



September 5, 2008

Claude Majeau
Secretary General
Copyright Board of Canada
56 Sparks Street, Suite 800
Ottawa, ON K1A 0C9

Dear Mr. Majeau:

Re: Commercial Radio – Consolidated Examination

Please find attached the CAB's statement of case and supporting evidence pursuant to the Board's Directive on Procedure issued on April 15, 2008 in relation to the above noted proceeding.

Sincerely,

Original signed

Margot Patterson

General Counsel and Vice President, Legal Affairs

cc. Gilles Daigle (SOCAN)
Glen Bloom (NRCC)
David Collier (CSI)
Colette Matteau (CSI)
Stephen Zolf (AVLA/SOPROQ)
Eric Lefebvre (ARTISTI)

EXHIBIT CAB-1

COPYRIGHT BOARD CANADA

**Re: Consolidated Commercial Radio Tariffs Proceeding
(2008 to 2012)**

STATEMENT OF CASE

OF THE

CANADIAN ASSOCIATION OF BROADCASTERS

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1. INTRODUCTION

This is the Statement of Case of the Canadian Association of Broadcasters (“CAB”) with respect to the consolidated proceedings of the Copyright Board (the “Board”) concerning five proposed tariffs for the public performance, communication to the public by telecommunication or the reproduction by commercial radio stations of musical works or sound recordings embodying musical works and performances of such works:

- SOCAN 1.A (2008, 2009)
- NRCC 1.A (2008, 2009-11)
- CSI – Commercial Radio (2008-2012)
- AVLA/SOPROQ – Commercial Radio (2008-2011)
- ArtistI – Commercial Radio (2009-2011).

SOCAN, NRCC and CSI have pre-existing tariffs and seek to renew them at essentially the same rates and on much the same terms as before. AVLA/SOPROQ and ArtistI do not have tariffs and thus seek new royalties in addition to those already being paid to the incumbent collectives.

In the sections that follow, the CAB proposes specific royalties and deals with certain administrative matters for each of the tariffs listed above. The CAB notes, however, that AVLA/SOPROQ and ArtistI do not have prior tariffs and have neither articulated a theory in support of their requests nor provided all of the information based on which their requests should be assessed.¹ Nevertheless, the CAB sets out below an appropriate approach to the tariffs proposed by each of these latter two collectives and will supplement those submissions when it responds to the Cases filed by each.

¹ ArtistI’s tariff cannot be assessed without a repertoire use analysis which only ArtistI can conduct and which CAB understands will be provided when ArtistI files its Case on September 5. AVLA/SOPROQ’s tariff similarly requires a repertoire use analysis to support it; AVLA/SOPROQ has also been directed to provide information from its underlying members in response to a number of CAB interrogatories with its Case on September 5.

2. OVERVIEW

Music is a feature of most commercial radio stations. Radio stations receive music (largely at the behest of record labels) and broadcast music as part of the programming delivered to radio listeners. From a functional (and economic) perspective, music represents one input (albeit an important input) that goes into the product that most radio stations produce.

That input has numerous stakeholders. Authors² and publishers advance claims for performing and/or communication rights through SOCAN and for reproduction rights through CSI. Performers and sound recording makers (record labels) advance claims for performing and/or communication rights through NRCC and for reproduction rights through AVLA/SOPROQ and ArtistI. Their claims reflect separate strands and sub-strands of copyright that all attach to a single product – music. But music’s economic value to radio stations does not vary with the extent to which the copyrights are subdivided and separated by their owners.

This consolidated hearing gives the Board its first opportunity to consider the aggregate impact of multiple, and multiplying, tariffs for a single input. It is telling that the collectives opposed CAB’s request that the proceedings be consolidated. Indeed, each collective appears to assert that the value of music increases merely with increases in the number of stakeholders making copyright claims. This hearing affords the Board the opportunity both to consider overall music values and tariff burdens and to ensure that any certified tariffs are consistent and proportional as among the collectives. The CAB seeks tariffs that are streamlined and harmonized as to rate, rate base and administration.

