

Copyright Board
Canada



Commission du droit d'auteur
Canada

[CB-CDA 2023-028]

ORDER OF THE BOARD

**Proceeding: Commercial Radio – Public Performance of Music [SOCAN: 2007-2018;
Re:Sound: 2009-2020]**

May 23, 2023

[1] In order to manage its current backlog more efficiently, the Board has decided to prioritize the consideration of proposed tariffs with effective periods that start prior to 2019.

[2] The proposed tariffs under consideration in this proceeding are ongoing settlement discussions. The Board requires additional information from the parties to those discussions in order to determine the appropriate next steps. These steps can include consolidating the consideration of the proposed tariffs with more recent proposed tariffs covering the same activities.

Procedural History

[3] On January 12, 2018, the Board consolidated the consideration of the following proposed tariffs under the *Commercial Radio – Public Performance of Music [SOCAN: 2007-2018; Re:Sound: 2009-2020]* proceeding.

SOCAN

- Tariff 1.A – Commercial Radio (2014, 2015, 2016, 2017, 2018)
- Tariff 22.3 – Webcasts of Radio Stations Signals (2007, 2008) (Commercial radio simulcasting portion only)
- Tariff 22.C – Webcasts of Radio Signals (2009, 2010, 2011, 2012, 2013) (Commercial radio simulcasting portion only)
- Tariff 22.B – Commercial Radio, Satellite Radio, and Pay Audio (2014, 2015, 2016, 2017, 2018) (Commercial radio simulcasting portion only)

Re:Sound

- Tariff 1.A – Commercial Radio (2015-2017, 2018-2020)
- Tariff 1.A.2 – Commercial Radio Simulcasts (2016-2017)
- Tariff 8 – Simulcasting and Webcasting (2009-2012) (Commercial radio simulcasting portion only)
- Tariff 8 – Simulcasting, Non-Interactive Webcasting and Semi-Interactive Webcasting (2013, 2014, 2015) (Commercial radio simulcasting portion only)

[4] The Parties then requested a 6-month settlement period to negotiate a resolution to all or some of the issues in dispute.

[5] In July 2018, the CAB advised the Board that it had reached a tentative settlement agreement with SOCAN. Although SOCAN subsequently confirmed this in August 2018, no further updates were received.

[6] SOCAN has subsequently filed proposed tariffs for the years 2019, 2020-2021 and 2022-2024.

[7] On July 27, 2018, the CAB and Re:Sound requested that the Board suspend the proceeding to allow the Parties to engage in settlement discussions. As per Notice CB-CDA 2018-210, the CAB and Re:Sound have been filing monthly reports on the status of their negotiations since November 2018.

[8] Re:Sound has subsequently filed proposed tariffs for the years 2021-2023 and 2024-2028.

Questions to SOCAN

[9] SOCAN shall provide the following information no later than **Wednesday, June 14, 2023**:

- a. A progress report on the discussions for the 2007-2018 period for each of the proposed tariffs, and the stage reached in their discussions (e.g. identification of issues, terms of settlement, agreement in principle, etc.);
- b. Whether SOCAN has entered into discussions with the CAB in respect of the 2019, 2020-2021 and 2022-2024 proposed tariffs, and whether it believes those periods will be part of its agreement(s);
- c. Estimated timeline(s) of the next steps required to conclude the discussions for each proposed tariff, including a potential date of filing any jointly-submitted text(s) with the Board.

Questions to Re:Sound

[10] Re:Sound shall provide the following information no later than **Wednesday, June 14, 2023**:

- a. A progress report on the negotiations for the 2009-2020 period for each of the proposed tariffs, and the stage reached in their discussions (e.g. identification of issues, terms of settlement, agreement in principle, etc.);
- b. Whether Re:Sound has entered into discussions with the CAB in respect of the 2021-2023 and 2024-2028 proposed tariffs, and whether it believes those periods will be part of its agreement(s);
- c. Estimated timeline(s) of the next steps required to conclude the negotiations for each proposed tariff, including a potential date of filing any jointly-submitted text(s) with the Board.

[11] Additionally, this order varies Notice CB-CDA 2018-210: monthly reports are no longer required. The Board will advise the Parties of any new reporting requirements in due time, based on the information provided in response to this Order.

Lara Taylor
Secretary General