

## PROPOSED TARIFF

Filed with the Copyright Board by SOCAN on 2022-10-15 pursuant to subsection 67(1) of the *Copyright Act*

Proposed Tariff Title: *Radio Retransmission Tariff, 2024-2028*

For the communication to the public by telecommunication of musical or dramatico-musical works.

Proposed Short Title: *Radio Retransmission Tariff, 2024-2028*

Effective Period: 2024-01-01 – 2028-12-31

### STATEMENT OF ROYALTIES TO BE COLLECTED FOR THE RETRANSMISSION OF DISTANT RADIO SIGNALS IN CANADA, FOR THE YEARS 2024-2028

This Statement of Royalties is submitted on behalf of the collective societies listed in Appendix A (hereinafter collectively called “collective societies”).

The collective societies submit this tariff on a joint basis.

#### *Short Title*

1. This tariff may be cited as the *Radio Retransmission Tariff, 2024-2028*.

#### *Definitions*

2. In this tariff,

“**broadcaster compilations**” means all compilations created by broadcasters of radio programs and musical works carried on the broadcasters’ signals; (« *compilations de radiodiffuseur* »)

“**cable retransmission system**” includes, without limitation, a master antenna system and an Internet Protocol Television (IPTV) retransmission system but, for clarity, excludes a new media retransmission system of a “new media retransmitter” as defined in Section 31 of the *Copyright Act*, R.S., 1985, c. C-42 as amended (the “*Copyright Act*”); (« *système de retransmission par câble* »)

“**compilation**” has the meaning attributed to it in section 2 of the *Copyright Act*, which reads:

“ ‘compilation’ means

(a) a work resulting from the selection or arrangement of literary, dramatic, musical or artistic works or of parts thereof; or

(b) a work resulting from the selection or arrangement of data.”; (« *compilation* »)

“**CRTC**” means the Canadian Radio-television and Telecommunications Commission;  
(«*CRTC*»)

“**distant signal**” has the meaning attributed to it in subsection 2(2) of the *Definition of Local Signal and Distant Signal Regulations*, SOR/89-254, as amended by SOR/2004-33, which reads:

“ For the purposes of subsection 31(2) of the *Copyright Act*, ‘distant signal’ means a signal that is not a local signal.”; («*signal éloigné* »)

“**DTH**” means a direct-to-home satellite system; («*SRD* »)

“**local signal**” has the meaning attributed to it in subsection 2(1) of the *Definition of Local Signal and Distant Signal Regulations*, and corresponds to a signal received in premises located within a terrestrial radio station’s area of transmission (as defined in section 1 of the Regulations); («*signal local* »)

“**LPTV**” means a Low Power Television Station or a Very Low Power Television Station (as defined in Sections E and G of Part IV of the Broadcasting Procedures and Rules of Industry Canada effective February 2016); («*TVFP* »)

“**MDS**” means a multichannel multipoint distribution system; («*SDM* »)

“**musical works**” means all musical and dramatico-musical works; («*œuvres musicales* »)

“**premises**” has the meaning attributed to it in section 2 of the *Definition of “Small Retransmission Systems” Regulations*, SOR/89-255, as amended by SOR/94-754 and SOR/2005-147, which reads:

“ ‘premises’ means

(a) a dwelling, including a single unit residence or a single unit within a multiple-unit residence; or

(b) a room in a commercial or institutional building.”; («*local* »)

“**radio programs**” means all works other than musical works, of any length or kind, or any combination thereof, including, without limitation all spoken word works, radio plays, sports game broadcasts and related commentary, and commercials, and shall be deemed to include any underlying works relating to such works; («*programmes de radio* »)

“**retransmitter**” has the meaning attributed to it in section 31 of the *Copyright Act*, and includes a person who operates one or more of a cable retransmission system, an LPTV, an MDS or a DTH; («*retransmetteur* »)

“**service area**” has the meaning attributed to it in section 2 of the *Definition of “Small Retransmission Systems” Regulations*, which reads:

“ ‘service area’ means an area in which premises served in accordance with the laws and regulations of Canada by a retransmission system are located.” (« *zone de service* »)

“**signal**” has the meaning attributed to it in subsection 31(1) of the *Copyright Act*, which reads:

“‘signal’ means a signal that carries a literary, dramatic, musical or artistic work and is transmitted for free reception by the public by a terrestrial radio or terrestrial television station.”,

but, for the purposes of this tariff, except section 8, this meaning is restricted to a radio signal only; (« *signal* »)

“**small retransmission system**” means a small retransmission system as defined in sections 3 and 4 of the *Definition of “Small Retransmission Systems” Regulations*, which read:

“3. (1) Subject to subsections (2) to (4) and section 4, ‘small retransmission system’ means a cable retransmission system, or a terrestrial retransmission system utilizing Hertzian waves, that retransmits a signal, with or without a fee, to not more than 2,000 premises in the same service area.

(2) For the purpose of subsection (1), where a cable retransmission system is included in the same unit as one or more other cable retransmission systems, the number of premises to which the cable retransmission system retransmits a signal is deemed to be equal to the total number of premises to which all cable retransmission systems included in that unit retransmit a signal.

(3) For the purpose of subsection (2), a cable retransmission system is included in the same unit as one or more other cable retransmission systems where

(a) they are owned or directly or indirectly controlled by the same person or group of persons; and

(b) their service areas are each less than 5 km distant, at some point, from at least one other among them, and those service areas would constitute a series of contiguous service areas, in a linear or non-linear configuration, were it not for that distance.

