, and F**, I invite the Parties to consider and expect them to speak to whether said items could be organized in a three-phased approach as follows:

- Phase I: determination of the appropriate model;
- Phase II: application of the data to the model chosen in Phase I, including potential adjustments;
- Phase III: fixing the allocation among the collective societies.

[8] **Phase I** could proceed as a written hearing, perhaps without interrogatories, but possibly with expert evidence. Each Party would file submissions, with exhibits, related to the identified issues to be considered.

[9] **Phase II** will likely require some interrogatories. These interrogatories will likely be limited to collecting the information necessary to populate the model chosen in Phase I. Parties will be invited to jointly determine a reasonable approach to data collection.

[10] In Phase II, each Party would file submissions, with exhibits, related to the identified issues to be considered. Whether Phase II requires an oral hearing would be determined at a later stage.

[11] **Phase III** will only be necessary to the extent that the collective societies do not agree on the repertoire shares amongst themselves for the entire period considered in this proceeding. At this point, the Parties have agreed on the allocation for the 2019-2023 tariff period.

Drew Olsen
Case Manager