As described below, the CAB will advance a rigorous economic analysis of the changing value of music that starts with, and builds on, the economic model developed by Professor Globerman as modified and accepted by the Board in the recent SOCAN/NRCC radio tariff rehearing. This model, updated with data from more recent years and refined to reflect additional analysis and information, permits deeper and clearer insights into the changing value of music over the period deemed relevant by the Board in its most recent commercial radio decision.

² As used here, “authors” is meant to refer to both authors and composers.

The CAB has also commissioned a series of expert reports dealing with the operations of commercial radio stations as they relate to the performance and reproduction of music. These include a music use study, a music receipt and processing study, and both a functional and a technical analysis of station operations. These reports are designed to inform the economic analysis and to provide basic and important facts about music use for the Board.

In the result, the economic modelling concludes that:

- (a) Music has risen in value since 1987 but not as much as previously thought;
- (b) Music is a single input that does not increase (or decrease) in value as a result of increases (or decreases) in the number of copyright interests asserted. As a matter of economic theory, the value of music should therefore be shared among all copyright claimants;
- (c) On this basis, the overall commercial radio music tariff burden (before tiering for usage or revenue) should be approximately 2.8%, to be allocated among the five collectives;
- (d) Alternatively, if music is not to be valued according to economic principles but rather without regard to the effect of multiple tariffs, the rates for each collective (before tiering for usage or revenue) should be as follows:³
 - (i) SOCAN – 2.8%
 - (ii) NRCC – 1.4%
 - (iii) CSI – 0.88%⁴
 - (iv) AVLA/SOPROQ – 0.44%⁵
 - (v) ArtistI – 0.44%⁶

³ The rates should be applied to an appropriate revenue base, as is discussed later.

⁴ This rate will also be reduced pursuant to repertoire adjustments.

⁵ This rate will also be reduced pursuant to repertoire adjustments.

The CAB Statement of Case first considers appropriate tariff rates. Descriptions of key aspects of the expert evidence are provided in the context of the types of right (performing/communication or reproduction) to which they relate. Low music use rates, followed by the appropriate rate base, are discussed in subsequent sections. Proposals regarding certain other tariff terms follow.

3. PERFORMING/COMMUNICATION RIGHTS TARIFF RATES

(a) Music Use

The CAB commissioned Solutions Research Group (“SRG”) to conduct a music use survey and to provide expert evidence regarding the use of music on both music-based and “talk” stations. The SRG Report, based on an analysis of 105 music-based stations and 9 talk stations, provides by far the most comprehensive and detailed analysis of radio station music use ever presented to the Board. The SRG survey corrects certain shortcomings in the sample used by Erin Research Group (“Erin”) in 2004 in the previous SOCAN/NRCC proceeding and, as well, advances the analysis beyond that previously conducted by Erin. Nevertheless, pains have been taken to ensure consistency of methodology to permit comparisons between the 2004 Erin results and those of SRG. The SRG Report is Exhibit CAB-3.

Jeff Vidler will testify for SRG and will present the SRG Report, noting, among other things:

- Sound recordings account for about 70% of the airtime and 80% of the programming time broadcast by music-based stations.
- Erin reported slightly less use of sound recordings – about 67% of airtime and about 76% of programming time broadcast. However, Erin’s small sample was heavily skewed toward AM stations whereas the SRG sample mirrors the actual proportions of commercial AM and FM stations in Canada. When the two studies are put on the

⁶ This rate will also be reduced pursuant to repertoire adjustments.

same footing as to AM/FM weighting, the SRG results are essentially the same as those reported by Erin in 2004.

- The results above merely reflect broadcast hours, without regard to audience tuning or, more importantly, revenue generation. The Board has long held in the retransmission context that broadcaster output (or tonnage) is an inferior measure of programming value than is audience consumption. Accordingly, SRG also matched audience tuning data to music use data across a variety of days and day parts. For example, SRG found that the weekday “morning drive” slot (6:00 a.m. to 9:00 a.m.) attracted disproportionately high tuning but had the lowest incidence of music use. When measured as a function of radio *consumption* (i.e. listening, which translates directly into advertising revenues) rather than mere radio *output*, SRG determined that music use is actually about 67% of total listener airtime and about 78% of listener programming time. This is about the same as Erin found in 2004 (based only on broadcast output) before adjusting for Erin’s sample.
- When Erin’s skewed AM/FM sample is corrected, SRG’s more refined listening hours results show slightly *lower* music use than Erin found in 2004.
- News, talk and sports station airtime contains only extremely small amounts of sound recordings.