(4) Subsection (2) does not apply to a cable retransmission system that was included in a unit on December 31, 1993.

4. The definition set out in subsection 3(1) does not include a cable retransmission system that is a master antenna system if it is located within the service area of another cable retransmission system that retransmits a signal, with or without a fee, to more than 2,000 premises in that service area.”; (« *petit système de retransmission* »)

“**year**” means a calendar year. (« *année* »)

*Application*

3. This tariff applies to the retransmission of one or more distant signals that carry any work owned or controlled by any collective society listed in Appendix A.

## THE TARIFF

### *Small Retransmission Systems*

4. (1) The royalty for a small retransmission system shall be \$25.00 per year for all radio programs and musical works, and \$12.50 per year for all broadcaster compilations, and shall be due

(a) for systems retransmitting a distant signal on December 31 of the previous year, on January 31 of that year; and

(b) for all other systems, on the last day of the month after the month in which a distant signal is first retransmitted in that year.

(2) A system shall be deemed to be a small retransmission system for a given year if

(a) on December 31 of the previous year, the system retransmitted a distant signal and was a small retransmission system;

(b) the system did not retransmit a distant signal on December 31 of the previous year and is a small retransmission system on the last day of the month in which it first retransmits a distant signal in the year; or

(c) the average number of premises, determined in accordance with the *Definition of "Small Retransmission Systems" Regulations*, the system served or was deemed to serve on the last day of each month of the previous year during which it retransmitted a distant signal was no more than 2,000.

(3) For the purposes of paragraph (2)(c), where a system was included in a unit on December 31 of the previous year and not on December 31, 1993, only those months during which the systems included in the unit were the same as on December 31 of the previous year shall be used.

### *Unscrambled LPTVs and Unscrambled MDSs*

5. The royalty for an LPTV or an MDS whose signals are not scrambled shall be \$25.00 per year for all radio programs and musical works, and \$12.50 per year for all broadcaster compilations, and shall be due

(a) for systems retransmitting a distant signal on December 31 of the previous year, on January 31 of that year; and

(b) for all other systems, on the last day of the month after the month in which a distant signal is first retransmitted in that year.

### *Other Retransmission Systems*

6. (1) Subject to subsection (2), the royalty for any other retransmission system (including, without limitation a scrambled LPTV or MDS) shall be 20¢ per year for all radio programs and musical works, and 10¢ per year for all broadcaster compilations, for each premises served by the system on the later of December 31 of the previous year or the last day of the month in which it first retransmits a distant signal in the year, and shall be due

(a) for systems retransmitting a distant signal on December 31 of the previous year, on January 31 of that year; and

(b) for all other systems, on the last day of the month after the month in which a distant signal is first retransmitted in that year.

(2) The rate of the royalty payable for a cable retransmission system located within the service area of another cable retransmission system that retransmits a signal, with or without a fee, to more than 2,000 premises in its service area shall be the same as that of the other retransmission system.

### *Unauthorized Reception of Retransmitted Signals*

7. In determining the amount of royalties payable by a retransmitter, no account shall be taken of premises receiving a signal without the direct or indirect authority of the retransmitter.

### *Francophone Markets*

8. (1) Subject to subsection (3), royalties payable under section 6 for a cable retransmission system located in a Francophone market or for premises receiving scrambled signals from an LPTV or MDS located in a Francophone market shall be calculated at a rate equal to 50 per cent of the rate otherwise payable under that section.

(2) A cable retransmission system or an LPTV or an MDS is deemed to be located in a Francophone market if

(a) the system is located in the province of Quebec;

(b) the system's service area encompasses, in whole or in part, the cities, towns or municipalities of

(i) Bathurst, Campbellton, Dalhousie, Edmundston, Kedgwick or Shediac, New Brunswick;

(ii) Cochrane, Fauquier-Strickland, Hawkesbury, Hearst, Hornepayne, Kapuskasing, Mattice-Val Côté, Opasatika or Smooth Rock Falls, Ontario; or

(iii) Gravelbourg, Saskatchewan; or

(c) the population of French mother tongue represents more than 50 per cent of the total population of all cities, towns or municipalities, encompassed in whole or in part of the system's service area, according to the most recent population figures published by Statistics Canada.

(3) Subsection (1) does not apply to premises which receive an English language signal or service, other than a pay-per-view or video on demand service, that is provided on a stand-alone basis or in a package that includes only English language signals or services.

(4) Royalties payable under section 6 for a DTH in respect of premises which receive a French language basic service shall be calculated at a rate equal to 50 per cent of the rate otherwise payable under that section, unless the premises also receive

(a) signals or services included in the English language basic service that are not included in the French language basic service; or

(b) a basic service intended for bilingual subscribers.

#### *Discount for Certain Non-Residential Premises*

9. The royalty payable for the following types of premises shall be reduced as follows:

(a) rooms in hospitals, nursing homes and other health care facilities: by 75 per cent;

(b) rooms in hotels: by 40 per cent;

(c) rooms in schools and other educational institutions: by 75 per cent.

