

January 5, 2016

[CB-CDA 2016-002]

RULING OF THE BOARD

The matter related to the tariffs targeting pay audio services will proceed as follows:

1. The following tariffs are consolidated:

- SOCAN *Pay Audio Services Tariff*, 2010, 2011, 2012, 2013, 2014, 2015;
- SOCAN Tariff 26 – Pay Audio Services Tariff, 2016;
- The pay audio component of SOCAN Tariff 22.2 – *Audio Webcasts*, 2007, 2008;
- The pay audio component of SOCAN Tariff 22.B – *Audio Webcasts*, 2009;
- The pay audio component of SOCAN Tariff 22.B – *Audio Webcasts*, 2010, 2011, 2012, 2013;
- The pay audio component of SOCAN Tariff 22.B – *Commercial Radio, Satellite Radio and Pay Audio*, 2014, 2015, 2016;
- NRCC *Pay Audio Services Tariff*, 2010-2011;
- Re:Sound Pay Audio Services Tariff, 2012-2013 and 2014-2016;
- Re:Sound Tariff 2.B – Pay Audio Services Simulcasts, 2016;
- The pay audio services simulcast portion of Re:Sound Tariff 8 – *Simulcasting, Non-Interactive Webcasting and Semi-Interactive Webcasting*, 2013-2015; and,
- The pay audio services simulcast portion of Re:Sound Tariff 8.A – *Simulcasting and Webcasting*, 2009-2012.

The file will now be referred to as *SOCAN-Re:Sound Pay Audio Services Tariffs, 2007-2016*.

CKUA requests that a number of other tariffs targeting simulcast activities of various groups of users such as commercial radio, non-commercial radio and CBC also be consolidated in this matter. Re:Sound disagrees on the basis that this would not achieve procedural efficiencies. The Board agrees. What is meant to achieve with this matter is consolidation of tariffs targeting a single user, the pay audio services. Consolidating other tariffs as proposed by CKUA would require the participation of too many additional users with too diverse interests.

2. The remaining objectors are the following:

- Apple
- BDUs (*Rogers, Shaw, Telus, Quebecor, Videotron, Bell, CCSA and Cogeco*)
- CBC
- CKUA
- NCRA
- Stingray

Apple withdraws its objection to SOCAN Tariff 22.B (or 22.2) under the condition that the Board applies a specific, defined scope to the tariffs. The Board is unable to provide such clarification at this point in the process. Apple may wish to seek an agreement from SOCAN on the scope of this tariff and file this agreement with the Board. In the meantime however, Apple will continue to be considered as an objector with full participatory rights and obligations, unless it chooses to confirm its unconditional withdrawal from this matter.

NCRA withdraws “on the condition that the settlement agreement will be signed by all parties and the tariff will receive Board certification”. The Board cannot provide such assurances at this point. Unless NCRA confirms otherwise, it will continue to be considered as an objector with full participatory rights and obligations.

3. Both the BDUs and Stingray request leave to intervene with full participatory rights, to the extent they have not objected to one or more of the above-referenced tariffs for a given year or years, and the Board intends to include those years in a consolidated proceeding. The Board grants these two requests.
4. The hearing on this matter will begin on **Tuesday, March 14, 2017**. Parties are asked to file with the Board either a schedule of proceedings on which they will have agreed, or their individual scheduling proposals no later than **Friday, January 29, 2016**.