

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.

<i>In re</i> <b>DISTRIBUTION OF CABLE ROYALTY FUNDS</b>	<b>CONSOLIDATED DOCKET NO. 14-CRB-0010-CD/SD (2010-13)</b>
<i>In re</i> <b>DISTRIBUTION OF SATELLITE ROYALTY FUNDS</b>	
<i>In re</i> <b>DISTRIBUTION OF SATELLITE ROYALTY FUNDS</b>	<b>CONSOLIDATED DOCKET NO. 14-CRB-0011-SD (2010-13)</b>

**MPA-REPRESENTED PROGRAM SUPPLIERS’ MOTION FOR FINAL  
DISTRIBUTION OF 2010-13 SATELLITE ROYALTIES**

MPA-represented Program Suppliers (“MPA”) hereby moves for final distribution of its share of the satellite royalties funds for 2010, 2011, 2012, and 2013 (“2010-13 Satellite Royalties”) attributable to the Program Suppliers category in these proceedings. With the dismissal of Multigroup Claimants’ appeal of the Copyright Royalty Judges’ (“Judges”) Final Distribution Determination in the 2010-2013 Satellite Distribution Phase controversy, and the recent settlement of the 2010-13 Satellite Allocation Phase controversy, all controversies relating to the 2010-13 Satellite Royalties for the Program Suppliers category are now fully resolved.<sup>1</sup>

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<sup>1</sup> The D.C. Circuit dismissed Multigroup Claimants’ appeal of the Final Distribution Determination as to both the 2010-13 cable and satellite royalty funds. MPA expects the D.C. Circuit to issue its mandate to the Copyright Royalty Board in the near future. However, unlike the Satellite proceedings, the 2010-13 Cable Allocation Phase awards are not final, as they are subject to an ongoing appeal. *See Program Suppliers v. Copyright Royalty Board*, No. 19-1063 (D.C. Cir).

Therefore, final distribution to MPA of its share of the 2010-13 Satellite Royalties should occur promptly.

On January 9, 2020, the parties to the 2010-13 Satellite Allocation Phase Proceeding, Docket No. 14-CRB-0011-SD (“Satellite Allocation Phase Parties”), notified the Judges that “they have entered formal, confidential, and non-precedential agreements finally resolving all outstanding Allocation Phase controversies relating to the 2010-13 Satellite Royalties.” *See Allocation Phase Parties’ Notice Of Allocation Phase Settlement And Motion To Cancel Hearing*, Docket No. 14-CRB-0010-SD (2010-13) at 2 (January 9, 2020).

On November 30, 2018, the Judges published their Final Distribution Determination, which determined 2010-13 Cable and Satellite Distribution Phase royalty shares in the Program Suppliers category for both MPA and Multigroup Claimants. *See* 83 Fed. Reg. 61683, 61684 (November 30, 2018). Thereafter, Multigroup Claimants appealed the Final Distribution Determination in the D.C. Circuit. On December 6, 2019, the D.C. Circuit issued a *per curiam* judgment dismissing Multigroup Claimants’ appeal for lack of jurisdiction. *See Multigroup Claimants v. Copyright Royalty Board*, No. 18-1338, slip op. at 1-3 (D.C. Cir. Dec. 6, 2019). Accordingly, the 2010-13 Cable and Satellite Distribution Phase royalty shares for the Program Suppliers category set forth in the Judges’ Final Distribution Determination are now final, and are no longer subject to controversy.

In light of the Satellite Allocation Phase Parties’ settlement, and the resolution of the Multigroup Claimants’ appeal, no controversies remain outstanding regarding MPA’s 2010-13 Satellite Distribution Phase royalty awards, and those funds should be available for immediate distribution by the Judges. *See* 17 U.S.C. § 801(b)(3)(A). Accordingly, MPA hereby moves the Judges for a final distribution of its 2010-13 Satellite Royalties in the Program Suppliers

category. MPA’s satellite shares in the Program Suppliers category are as set forth below, and can also be found in the Final Distribution Determination. *See* 83 Fed Reg. at 61684.