#### *Allocation of the Retransmission Royalty*

10. A retransmitter shall pay to the collective societies

(a) the following portions of the royalties payable for all radio programs and musical works:

1. CBRA: *[To be determined as provided for in Section 30 and Appendix C]*
2. CRRA: “
3. FWS: “
4. SOCAN: “.

(b) the following portions of the royalties payable for broadcaster compilations:

1. CBRA: *[To be determined as provided for in Section 30 and Appendix C]*
2. CRRA: “.

## ADMINISTRATIVE PROVISIONS

### *Reporting Requirements: General*

11. Subject to sections 12 to 18, every retransmitter shall provide each collective society with the following information in respect of each retransmission system it operates:

(a) the name of the retransmitter, that is,

(i) the name of a corporation and a mention of its jurisdiction of incorporation,

(ii) the name of the proprietor of an individual proprietorship, or

(iii) the names of the principal officers of all other retransmitters,

together with any trade name (other than the above) under which it carries on business;

(b) the address of the retransmitter's principal place of business;

(c) the retransmitter's address (including any fax number and email address) for the purposes of notice;

(d) the name and address of any other retransmitter that receives a distant signal from the retransmitter, and the list of all signals retransmitted to that other retransmitter;

(e) a precise description of the system's service area;

(f) a copy of any current map of a service area in which the system is located which is on file with the CRTC, or, if there is no such map, upon request, a current map of its service area, unless such a filed map or other map has already been provided to the collective society;

(g) the monthly fee charged by the retransmitter for basic service;

(h) the number of premises of each type served, divided into residential, health care, hotels, educational institutions and others;

(i) the number of premises of each type authorized to have more than one outlet for the retransmitted signals;

(j) where possible, the number of premises of each type authorized to have more than two outlets; and

(k) for each service or signal distributed

(i) the name or call letters,



- (ii) the frequency band,
- (iii) any network affiliation,
- (iv) if the signal is a repeater, the call letters of the mother signal, and
- (v) the number of premises of each type receiving the service or signal,

provided that if the retransmitter claims a discount pursuant to section 8, the information shall be provided separately for premises served to which the discount applies.

*Additional Reporting Requirements: Small Retransmission Systems*

12. A retransmitter who operates a small retransmission system shall provide, in addition to the information required under section 11, the following information:

(a) if the small retransmission system qualifies as such by virtue of paragraph 4(2)(c), the number of premises, determined in accordance with the *Definition of "Small Retransmission Systems" Regulations* and section 4, the system served or was deemed to serve on the last day of each month of the previous year during which it retransmitted a distant signal;

(b) if the small retransmission system is a master antenna system and is located within the service area of another cable retransmission system, the name of that other system and a statement to the effect that the other system retransmits a signal, with or without a fee, to no more than 2,000 premises in its service area;

(c) if the small retransmission system is included in a unit within the meaning of the *Definition of "Small Retransmission Systems" Regulations*,

(i) the date the system was included in the unit,

(ii) the names of all the systems included in the unit,

(iii) the names of the person or group of persons who own or who directly or indirectly control the systems included in the unit, and

(iv) the nature of the control exercised by these persons; and

(d) whether the small retransmission system is licensed by the CRTC, and if it is not, the date of cancellation of its licence, or the date the system began operations as a system exempt from the CRTC's licensing requirements, whichever first occurred.

*Reporting Requirements: LPTVs and MDSs*

13. (1) A retransmitter who operates an LPTV whose signals are not scrambled or an MDS whose signals are not scrambled shall provide each collective society with the following information in respect of each LPTV or MDS it operates:

(a) the information referred to in paragraphs (a) to (c) and (k) of section 11; and

(b) a description of the location of the LPTV or MDS.

(2) A retransmitter who operates any other LPTV or MDS shall provide each collective society, in respect of each system it operates, the information referred to in paragraphs (a) to (d) and (g) to (k) of section 11.

*Reporting Requirements: DTH*

14. A retransmitter who operates a DTH shall provide each collective society, in respect of each such system it operates, the information referred to in paragraphs (a) to (d) and (g) to (k) of section 11.

*Additional Reporting Requirements: MATV Systems*

15. A retransmitter who operates a master antenna system shall provide, in addition to the information required under section 11 or 12, the address where its transmitter is located, and the address of any other building in which premises served by it are located, and shall indicate whether or not it is licensed by the CRTC.

*Additional Reporting Requirements: Cable Retransmission Systems (other than Small Retransmission Systems) Located in the Service Area of Another Cable Retransmission System*

16. A retransmitter who operates a cable retransmission system (excluding a small retransmission system) located within the service area of another cable retransmission system that retransmits a signal with or without a fee, to more than 2,000 premises in its service area shall provide, in addition to the information required under section 11, the name of that other cable retransmission system.

*Additional Reporting Requirements: Francophone Markets*

17. A retransmitter who operates a cable retransmission system or a scrambled LPTV or MDS located in a Francophone market, other than a system located in the Province of Quebec, shall provide, in addition to the information required under section 11, 15 and 16,

(a) the name of the city, town or municipality listed in paragraph 8(2)(b) which is encompassed in whole or in part in the service area of the system; or

(b) a list of all the cities, towns and municipalities encompassed in whole or in part by the system's service area, specifying for each its total population and its population of French mother tongue, according to the most recent population figures published by Statistics Canada.

#### *Additional Reporting Requirements: Multi-System Operators*

18. A retransmitter who operates more than one retransmission system shall provide a list of all the retransmission systems operated by that retransmitter.

#### *Reporting Dates*

19. The information required under sections 11 to 18 shall be supplied as of December 31 of every year and shall be provided by January 31 of the following year.