(b) Economic Analysis

The CAB commissioned Wall Communications Inc. (“Wall”) to conduct an economic valuation of copyright fees for the use of music by commercial radio stations. Wall has extensive experience in economic research relating to broadcasting, telecommunications and copyright issues and has consulted extensively to regulators and stakeholders in these areas. The Wall Report is Exhibit CAB-2.

Wall started with the rigorous and principled economic analysis that was presented by Professor Globerman at the SOCAN/NRCC commercial radio tariff rehearing and that was

modified and applied by the Board in its 2008 decision. Wall then added data and refined and better illuminated the Globerman model in three ways:

- Wall added data from 2006 and 2007 (the Globerman model used data to 2005) and updated the data for prior years consistent with modifications made by those providing the data (eg. the CRTC).
- Globerman's model focused entirely on changes to the maximum price that stations would theoretically be willing to pay for music (the "buyer's reservation price"). He then modelled the predicted change in royalty rates based on several assumptions as to the degree to which changes in the buyer's reservation price would pass through to SOCAN. However, he did not examine the seller's reservation price and, implicitly, valued it at zero. Wall analyzed the seller's reservation price for the first time and determined that, from an economics perspective, given the positive returns to music copyright holders arising from airplay, the seller's reservation price should be negative (rather than zero). Wall then analyzed the available data to establish a seller's reservation price and reran the model on that basis. Dr. James Dertouzos will present his recent report [Exhibit CAB-7] that provides the quantitative economic analysis on which Wall relies.
- Wall also segregated the valuation model results for music format stations from the results for all stations. The data do not go far enough back to permit an exact comparison with the Globerman model as modified by the Board. Nevertheless, for the period for which data are available, it is clear that the increase in the value of music on music format stations was far less than the increase reported for all stations.

Wall applied the refined model to the period previously examined by the Board. The model disclosed an increased value of music over the period since 1987, but at a reduced rate from that previously perceived. In fact, although music rose in value, it did so less quickly than the station revenues that drive royalty payments. Accordingly, the royalty *rate* should be reduced from the 1987 starting point of 3.2% in order to ensure that royalty *payments* rise only in the appropriate amount.

Wall also notes that the value of music is a function of its average marginal product – the incremental revenue that can be earned by that input. That value is unaffected by the number of copyrights, or copyright claimants, associated with its use. Music does not generate more revenue for stations as the number of copyrights or claimants increases, and therefore music's value remains unchanged.

(c) Proposed Tariffs

When Globerman measured the increase in the value of music, he expressed the changes in value in terms of SOCAN's rights because SOCAN was the only collective with a tariff at the beginning of the period. In fact, as a matter of economics, it would be better to say that the model measures the change in value of music (rather than individual rights) regardless of the number of tariffs sought from time to time. As the model now discloses that the value of music has risen more slowly since 1987 than the revenue base on which royalties are calculated, the royalty rate should be reduced from 3.2% (in 1987) to 2.8%. As that value reflects all copyright interests, the revised rate constitutes the total rate for all collectives.

Alternatively, if music is to be valued and tariffs fixed as though incremental tariffs provide incremental value to stations, then the SOCAN tariff should be set first as the benchmark at 2.8%. In that case, the NRCC tariff would be set in its traditional relationship to the SOCAN tariff: equal to the SOCAN rate, minus a 50% discount for relative repertoire, i.e. 1.4%.⁷

4. REPRODUCTION RIGHTS TARIFF RATES

(a) Music Receipt and Processing

SRG was asked to conduct a music receipt and processing survey using the same 105 station sample that was canvassed for the SRG study of music use on music-based radio stations. The survey was designed to collect quantitative information with respect to the manner and extent to which stations receive and process music. This portion of the SRG Report finds, among other things:

⁷ The CAB and NRCC have agreed that, for the purposes of the 2008 and 2009 tariffs, NRCC will be deemed to have 50% of the repertoire of SOCAN.

