



December 4, 2018

[*CB-CDA 2018-220*]

## NOTICE OF THE BOARD

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

The Board takes note of the filings of the Parties in respect of the repertoire study, specifically both those leading to the issuance of Notice 2018-198 and those authorized by that notice.

Given the filings and the submissions of the Parties, the Board believes that it will need additional information on whether, and if so to what extent and in what manner, the evidence regarding the eligibility and repertoire status of the sound recordings selected for audit may be supplemented.

After considering various options, the Panel suggests that an informal, technical meeting among Parties and Board Staff would be an efficient and effective way to deal with the problem. As you may know, the Board has adopted this approach in the past. For reference, the last such meeting was in the context of *Access Governments (2005-2014)* on September 7, 2010. The Board wrote in its Notice of September 1, 2010 respecting that meeting, that

[t]he [meeting] will be of an informal and technical nature. In attendance should be the parties' counsel and experts as well as the Board's General Counsel, Mario Bouchard and one of the Board's Economic Analysts, Raphael Solomon. The starting point for discussions will be the informal list of comments and questions prepared by the Board staff which is attached to this email. The object of the meeting will be to allow the Board staff to better understand some of the issues raised by the parties and to seek the parties' input on some of the questions and comments raised in the informal list. This will allow the Board staff to better brief the Board [...]

In this instance, the Board proposes that an informal, technical meeting take place on the issue of the information used by Re:Sound to determine eligible repertoire. The object of the meeting would be to allow the Board staff to better understand the various forms of information, and the systems used to process that information, that Re:Sound uses to determine the eligibility and repertoire status of a sound recording. An additional benefit would be to minimize the future back-and-forth between the Board and the Parties regarding the evidence underlying the study.

The Board would circulate a list of questions to be discussed and agenda items to all Parties a few days before the meeting.

Present should be at least one expert on Re:Sound's repertoire and database systems, experts for the Objectors, as well as Counsel for Re:Sound and Counsel for the Objectors. Counsel for SOCAN would be welcome, but not required to attend.

Board staff in attendance would include at least the Director of Research and one Board counsel. Following such a meeting, Board staff would brief the Panel. To the extent such a meeting may lead to an agreement among Re:Sound and the Objectors on the provision of additional information for the purpose of the audit, the Board will welcome joint submissions in this respect.

The Board would then issue any notices or orders, as required. If necessary, this may be followed by orders to Re:Sound's members and other non-parties who may possess information relevant to the audit.

As with the meeting in 2010, the Board encourages all Parties to attend in person in Ottawa. However, understanding that this is not always possible, the Board would make provisions for attending via teleconference.

Due to scheduling considerations, the Board has a strong preference for such a meeting to occur during the week of December 17 to 21, 2018.

The Board asks the Parties to comment on the Board's proposal for an informal meeting by no later than **Thursday, December 6, 2018**.

A handwritten signature in black ink, appearing to read 'Gilles McDougall', written in a cursive style.

Gilles McDougall  
Secretary General