#### *Forms*

20. The information required under sections 11 to 18 shall be provided on the forms contained in Appendix B, or in any other format that is agreed upon by the collective society and the retransmitter.

#### *Errors*

21. A retransmitter who discovers an error in any information provided to a collective society shall promptly provide the correct information.

#### *Supplementary Information, Records and Audits*

22. A retransmitter shall provide a collective society, upon request, with the address and number of premises contained in each building within a given system for which the retransmitter claims a discount pursuant to section 9.

23. (1) Subject to the provisions of the *Personal Information Protection and Electronic Documents Act*, S.C. 2000, c.5, as amended by the *Digital Privacy Act*, S.C. 2015, c.5, a retransmitter shall keep and preserve until December 31, 2034, records from which a collective society can readily ascertain the amounts payable and the information required under this tariff.

(2) A collective society may audit the records referred to in subsection (1) at any time until December 31, 2034, on reasonable notice and during normal business hours, provided that the collective society has not audited the system for at least 12 months.

(3) The collective society shall, upon receipt, supply the retransmitter and all other collective societies with a copy of the report of any audit.

(4) If the audit of a retransmission system discloses that royalties due to the collective society for that system have been understated in any month by more than 20 per cent, the retransmitter shall

pay the reasonable costs of the audit of the system within 30 days of the demand for payment being made.

### *Confidentiality*

24. (1) Subject to subsections (2) and (3), a collective society and its royalty claimants shall treat in confidence information received from a retransmitter pursuant to this tariff, unless the retransmitter consents in writing to the information being treated otherwise.

(2) A collective society may share information referred to in subsection (1)

(a) with any other collective society;

(b) with the Board;

(c) in connection with proceedings before the Board, if it has first provided the retransmitter with a reasonable opportunity to obtain a confidentiality order;

(d) to the extent required to effect the distribution of royalties, with its royalty claimants; or

(e) if required by law.

(3) Subsection (1) does not apply to information that is publicly available, or to information obtained from someone other than the retransmitter, who is not under an apparent duty of confidentiality to the retransmitter.

### *Adjustments*

25. (1) Subject to subsections (2) and (3), adjustments in the amount of royalties owed by a retransmitter (including adjustments as a result of excess payments), as a result of the discovery of an error or otherwise, shall be made on the date the retransmitter's next royalty payment is due.

(2) A retransmitter may deduct any amount owed to it from its next royalty payments until no money remains owed to it.

(3) A retransmitter may only make deductions as provided for in subsections (1) and (2) within two years of the date the excess payment was made.

### *Interest on Late Payments*

26. (1) Any amount not received by the due date shall bear interest from that date until the date the amount is received.

(2) Any amount found to be owing, through an audit or otherwise, shall bear interest from the date it was due until the date the amount is received.

(3) Any amount that cannot be delivered at the address referred to in section 27 shall bear interest from the date when the person owing the amount receives notice of the new address to which it should be delivered until the date the amount is received.

(4) Interest shall be calculated daily, at a rate equal to one per cent above the Bank Rate effective on the last day of the previous month (as published by the Bank of Canada). Interest shall not compound.

#### *Addresses for Notices, etc.*

27. (1) Anything that a retransmitter sends to a collective society shall be sent to the address listed in Appendix A, or to any other address of which the retransmitter has been notified.

(2) Anything that a collective society sends to a retransmitter shall be sent to:

(a) the address provided to the collective society in accordance with paragraph 11(d), or

(b) where no such address has been provided, to any other address where the retransmitter can be reached.

#### *Delivery of Notices and Payments*

28. (1) A notice may be delivered by hand, by postage paid mail, by fax or by email.

(2) A notice or payment mailed in Canada shall be presumed to have been received three business days after the day it was mailed.

(3) A notice sent by fax or by email shall be presumed to have been received the day it is transmitted.

#### *Appointment of Designate*

29. (1) Any person that a collective society designates to receive a payment or notice shall have an address in Canada.

(2) A collective society shall notify a retransmitter at least 60 days in advance of such a designation or of any change therein.

#### *Categories of Works Claimed by Each Collective Society and Percentage of the Overall Royalties to which Each Collective Society Claims to Be Entitled*

30. (1) The royalties stated in this Statement of Royalties are the aggregate royalties which retransmitters are obligated to pay to all the collective societies.

(2) Set out in Appendix C is a list of the category of works in respect of which each collective society claims that it is entitled to collect royalties and a claim to a share of the overall royalties to which each collective society claims to be entitled. The inclusion of any category of works and the claim to a share of the overall royalties set out in Appendix C is without prejudice to the right of a collective to amend its claims and of any other collective society to challenge a collective's claims. Appendix C also sets out the period proposed by each collective society as the effective period of this tariff.

### *Miscellaneous*

31. If required as a result of the date when the Statement of Royalties is certified by the Copyright Board, the Statement of Royalties shall contain such transitional provisions as the Copyright Board may consider to be appropriate. If appropriate, each collective society reserves the right to apply to the Copyright Board under section 66.51 of the *Copyright Act* for an Interim Decision that royalties shall continue to be payable pending such certification after December 31, 2028, on such terms as the Copyright Board considers appropriate and without prejudice to the ultimate certification by the Copyright Board of the Statement of Royalties.