- All radio stations use digital playback systems.
- About three-quarters of stations add one or more songs to their digital playback systems on a weekly basis.
- Stations are far less likely than in the past to add songs by ripping them from CDs. Fully 90% of stations receive at least some songs electronically (most use a service called DMDS) and 63% exclusively use electronic sources. Only 10% of stations exclusively use CDs and 28% use both.
- Most stations that added songs to their digital playback system also copied or transferred those songs to another location within the station, most commonly to the network drive or to a hard drive on an employee's computer. They did so for a variety of reasons and also backed up music files for security.

(b) Operational Reports

The CAB also commissioned reports by Dean Sinclair and Bruce Wilkinson to describe related station operations from a functional and technical perspective respectively. The Sinclair Report (Exhibit CAB-4) provides insight into the evolution of station operations from physical vinyl recordings to digital playback systems and summarizes some of the practical aspects of sourcing music via DMDS and other digital delivery services. The Wilkinson Report (Exhibit CAB-5) examines the technology of music processing and the technical effect of the manner in which stations process music.

(c) Legal Issues

A number of legal issues, or issues of mixed fact and law, arise with respect to the claims for reproduction rights tariffs. A brief discussion of each, together with a summary of the CAB's position, is set out below. The CAB will provide more detailed submissions at whatever time the Board directs the parties to provide legal arguments.

(i) No Reproduction In A Material Form

Authors and composers of musical works derive their reproduction rights from ss. 3(1) of the *Copyright Act* (the “Act”) which provides the “sole right to produce or reproduce the work or any substantial part thereof in any material form whatever”. Similarly, the rights of sound recording makers found in ss. 18(1) of the Act provide the right to reproduce it in any material form. Therefore, the Act clearly limits reproductions of musical works or sound recordings to embodiments in a material form.

Digital files that are found on servers or hard-drives but not incorporated into a playlist are not palpable, tangible or perceptible. Until such files are acknowledged by some sort of playback software, they are simply an organized series of non-material data. For all intents and purposes, such files are non-material until they are incorporated into a playlist, capable of playback. Since the digital file received by a radio station has not been fixed in any material form until it is incorporated into the broadcaster’s music playback system, it does not fall under the definition of sound recording pursuant to s. 2 of the Act.

Musical files accessed in such a manner do not attract copyright liability pursuant to the Act. This means that, to the degree that radio stations access digital files and then process them without ever fixing them “in any material form,” e.g. burning them on a CD, they should be exempt from paying the reproduction right-related tariffs.

(ii) Non-Infringement of Computer Programs

Section 30.6 of the Act permits, in relation to “computer programs”, the making of a “single reproduction of the copy by adapting, modifying or converting the computer program or translating it into another computer language” and for “backup purposes.” Digital music tracks fall within the definition of “computer program” in s. 2 of the Act. Accordingly, the provisions of s. 30.6 exempt at least some of the reproductions made by radio broadcasters, and the value of any reproduction rights licence that broadcasters require is thereby diminished.

(iii) *Digital Transfers Are Not Reproductions by the End Recipient*

DMDS distributes music files to radio stations using a secure digital file distribution system that incorporates advanced technologies such as biometrics, high-value encryption and watermarking. For the purposes of the issues before the Board, the use of these technological innovations mean that Yangaroo, the company operating DMDS, is creating an individualized copy of a track for each radio station client. It is this same individualized copy that is received by a station's server, with no additional copy being made by the server in the file transfer process.

As a result, the downloading of a music file from DMDS does not constitute an act of reproduction on the part of the radio station. It represents nothing more than the receipt and storage of a reproduction made elsewhere. This method of music delivery is clearly distinguishable from the historical practice whereby the radio station itself would copy ("rip") a song from a CD onto its hard drive, which is the basis of the existing CSI Tariff.

