



October 2, 2018

[*CB-CDA 2018-198*]

NOTICE OF THE BOARD

File: SOCAN-Re:Sound – Pay Audio Services Tariffs, 2007-2016

On September 6, 2018, the Parties wrote to the Board and indicated that the repertoire study in the present proceeding is not yet completed. They offered to supply a further update several weeks later. Notice 2018-190, which responded to the Parties' offer, was issued on September 10, 2018. In that notice, the Board set forth a procedure for periodic updates on the status of the repertoire study.

On September 17, 2018, the Objectors wrote to the Board ("September Filing"). As a result of the September Filing, the Board takes note of the following facts.

1. SOCAN and the Objectors have completed their portion of the repertoire study, including the audit portion thereof. SOCAN and the Objectors agree on the appropriate discount to be applied to the SOCAN rate in the Pay Audio Tariff.
2. Re:Sound and the Objectors have not completed their portion of the repertoire study. Re:Sound and the Objectors disagree on the appropriate discount to be applied to the Re:Sound rate in the Pay Audio Tariff. Furthermore, such disagreement is unlikely to be resolved by further negotiations among the parties requiring periodic updates, as contemplated by Notice 2018-190.

Therefore, the Board rescinds the requirement of periodic updates contained in Notice 2018-190.

The September Filing contains certain statements of fact, certain legal arguments, and motions identified as (a) – (d), in Part G, thereof.

The Board is not prepared to rule on motions (a) to (c) calling for the Board to make certain conclusions in respect of Re:Sound's repertoire. These are presently premature. The Board expected that such pleading would be made by Parties at the conclusion of the repertoire study.

However, the motion contained in (d) is proper in the context of the study. Accordingly, Re:Sound shall provide such additional documentation and/or information upon which it relies in asserting that the titles in the audit sample are eligible repertoire, by no later than **Friday**,

October 12, 2018. In its response, it may address any factual assertions in the Objectors' September Filing.

The Objectors may then reply to Re:Sound's response, by no later than **Wednesday, October 17, 2018.**

After receiving the response and reply, the Board will set forth a schedule for additional steps, if any, required to address any issues with the conduct of the repertoire study. If one is still required, the Board intends to subsequently establish a procedure for the Parties to make submissions on the interpretation of the study results.

A handwritten signature in black ink, appearing to read "Gilles McDougall". The signature is fluid and cursive, with a large initial "G" and "M".

Gilles McDougall
Secretary General