**APPENDIX A**  
**COLLECTIVE SOCIETIES**  
***RADIO TARIFF 2024\*2028***

**Canadian Broadcasters Rights Agency (CBRA)**

45 O'Connor Street  
Suite 770  
Ottawa ON K1P 1A4  
(613) 822-1112 (telephone)  
(613) 822-7588 (fax)  
erin@cbra-adrrc.ca (email)

**Canadian Retransmission Right Association (CRRA)**

c/o Canadian Broadcasting Corporation  
181 Queen Street  
P.O. Box 3220, Station C  
Ottawa, Ontario  
K1Y 1E4  
(613) 288-6276 (telephone)  
(613) 288-6279 (fax)  
crra@cbc.ca (email)

**FWS Joint Sports Claimants Inc. (FWS)**

c/o Piassetzki Nenniger Kvas LLP  
Barristers and Solicitors  
120 Adelaide Street W  
Suite 2308  
Toronto, Ontario  
M5H 1T1  
(416) 955-0050 (telephone)  
(416) 955-0053 (fax)  
gpiassetzki@pnklaw.ca (email)

**Society of Composers, Authors and Music Publishers of Canada (SOCAN)**

41 Valleybrook Drive  
Toronto, Ontario  
M3B 2S6  
(416) 445-8700 (telephone)  
(416) 445-7198 (fax)  
licence@socan.ca (email)

**APPENDIX B**  
**RADIO FORMS**

- Form 1: General Information
- Form 2: Small Retransmission Systems Declaration
- Form 3: Information About Premises Served and Royalty Calculation
- Form 4: Radio Service Information
- Form 5: Report for Systems Operating in a Francophone Market
- Form 6: Systems Reported by the Same Retransmitter
- Form 7: Report of Premises Entitled to a Discount



FORM 1 (RADIO)

GENERAL INFORMATION  
(Radio Tariff, sections 11, 13, 14, 15 and 16)

1) Name of the system: \_\_\_\_\_

2) Type of system: PLEASE CHECK WHERE APPROPRIATE

\_\_\_\_ SMALL SYSTEM;                      \_\_\_\_ MATV SYSTEM;                      \_\_\_\_ UNSCRAMBLED LPTV SYSTEM;  
\_\_\_\_ SCRAMBLED LPTV SYSTEM;                      \_\_\_\_ DTH SYSTEM;                      \_\_\_\_ CABLE SYSTEM;  
\_\_\_\_ UNSCRAMBLED MDS;                      \_\_\_\_ SCRAMBLED MDS;  
\_\_\_\_ OTHER (PLEASE SPECIFY) \_\_\_\_\_

3) Name of the retransmitter:

(a) if the retransmitter is a CORPORATION, please give  
its name: \_\_\_\_\_

its jurisdiction of incorporation: \_\_\_\_\_

the names and titles of its principal officers:

| <u>NAME</u> | <u>TITLE</u> |
|-------------|--------------|
| _____       | _____        |
| _____       | _____        |
| _____       | _____        |
| _____       | _____        |
| _____       | _____        |

(b) if the retransmitter is an INDIVIDUAL, please give the name of the individual: \_\_\_\_\_

(c) if the retransmitter is anything else, please give the names of all owners of the enterprise and set out its legal nature (partnership, joint venture, etc.):

Legal nature: \_\_\_\_\_

| <u>NAME</u> | <u>TITLE (if any)</u> |
|-------------|-----------------------|
| _____       | _____                 |
| _____       | _____                 |
| _____       | _____                 |
| _____       | _____                 |
| _____       | _____                 |

4) Other trade name(s) under which the retransmitter does business: \_\_\_\_\_

5) Address of the retransmitter's principal place of business:

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

6) Address where you wish to receive notices (if different from above):

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

7) Contact person for this system:

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Tel. No.: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

8) If other retransmitters receive one or more distant radio signals from the system, please attach a list showing their names and addresses, as well as the call letters of the signals they receive.

(NO ANSWER IS REQUIRED IN THE CASE OF AN UNSCRAMBLED LPTV OR AN UNSCRAMBLED MDS.)

9) SERVICE AREA OR LOCATION (NO ANSWER IS REQUIRED IN THE CASE OF A DTH SYSTEM.)

(a) IN THE CASE OF AN UNSCRAMBLED LPTV OR AN UNSCRAMBLED MDS: please provide a description of the location of the LPTV or the MDS.

(b) IN THE CASE OF A MATV SYSTEM: please provide the address where the system is located.

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

Please also provide the address of any other building which is served by the MATV system.

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Province: \_\_\_\_\_ Postal Code: \_\_\_\_\_

(c) IN THE CASE OF ANY OTHER SYSTEM: please provide a precise description of the area served by the system. Please also provide a copy of any map filed with the CRTC describing or containing that area that was not previously provided to the collective, as well as the date when the most recent map was filed.

10) Basic monthly fee charged within the system, net of taxes: \_\_\_\_\_

(NO ANSWER REQUIRED IN THE CASE OF AN UNSCRAMBLED LPTV OR UNSCRAMBLED MDS.)

FORM 2 (RADIO)  
 SMALL RETRANSMISSION SYSTEMS DECLARATION  
 (Radio Tariff, section 12)

THIS FORM IS TO BE COMPLETED ONLY FOR SMALL RETRANSMISSION SYSTEMS. PLEASE SEE SECTIONS 2 AND 4 OF THE RADIO RETRANSMISSION TARIFF FOR THE DEFINITION OF SMALL RETRANSMISSION SYSTEM.