(d) *Economic Analysis and Tariff Rates*

Wall considered the value of the individual reproduction rights claims as an alternative to setting a single tariff for all collectives. Wall did so without regard for the impact of the various legal issues. The Wall analysis advances or supports the following conclusions:

- CSI's nominal tariff was set in 2003 at a rate equal to about one third of SOCAN's rate. For stations that still take in all of their new music by ripping CDs, as in 2003, the CSI rate can maintain its relationship to SOCAN and be set at 0.88% (subject to repertoire adjustment).
- However, the decline and disappearance of CD ripping as the principal method for the original intake of music marks the decline and disappearance of a key driver for the value of CSI's reproduction right as found by the Board in 2003. Absent intake by ripping, only ancillary reproductions need be licensed. As the stations achieve fewer benefits and efficiencies from these ancillary copies than from the original intake, CSI's tariff rate for stations that do not rip CDs for music intake should be reduced by 50% in relation to the SOCAN tariff. On a new

SOCAN rate of 2.8%, the CSI tariff for such stations should be 0.44% (before repertoire adjustment).

- The Board set the original CSI tariff to reflect the value for reproductions generally, rather than the value of just authors' and publishers' reproduction rights. Accordingly, the CSI rate now needs to be shared among the three reproduction rights collectives.
- Alternatively, the Board has held that the performing rights of authors and publishers are equal in value (before repertoire adjustments) to those of performers and sound recording makers. Wall applies that one to one relationship to these groups' reproduction rights. Accordingly, the rate for the reproduction rights of sound recording makers and performers should be the same as the rate for authors and publishers (CSI) before repertoire adjustments. However, each of AVLA/SOPROQ and ArtistI represent only sound recording makers or performers respectively. Therefore, on the basis that those two groups' rights are also equal to each other in value, these two collectives each represent rights worth only half the value of the CSI rate (before adjustments). Accordingly, each of AVLA/SOPROQ and ArtistI should each have a nominal tariff rate of 0.44% and an actual tariff rate of less than that depending on repertoire usage.

(e) Reproduction Rights Tariff Modifications

(i) *Different ArtistI Tariffs*

The CAB awaits the ArtistI repertoire use study. However, as its repertoire consists exclusively or largely of Francophone performers, it is likely that its repertoire is used very differently by English and French language stations respectively. The CAB reserves the right to recommend that any ArtistI tariff be payable only by French language stations and that a nominal ArtistI rate be set for English language stations to reflect only the possibility of occasional repertoire use.

(ii) *Tariff Tiers Based On Reproduction Activity*

The SRG Report discloses that stations fall into three categories: (i) stations that obtain music only by electronic means; (ii) stations that obtain music only by ripping CDs; and (iii) stations that do both. The fact that electronic downloads do not constitute reproductions for these purposes means that the reproduction right tariffs are of significantly differing value to stations in each of these categories. As noted above, the Wall Report suggested a 50% reduction in the CSI tariff for stations that rip no CDs. That approach should be applied to all reproduction rights tariffs and should be adapted as well for stations that rip some but not all of their songs. Accordingly, the CAB proposes that the full tariff rate be paid by stations that only rip CDs, 75% of that rate be paid by stations that both rip and download and 50% be paid by stations that only download.

(iii) *Phase In*

The AVLA/SOPROQ and ArtistI tariffs can only be for reproductions made after the tariff effective dates of January 1, 2008 and 2009 respectively. These collectives cannot obtain retroactive benefits for reproductions of their works made before that time. Their constituencies are already receiving royalties for the *use* of prior reproductions through the NRCC tariff. Accordingly, any AVLA/SOPROQ or ArtistI tariff must be phased in to reflect the degree to which reproductions from their repertoires occur after the tariff effective date. SRG reports that stations add 3.7 songs per week on average. CAB suggests phasing in these tariffs on a straight-line basis over an appropriate period.