**Program Suppliers Category**

<b><u>Satellite Royalty Year</u></b>	<b><u>MPA</u></b>
<b><u>2010</u></b>	99.52%
<b><u>2011</u></b>	99.82%
<b><u>2012</u></b>	99.82%
<b><u>2013</u></b>	99.89%

In order to preserve the confidentiality of the Satellite Allocation Phase Parties’ settlement, MPA respectfully requests that the Judges issue an order granting Program Suppliers leave to provide the following information directly to the Licensing Division of the Copyright Office (“Licensing Division”) and without disclosure to the Judges, subject to the Protective Order issued in this proceeding: (1) the 2010-13 Satellite Allocation Phase royalty shares attributable to the Program Suppliers category per the Satellite Allocation Phase Parties’ confidential settlement,<sup>2</sup> and (2) the dollar amounts and dates of the 2010-13 Satellite partial distributions received by Program Suppliers. This information will allow the Licensing Division to determine the appropriate final distribution dollar amounts to be distributed to MPA for each of the 2010-13 Satellite royalty years. Once the Licensing Division makes this determination and provides the information to the Judges, MPA respectfully requests that the Judges order a final distribution of 2010-13 Satellite Royalties to MPA for each year in the dollar amounts determined by the Licensing Division.

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<sup>2</sup> The Satellite Allocation Phase Parties have agreed that the allocation percentage shares are non-precedential and do not reflect any agreement among the parties concerning the relative shares that would or should have been awarded in any final determination by the Judges or any underlying principle or methodology for the distribution of the royalty funds related to the shares to be disclosed.

Finally, the Settling Devotional Claimants' December 26, 2019 *Motion For Order To Show Cause Why Multigroup Claimants Should Not Be Disqualified As An Agent To Receive Funds On Behalf of Claimants with the Judges* ("Show Cause Motion") appears to raise credible questions regarding whether Multigroup Claimants currently has any authority to represent claimants in the 2010-13 Distribution Phase proceeding and whether Multigroup Claimants are the qualified recipients of their purported claimants' share of the 2010-13 Satellite Royalties awarded by the Judges in the Program Suppliers category. MPA urges the Judges to carefully consider the issues raised in the Show Cause Motion. However, the Judges' consideration and resolution of that matter should have no effect on the requested distribution to MPA of its share of the 2010-13 Satellite Royalties for the Program Suppliers category because (1) the Judges awarded MPA that share in their Final Distribution Determination which was unaltered by Multigroup Claimants' unsuccessful appellate challenge, and (2) investigation of the issues raised in the Show Cause Motion has no connection to MPA's receipt of its 2010-13 Satellite Royalty distribution.

### **CONCLUSION**

For the reasons set forth above, MPA's motion for final distribution of its 2010-13 Satellite Royalties in the Program Suppliers category should be granted, and the Judges should order a final royalty distribution to MPA in the dollar amounts determined by the Licensing Division.

Respectfully submitted,

**MPA-REPRESENTED PROGRAM SUPPLIERS**

*/s/ Gregory O. Olaniran*

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Dated: January 10, 2020

# Proof of Delivery

I hereby certify that on Friday, January 10, 2020, I provided a true and correct copy of the MPA-Represented Program Suppliers' Motion For Final Distribution Of 2010-13 Satellite Royalties to the following:

Spanish Language Producers, represented by Brian D Boydston, served via Electronic Service at [brianb@ix.netcom.com](mailto:brianb@ix.netcom.com)

SESAC Performing Rights, LLC, represented by John C. Beiter, served via Electronic Service at [john@beiterlaw.com](mailto:john@beiterlaw.com)

Broadcast Music, Inc., represented by Jennifer T. Criss, served via Electronic Service at [jennifer.criss@dbr.com](mailto:jennifer.criss@dbr.com)

Multigroup Claimants, represented by Brian D Boydston, served via Electronic Service at [brianb@ix.netcom.com](mailto:brianb@ix.netcom.com)

Joint Sports Claimants, represented by Rosemary Szanyi, served via Email

Settling Devotional Claimants, represented by Michael A Warley, served via Electronic Service at [michael.warley@pillsburylaw.com](mailto:michael.warley@pillsburylaw.com)

Major League Soccer, LLC, represented by Edward S. Hammerman, served via Electronic Service at [ted@copyrightroyalties.com](mailto:ted@copyrightroyalties.com)

Broadcaster Claimants Group (CTV), represented by Ann Mace, served via Electronic Service at null

Signed: /s/ Lucy H Plovnick