NAME OF THE SYSTEM: \_\_\_\_\_

YEAR FOR WHICH THIS FORM APPLIES: \_\_\_\_\_

UNLICENSED SYSTEMS

If the system is not licensed by the CRTC:

- (a) Under what exemption order does the system operate? PN# \_\_\_\_\_, and
- (b) On what date did the system begin operating as an exempt system?

A) GENERAL

PLEASE ANSWER THE QUESTIONS THAT APPLY TO THIS RETRANSMISSION SYSTEM.

1. Did the system retransmit a distant signal on December 31 of the previous year? \_\_\_\_\_  
 If NO, do not answer questions 2 through 6 and answer question 7.

2. Was the system included in a unit on December 31, 1993? \_\_\_\_\_  
 If YES, do not answer question 3 and go to question 4.

3. Was the system included in a unit on December 31 of the previous year? \_\_\_\_\_  
 If YES, do not answer question 4 and go to question 5.

4. On December 31 of the previous year, did the system serve 2,000 premises or less? \_\_\_\_\_  
 If YES, indicate that number: \_\_\_\_\_. Do not answer questions 5 to 7.

If NO, do not answer question 5. Complete the table in question 6 by using the number of premises served by the system on the last day of each month of the previous year during which the system retransmitted a distant signal. Do not answer question 7.

5. On December 31 of the previous year, did the unit serve 2,000 premises or less? \_\_\_\_\_  
 If YES, indicate the number: \_\_\_\_\_. Do not answer questions 6 and 7.

If NO, complete the table in question 6 by using the number of premises served by all cable retransmission systems in the unit on the last day of each month of the previous year in which (a) the composition of the unit was the same as on December 31, AND (b) the system retransmitted a distant signal. Do not answer question 7.

6. Please complete the following table if you answered NO to question 4 or to question 5.

| As of the last day of each month during the previous year                               | Number of premises served |
|---|---------------------------|
| January   |                           |
| February  |                           |
| March   |                           |
| April   |                           |
| May   |                           |
| June  |                           |
| July  |                           |
| August  |                           |
| September   |                           |
| October   |                           |
| November  |                           |
| December  |                           |
| Total   |                           |
| Average   |                           |
| (Divide total by the number of months for which information is required to be provided) |                           |

7. Answer this question only if you answered NO to question 1.

Was the system included in a unit on the last day of the first month in which it retransmitted a distant signal this year? \_\_\_\_\_  
 If YES, how many premises were served by all cable retransmission systems in the unit on that day? \_\_\_\_\_  
 If NO, how many premises did the system serve on that day? \_\_\_\_\_

*A SYSTEM IS A SMALL RETRANSMISSION SYSTEM IF YOU ANSWERED YES TO QUESTIONS 4 OR 5, IF THE AVERAGE IN QUESTION 6 IS 2,000 OR LESS, OR IF THE NUMBER OF PREMISES SERVED INDICATED IN ANSWER TO QUESTION 7 IS 2,000 OR LESS.*

**B) IF THE SYSTEM IS A MASTER ANTENNA SYSTEM LOCATED WITHIN THE SERVICE AREA OF ANOTHER CABLE RETRANSMISSION SYSTEM, please also complete the following declaration:**

I confirm that \_\_\_\_\_ (system name) is located within the service area  
 of \_\_\_\_\_ (name of cable retransmission system) which as of  
 \_\_\_\_\_ (relevant date) served no more than 2,000 premises in its service area.

\_\_\_\_\_  
 (Signature)

\_\_\_\_\_  
 (Name and Title)

Date: \_\_\_\_\_

**C) INFORMATION ABOUT PREMISES SERVED**

Please provide the following information as of (i) December 31 of the previous year, if the system retransmitted a distant radio signal on that day, or (ii) the last day of the month in which the system first retransmitted a distant radio signal in THIS year, if the system did not retransmit a distant radio signal on December 31 of the previous year.

|   | Residential Units | Health Care Facilities | Hotels | Educational Institutions | Others | All Premises |
|---|-------------------|------------------------|--------|--------------------------|--------|--------------|
| Numbers of premises served  |                   |                        |        |                          |        |              |
| Number of premises receiving <u>at least one</u> distant radio signal |                   |                        |        |                          |        |              |

**D) ROYALTY SHARE OF EACH COLLECTIVE SOCIETY**

For all radio programs and musical works, \* per cent of the royalty is payable to CBRA, \* per cent to FWS, \* per cent to CRRA and \* per cent to SOCAN. For all broadcaster compilations, \* per cent of the royalty is payable to CBRA and \* per cent to CRRA. [\* To be determined as provided for in Section 30 and Appendix C.] These amounts are net of any interest that may be owed on late payments, as well as of any applicable federal or provincial taxes, including GST.

**E) INFORMATION ABOUT THE UNIT**

1. Please complete this table if you answered YES to question 2, i.e. if the system was in a unit on December 31, 1993.

| Names of all the retransmission systems in the unit on December 31, 1993 | Names of the persons (including corporations) or groups of persons who own or who directly or indirectly control the systems included in the unit | Explain the nature of the control exercised (e.g. the percentage of voting shares directly or indirectly held by the persons exercising the control or by the members of the controlling group) |
|--|---|---|
|  |   |   |
|  |   |   |
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2. Please complete this table if you answered YES to questions 2, 3, or 7.

If the system was part of a unit on December 31 of the previous year, please provide the information as of that date. If not, please state the date on which the system became part of a unit and provide the information as of the last day of that month.