5. LOW MUSIC USE

The SRG Report demonstrates, based on a comprehensive and detailed analysis at a level never before presented to the Board, that news/talk/sports stations use far less music⁸ than the 20% music-use threshold for the low music use rates. These stations are paying a disproportionate rate for their very low music use. Accordingly, the CAB proposes a low-use rate for stations with less than 20% music use at the current discounts from the regular tariffs, together with a very low use rate for music use under 5% at twice the low use discount.

⁸ Measured by use of sound recording and excerpts thereof, which stations can and do track.

NRCC's proposed tariff eliminates the exclusion of production music from the calculation of whether a station is above or below the low music threshold. It is unnecessary to include production music in the low music calculation, especially in light of the Board's observation at page 37 of its October 2005 decision for SOCAN/NRCC Tariff 1.A that "[t]he definition of production music may eventually need to be re-examined as it...applies to low music use stations. However, any problem in this respect is probably marginal."

6. RATE BASE

The collectives propose rate bases that are different from one another, different from the rate bases established by prior tariffs and different from the language and intent of the Board's regulations. Stations are entitled to have a single, clear, rate base upon which to make all royalty payments. They should not be subject to the administrative burden of calculating different rate bases for different collectives or the threat of punitive statutory damages if they disagree with the collectives over ambiguous definitions.

The CAB proposes that "advertising revenues" as defined in the Board's regulation and as explained in the Board's regulatory impact analysis statement ("RIAS") be established as the rate base for all tariffs. Among other things, this approach should make clear that the fair market value of production revenues (and other items mentioned in the RIAS) are excluded, as they do not derive from the performance or reproduction of the collectives' repertoires. Moreover, this approach will ensure that revenues are calculated on a per station basis and not on the "enterprise" basis proposed uniquely by AVLA/SOPROQ in an apparent attempt to do an end-run around income-based tiering.

7. ADMINISTRATIVE TERMS

(a) Terms of Certified Tariffs

With respect to the tariff terms, the CAB reiterates the position it stated on May 2, 2008 in response to a question put to all parties by the Board. In order to preserve consolidation of the Commercial Radio tariffs, the Board should not certify any tariff beyond 2009 or, alternatively, if it considers any subsequent years, then the terms for any certified tariffs should align.

This request is specific to the circumstances, and specifically the fact that SOCAN has filed tariff proposals for 2008 and 2009 only. Unless all the collectives participating in this proceeding are willing to agree to a coincident tariff term that extends past 2009, the CAB reiterates its position that the Board should not certify any tariff beyond 2009.

When the Board ordered the consolidation of this proceeding on February 22, 2008, it noted that “[a] consolidated proceeding will allow the CAB to advance its argument that for commercial radio, music is a single input whose value should be assessed through a single process and to advocate that the tariffs should be consolidated.” The CAB seeks tariffs that are streamlined and harmonized as to rate, rate base and administration.

The alignment of tariff terms is an essential element to furthering this objective, and such alignment should be ensured in any proceeding to consider tariff terms beyond 2009.

(b) NRCC/CSI Proposal re New Stations

Both CSI and NRCC have proposed a provision that would require a new station without a “reference month” to pay royalties based on actual advertising revenues for the first two months. The CAB notes that, based on discussions with radio stations, any difficulties in this respect have generally arisen from a misunderstanding of relevant tariff terms. Moreover, by their very nature, new stations almost always have extremely low revenues in the first two months, making this a marginal issue at best. The CAB proposes that this issue can be addressed through discussion with CSI and NRCC and CAB member stations and does not require a new tariff provision.

(c) Reporting Obligations

NRCC proposes that reporting information provided by radio stations be shared with any other collective society in Canada or elsewhere. The comparable provision in the existing SOCAN/NRCC tariff 1.A, however, only permits NRCC to share such information with SOCAN. The CAB proposes that the sharing of confidential information should continue to be limited only to SOCAN for the purposes of facilitating the fair and efficient administration of the tariff.

In section 8 of its proposed tariff (relating to information on repertoire use), ArtistI seeks substantially more identifying information than is required by the other collectives. In addition, AVLA/SOPROQ and ArtistI have proposed different reporting obligations if an error is noticed by the station or by the collective, such that there is a limitation period on payment for errors noticed by the station but no similar period for those errors noticed by the Collectives. These administrative requirements may be unfair to stations and they should be harmonized to an extent that minimizes the administrative burden on commercial radio stations.

