

Date 2025-11-28

Order of the Board CB-CDA 2025-115

Proceeding SOCAN Tariff 19 – Physical Exercises and Dance Instruction (2018-2022)

Case Manager Katherine Braun

I. Background

[1] Following Order CB-CDA 2025-098 of November 4, 2025, SOCAN and the Fitness Industry Council (FIC) filed separate proposed schedules of proceeding. Parties were not able to agree on a joint proposal. The main point of contention was the sequencing of the next procedural steps.

[2] FIC asserts that the confidentiality issue must first be dealt with before filing further submissions. FIC states that the information marked HIGHLY CONFIDENTIAL is central to FIC's ability to form an argument pertaining to a number of the submissions required. For this reason, FIC proposes that the Board first hear the confidentiality issue before demanding submissions.

[3] SOCAN argues that FIC's challenge to SOCAN's confidentiality designation can occur in parallel with FIC's updated and amended submissions in response to Order CB-CDA 2025-019, dated March 3, 2025. Any updated and amended submissions are responses to questions from the Board and are not related to any of SOCAN's filings. As such, SOCAN's designation of material as CONFIDENTIAL or HIGHLY CONFIDENTIAL has no bearing on FIC's submissions in response to the Board's March Order.

[4] SOCAN further argues that any validity of FIC's challenge to SOCAN's confidentiality designation is restricted to FIC's response to SOCAN's May 26 filings, where the HIGHLY CONFIDENTIAL materials were provided in response to the Board's questions.

II. Order

[5] I agree that the confidentiality issue need not condition the filing of updated submissions by FIC in response to Order CB-CDA 2025-019. The confidentiality issue

only concerns information supplied by SOCAN and any response FIC may wish to submit further to SOCAN's May 26 submission in response to Order CB-CDA 2025-019.

[6] The confidentiality order in force in this proceeding also benefits FIC, if the need arises. FIC can therefore securely provide updated information in response to Order CB-CDA 2025-019.

[7] I order the following schedule of proceeding:

Step	Filing Date
FIC moves to challenge the HIGHLY CONFIDENTIAL designation	December 5, 2025
SOCAN's response on confidentiality issue	December 12, 2025
Board rules on FIC's challenge to HIGHLY CONFIDENTIAL designation	TBD
FIC files its review of its March 31, 2025, submission to Order 2025-019 and provision of an amended submission to address all questions	January 8, 2026
SOCAN's response to FIC's amended submission to Order 2025-019	January 20, 2026
FIC's response to SOCAN's May 26, 2025, submission in response to Order 2025-019	Two weeks following the Board's ruling on confidential designation
SOCAN's reply to FIC's response to SOCAN's May 26, 2025 submission	Two weeks following FIC's response