



[CB-CDA 2022-041]

RULING OF THE BOARD

File: Online Music Services (SOCAN: 2007-2018)

July 18, 2022

[1] On June 8, 2022, CMRRA requested that it be granted limited intervener status in this proceeding. By email, dated June 16, 2022, CMRRA clarified that it was not asking for limited intervener status in the Re:Sound Tariff 8 (2013-2018) proceeding.

[2] Despite the withdrawal of CMRRA-SODRAC Inc.'s proposed tariffs, CMRRA claims to continue to have a genuine and important interest in this proceeding, as it will affect the current and future interest of CMRRA and submits that its participation will not unduly affect the hearing. CMRRA provided explanations to support these statements.

[3] CMRRA requests that it be granted limited intervener status in this proceeding on the following terms:

- a. CMRRA shall receive copies of communications between the Board and parties.
- b. CMRRA shall receive a copy of the digital copy of the record as filed by the parties.
- c. CMRRA may attend any pre-hearing conferences as well as the hearing.
- d. CMRRA may make oral submissions and file a written submission on a date directed by the Board following the close of evidence.
- e. CMRRA may not file additional evidence or question a witness, except with leave.
- f. CMRRA may not make submissions on interlocutory aspects of the proceeding, except with leave.

[4] On June 23, 2022, the Board issued Notice CB-CDA 2022-035, inviting parties to make submissions on CMRRA's request by July 7, 2022. The Board received submissions from SiriusXM and from Pandora. Broadly speaking, neither Party objects to CMRRA's being granted intervener status as such, but both propose stricter limits on CMRRA's rights as an intervener than CMRRA requests.

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[5] CMRRA's request is granted in part.

[6] As per s. 3 of the Directive on Procedure CB-CDA 2019-071, the Board may allow anyone to intervene in these proceedings, insofar as the Board finds it useful, given the interest of the person requesting to intervene and the nature of the participation contemplated by that person.

[7] The Board accepts CMRRA's arguments with respect to its interest in the SOCAN royalty rate, and the position parties may take with respect to information CMRRA provided through the interrogatory process.

[8] Moreover, CMRRA made the request after Parties have filed their Statements of Case.

[9] As such, CMRRA:

- a. Shall receive a digital copy of the record;
- b. May make written submissions no later than **July 26, 2022**, not to exceed 10 pages in length; and
- c. May make oral submission on the date fixed by the Board for Closing Arguments.

[10] Any Party wishing to respond to CMRRA's written submissions, may do so no later than by **August 2, 2022**.

[11] Given the intervener rights granted to Apple in Ruling 2022-026 and the intervener rights granted to CMRRA in the present ruling, Ruling 2018-092 is modified to grant SiriusXM the right to make oral submission on any date fixed by the Board for Closing Arguments.

Lara Taylor
Secretary General