(d) Grant of Licence

Section 3 of the NRCC proposed tariff (the “Application” section of the proposed tariff) fails to make any reference to the NRCC repertoire. Any future tariff should continue to use the wording of the current SOCAN/NRCC tariff 1.A which specifically states that the tariff applies to certain uses of the respective repertoires of SOCAN and NRCC.

Similarly, section 3 of ArtistI’s proposed tariff (the “Application” section of the proposed tariff) fails to make any reference to the ArtistI repertoire. As noted above, any certified tariff should clearly apply to certain uses of a specified repertoire, particularly given the limited nature of ArtistI’s repertoire and the subsequent limited use of it by commercial radio stations, the majority of which do not play French-language music.

CSI proposes subsection 3(2), which purports to license a station to “authorize a person to reproduce a musical work for the purpose of delivering it to the station” for the station’s licensed use. Subsection 3(2) is an inappropriate attempt to extend the concept of “use” under this tariff - the CSI licence should not include a grant of right to authorize another to reproduce for the purposes of delivery to the station.

Both AVLA/SOPROQ and ArtistI tariffs to apply to material recorded for archival or reference purposes, whereas the CSI tariff does not. For consistency, the CSI licence should include reproductions for archival or reference purposes.

8. CAB WITNESSES

- a) Dr. Gerry Wall, Wall Communications Inc., will present his expert report, entitled *2008 Consolidated Radio Tariff Hearing: Overview of Economic Valuation, Evidence Approach*.

Estimated time in chief: 2 hours.

- b) Jeff Vidler, Solutions Research Group, will present his expert report, entitled *Music Use, Receipt and Processing among Canada's Private Broadcasters*.

Estimated time in chief: 1.5 hours.

- c) Dean Sinclair, will present his expert report, entitled *Analysis of the Operational Music Processes used by Private Radio Broadcasters in Canada*.

Estimated time in chief: 0.5 hours.

- d) Bruce Wilkinson will present his expert report, entitled *Current Technology Associated with Distribution and Playback of Music Among Canada's Private Broadcasters*.

Estimated time in chief: 0.5 hours.

- e) Dr. James Dertouzos will present his expert report, entitled *Radio Airplay and the Record Industry: An Economic Analysis (June 2008)*.

Estimated time in chief: 1 hour.

9. CAB EVIDENCE

DOCUMENT	EXHIBIT
CAB Statement of Case	Exhibit CAB-1
<i>2008 Consolidated Radio Tariff Hearing Overview of Economic Valuation, Evidence Approach</i> Wall Communications Inc.	Exhibit CAB-2
<i>Music Use, Receipt and Processing among Canada's Private Broadcasters</i> Solutions Research Group	Exhibit CAB-3
<i>Analysis of the Operational Music Processes used by Private Radio Broadcasters in Canada</i> Dean Sinclair	Exhibit CAB-4
<i>Current Technology Associated with Distribution and Playback of Music Among Canada's Private Broadcasters</i> Bruce Wilkinson	Exhibit CAB-5
<i>Determining the Appropriate Increase in SOCAN Tariff Payable for the Public Performance of Musical Works (April/June 2007)</i> Steven Globberman	Exhibit CAB-6
<i>Radio Airplay and the Record Industry: An Economic Analysis (June 2008)</i> Dr. James Dertouzos	Exhibit CAB-7
<i>Music Consumer Survey 2007 (Canada)</i> Jupiter Research	Exhibit CAB-8
<i>Music Influencers Survey</i> Jupiter Research	Exhibit CAB-9
<i>Radio's Influence on Music Purchases in Canada (1996)</i> Angus Reid	Exhibit CAB-10

COLLECTIVES' Responses to Objector Interrogatories (Interrogatories 6, 7, 10, 12, 16, 17, 18, 19, 20, 22, 23, 47, 54, 55, 58, 63, 65, 66, 67, 69)	Exhibit CAB-1
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