

May 13, 2015

**[CB-CDA 2015-027]**

**NOTICE OF THE BOARD**

The Collectives' request below is granted.

The deadline for reaching an agreement on the allocation issue, or proposing a schedule to deal with this issue, is to be deferred until **two weeks after the conclusion** of the hearing dealing with the quantum issue, which is tentatively scheduled to commence on November 24, 2015.

**De :** Greg Piasetzki

**Envoyé :** 7 mai 2015 10:20

**À :** McDougall, Gilles: CB-CDA

**Cc :** R. Sheahan; J. Callaghan; D. Kent; J. O'Hara; L. Massam; J. Green; H. Intven; M. Hayes; M. Lewis; A. Malek; M. Koch; L. Watt; M. Estabrooks; J. Kerr-Wilson; A. Thomas; D. Glover

**Objet :** Television Retransmission (2014-2018) - Allocation of Royalties

Dear Mr. McDougall,

We are writing to request that the Board defer the current deadline for reaching an agreement on allocation, or proposing a schedule for the allocation hearing, until 2 weeks after the conclusion of the quantum hearing. This request is made on behalf of all of the Collectives. The BDUs are not involved in determining the allocation of royalties. The background to this request is as follows:

On November 7, 2014, the Board ordered that the allocation of royalties be addressed separately and at a later date from the quantum of royalties, which at the time was scheduled to be addressed on May 26, 2015.

The Collectives proposed deferring the hearing on allocation to allow them time to complete a new viewing study based on 2013-2014 viewing data, and to discuss the possibility of an agreement among the Collectives on the allocation issue.

On January 14, 2015 the Board postponed the May 26 hearing date, together with the various related deadlines, but without explicit mention of the issue of allocation. On April 2, 2015, the Board tentatively rescheduled the quantum hearing to November 24, 2015, but again without explicit mention of the issue of allocation. Accordingly, the May 26, 2015 deadline appears to remain in place for Collectives to either reach an agreement on allocation, or propose a schedule for the allocation hearing.

For the purposes of negotiating a resolution of the allocation issue, FWS has prepared a viewing study based on 2013-14 viewing data. FWS had expected to circulate the viewing data to the collectives earlier this year so that they could begin the process of reviewing the titles in the viewing study and determining ownership of the titles. However, that process was delayed as it was necessary for FWS to obtain more detailed broadcast data in order to allow some Collectives to determine their ownership claims to program titles.

FWS has recently circulated the viewing data to the Collectives, and the process of determining ownership of the titles and resolving conflicting claims has now begun but will require several months (especially for the Collectives with thousands of titles), as will the negotiations regarding allocation. Accordingly, the Collectives are writing to request that the deadline for reaching an agreement on allocation, or proposing a schedule for the allocation hearing, be deferred until 2 weeks after the conclusion of the quantum hearing.

We look forward to receiving confirmation that this proposal is acceptable to the Board.

Regards,

Gregory A. Piassetzki