Date as of which the information is being provided: \_\_\_\_\_

| Names of all the retransmission systems in the unit | Names of the persons (including corporations) or groups of persons who own or who directly or indirectly control the systems included in the unit | Explain the nature of the control exercised (e.g. the percentage of voting shares directly or indirectly held by the persons exercising the control or by the members of the controlling group) |
|---|---|---|
|   |   |   |
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FORM 3 (RADIO)

INFORMATION ABOUT PREMISES SERVED  
ROYALTY CALCULATION FOR \_\_\_\_\_ (relevant date)

IF YOU CARRY AT LEAST ONE DISTANT RADIO SIGNAL, PLEASE USE THIS FORM TO CALCULATE THE ROYALTY OWED.

UNSCRAMBLED LPTVS AND UNSCRAMBLED MDSS PAY FLAT RATES OF \$25.00 AND \$12.50 PER YEAR, AND NEED NOT CALCULATE THEIR ROYALTIES.

ALL SYSTEMS, WHETHER OR NOT THEY CARRY A DISTANT RADIO SIGNAL, ARE REQUESTED TO COMPLETE LINES 1, 7, 8 AND 9. SMALL RETRANSMISSION SYSTEMS SHOULD USE FORM 2.

NAME OF THE SYSTEM: \_\_\_\_\_

|   | Type of Premises   | Residential Units | Health Care Facilities | Hotels     | Educational Institutions | Others     | All Premises |
|---|--|-------------------|------------------------|------------|--------------------------|------------|--------------|
| 1 | Number of premises or TVROs served as of December 31 of the previous year  |                   |                        |            |                          |            |              |
| 2 | Retransmission royalty rate per premises:<br>radio programs and musical works<br>broadcaster compilations  | 20¢<br>10¢        | 20¢<br>10¢             | 20¢<br>10¢ | 20¢<br>10¢               | 20¢<br>10¢ | n/a          |
| 3 | Gross royalty amount<br>[line 1 × line 2]  |                   |                        |            |                          |            | n/a          |
| 4 | Adjustment factor for certain types of premises  | 1                 | 0.25                   | 0.6        | 0.25                     | 1          | n/a          |
| 5 | Discount for systems in Francophone markets: use 0.5 if the system operates in a Francophone market, otherwise use 1<br><br>(Adjust 0.5 factor upwards to reflect any premises in Francophone markets that are not eligible for the Francophone market discount pursuant to section 8 of the Radio Tariff) |                   |                        |            |                          |            | n/a          |
| 6 | Net royalty amount<br>[line 3 × line 4 × line 5]   |                   |                        |            |                          |            |              |
| 7 | Number of premises authorized to receive radio signals   |                   |                        |            |                          |            |              |
| 8 | Number of premises authorized to have more than one outlet   |                   |                        |            |                          |            |              |
| 9 | Number of premises authorized to have more than two outlets (if known)   |                   |                        |            |                          |            |              |

The royalty payable is based on the total number of premises of all types served, whether or not these premises receive a distant radio signal, and whether or not subscribers subscribe to the radio service.

The total amount of royalty owed is the total of the amounts listed in line 6.

For all radio programs and musical works, \* per cent of the royalty is payable to CBRA, \* per cent to FWS, \* per cent to CRRA and \* per cent to SOCAN. For all broadcaster compilations, \* per cent of the royalty is payable to CBRA and \* per cent to CRRA. [\* To be determined as provided for in Section 30 and Appendix C.] These amounts are net of any interest that may be owed on late payments, as well as of any applicable federal or provincial taxes, including the GST.

FORM 4 (RADIO)

RADIO SERVICE INFORMATION AS OF \_\_\_\_\_ (relevant date)  
 (Radio Tariff, paragraph 11(k))

PLEASE PROVIDE THE FOLLOWING INFORMATION FOR ALL RADIO SERVICES SUPPLIED TO SUBSCRIBERS,  
 WHETHER OR NOT THEY ARE BROADCAST SERVICES.

| Call Letters/Name of the Signal or Service | Call Letters of Mother Signal (if signal carried is a repeater) | Frequency Band | Network Affiliation | Any Other Name Under Which the Signal is Known | City and Province or State Where Signal Originated | Is the Signal Distant (D), Partially Distant (PD), Local (L) or "Unknown" (U)? <sup>1</sup> |
|--|---|----------------|---------------------|--|--|---|
|  |   |                |                     |  |  |   |
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|  |   |                |                     |  |  |   |

<sup>1</sup> "Unknown" indicates that a technical analysis is required to determine whether the signal is distant, partially distant or local.







FORM 6 (RADIO)  
SYSTEMS REPORTED BY THE SAME RETRANSMITTER  
(Radio Tariff, section 18)

| Name of the System<br>(as reported on Form 1 for that System) | Service Area |
|---|--------------|
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FORM 7 (RADIO)

REPORT OF PREMISES ENTITLED TO A DISCOUNT  
(Radio Tariff, section 22)

A COLLECTIVE SOCIETY IS ENTITLED TO ASK THAT THIS FORM BE COMPLETED IF THERE ARE BUILDINGS CONTAINING PREMISES FOR WHICH YOU CLAIM A DISCOUNT UNDER SECTION 9 OF THE TARIFF (ROOMS IN HOTELS, HEALTH INSTITUTIONS AND EDUCATIONAL INSTITUTIONS).

Please give the address of each building containing premises of the type indicated, as well as the number of rooms served in each building.

