

Copyright Board
Canada



Commission du droit d'auteur
Canada

January 2, 1991

FILE 1989-1

RETRANSMISSION OF DISTANT RADIO AND TELEVISION SIGNALS

TO: ALL COLLECTING BODIES

**CORRECTION TO THE CALCULATION OF THE FINAL ALLOCATION IN THE
RETRANSMISSION TARIFF FOR 1990 AND 1991.**

As you may have heard by now, Table 4-2 of CRC 2, rather than the revised Table 4-2 in CRC 45, was used in making adjustments to Table B of the Appendix to the Board's decision of 2 October 1990.

Using CRC-45 in Table B, the shares of disputed programming between CRRA and FWS would be different. As a result, a number of figures contained in Tables C and D would require adjustments, and the final allocation appearing at page 72 of the decision, in Table E of the Appendix and in section 12 of the Television Tariff would be different. The differences would be as follows:

CCC's share would increase by .07 per cent to 57.16 per cent

CRC's share would increase by .01 per cent to 12.82 per cent

CBRRA's share would increase by .01 per cent to 5.82 per cent

FWS's share would increase by .10 per cent to 2.81 per cent

CRRA's share would decrease by .08 per cent to 11.67 per cent

MLB's share would decrease by .11 per cent to 3.48 per cent

The shares of BBC, PROCAN and CAPAC would remain the same.

The calculations establishing the above are attached herewith. Also attached for your convenience is a copy of the Appendix to the decision with the corrections indicated on it.

Having contemplated the possibility of treating this as a clerical error and publishing an erratum to the tariff, the Board decided against it. The publication of such an erratum would create administrative nightmares for retransmitters as well as for the societies. One can well imagine

the reaction of the owner of a small system required to take measures to reflect the fact that CRC is owed \$12.82, not \$12.81 for the year 1990 ...

The Board also contemplated amending the tariff to set-off the relevant amounts among the societies. The measure, it was hoped, would achieve the correction without imposing undue administrative disruptions on the retransmitters. Unfortunately, the Board is of the opinion that its jurisdiction in the matter is limited to merely correcting the figures contained in section 12 of the Television Tariff. It does not consider that it is competent to dictate, at this stage of the process, the manner in which the correction can be carried out. Given the circumstances, the Board, reluctantly, has come to the conclusion that it would be inappropriate to formally amend the tariff. Again, the costs involved would go far beyond the benefits to be obtained.

The Board did have some informal contacts on this matter with the two societies for whom the correction would result in their receiving a smaller share of the royalties. One of them appeared amenable to effecting the correction at an informal level. The Board urges the societies to come to some sort of modus operandi among themselves. The Board will leave the tariff and the decision as they are.

A handwritten signature in cursive script, appearing to read "Philippe Rabot". The signature is written in black ink on a white background.

Philippe Rabot
Secretary to the Board

Att.