NAME OF SYSTEM: \_\_\_\_\_

DATE AS OF WHICH THE REPORT IS BEING MADE: \_\_\_\_\_

HOTELS (this includes motels)

| Address | Number of Rooms Served |
|---------|------------------------|
|         |                        |
|         |                        |
|         |                        |

HEALTH INSTITUTIONS

| Address | Number of Rooms Served |
|---------|------------------------|
|         |                        |
|         |                        |
|         |                        |

EDUCATIONAL INSTITUTIONS

| Address | Number of Rooms Served |
|---------|------------------------|
|         |                        |
|         |                        |
|         |                        |

## APPENDIX C

### CATEGORIES OF WORKS CLAIMED TO BE REPRESENTED BY EACH COLLECTIVE SOCIETY AND CLAIM TO A SHARE OF OVERALL ROYALTY TO WHICH EACH COLLECTIVE SOCIETY CLAIMS TO BE ENTITLED

Note: Any term used herein which is defined in the prefixed tariff or in Appendix A has the same meaning as if used in the prefixed tariff or in Appendix A.

#### ***CANADIAN BROADCASTERS RIGHTS AGENCY (CBRA)***

**Identification:** CBRA is a company incorporated under the *Canada Corporations Act*. CBRA is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

#### **Categories of Works Claimed to Be Represented by CBRA**

- (a) Any radio programs owned or produced, in whole or in part, by Canadian broadcasters including, without limitation, all musical works contained in such radio programs, except to the extent that the rights to receive royalties for the retransmission of such radio programs or musical works are owned or controlled by persons represented by a collective society within the meaning of the *Copyright Act* other than CBRA, and any other radio programs to the extent that the rights to receive royalties for the retransmission of such programs are owned or controlled, in whole or in part, by Canadian broadcasters including, without limitation, all musical works contained in such radio programs; and
- (b) any compilation created by a Canadian broadcaster.

#### **Percentage of Overall Royalty Claimed by CBRA**

Without prejudice to its rights, including those set-out in Section 30 of the Proposed Tariff, CBRA claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

#### **Term of Tariff Proposed by CBRA**

CBRA proposes that this statement of royalties apply to the years 2024 through 2028.

#### ***Definition***

“Canadian broadcaster” means a radio station or network licensed by the CRTC (other than any such radio station or network represented by a collective society within the meaning of the *Copyright Act* other than CBRA), and the agents, successors, licensees or assigns of such radio stations or networks.

## ***CANADIAN RETRANSMISSION RIGHT ASSOCIATION (CRRA)***

**Identification:** CRRA is an association of corporations and carries on the business of collecting, for the benefit of those who authorize it to act on their behalf for that purpose, royalties for the communication of works in the manner described in subsection 31(2) of the *Copyright Act*.

CRRA is the duly authorized agent of  
Canadian Broadcasting Corporation — Société Radio-Canada  
Société de télédiffusion du Québec  
ABC, Inc. and its subsidiaries  
CBS, Inc. and its subsidiaries  
National Broadcasting Company International Limited and its subsidiaries

### **Categories of Works Claimed to Be Represented by CRRA**

- (a) All radio programs owned or produced by any of the above entities; and
- (b) any compilations created by any of the above entities.

### **Percentage of Overall Royalty Claimed by CRRA**

Without prejudice to its rights, including those set-out in Section 30 of the Proposed Tariff, CRRA claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

### **Term of Tariff Proposed by CRRA**

CRRA proposes that this statement of royalties apply to the years 2024 through 2028.

## ***FWS JOINT SPORTS CLAIMANTS INC. (FWS)***

**Identification:** FWS is a company incorporated under the *Ontario Corporations Act*. It is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

### **Categories of Works Claimed to Be Represented by FWS**

FWS represents by way of assignment, licence, appointment of agent or otherwise (as has been agreed between FWS and the claimant) the interests of all professional National Hockey League teams, all professional National Basketball Association teams, all professional Canadian Football League teams, and all professional National Football League teams owned by any persons, who are now or may hereafter be entitled to claim a royalty under the *Copyright Act* in respect of the retransmission of any of their artistic, dramatic, literary or musical works (hereinafter referred to as “Works”), said Works consisting of live or delayed game telecasts, or any portions thereof, whether used alone or as a portion of another work, by a retransmitter by means of one or more distant signals.

**Percentage of Overall Royalty Claimed by FWS**

Without prejudice to its rights, including those set-out in Section 30 of the Proposed Tariff, FWS claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

**Term of Tariff Proposed by FWS**

FWS proposes that this statement of royalties apply to the years 2024 through 2028.

***SOCIETY OF COMPOSERS, AUTHORS AND MUSIC PUBLISHERS OF CANADA (SOCAN)***

**Identification:** SOCAN is a collective society within the meaning of subsection 71(1) of the *Copyright Act*.

**Categories of Works Claimed to Be Represented by SOCAN**

All musical works.

**Percentage of Overall Royalty Claimed by SOCAN**

Without prejudice to its rights, including those set-out in Section 30 of the Proposed Tariff, SOCAN claims an entitlement to a share of the overall royalties as may be agreed upon by the collectives and confirmed by the Board, or as may be determined by the Board, subject to any right of judicial review and/or appeal a collective may have therefrom.

**Term of Tariff Proposed by SOCAN**

SOCAN proposes that this statement of royalties apply to the years 2024 through 2028.

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