

COPYRIGHT ROYALTY TRIBUNAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

----- X
In the Matter of: :
1983 CABLE COPYRIGHT :
ROYALTY DISTRIBUTION : CRT 84-1:83-CD
PHASE II :
----- X

(This volume contains pages 334 through 453)

Room 458
1111 20th Street, Northwest
Washington, D. C.

Tuesday, March 11, 1986

The hearing in the above-entitled matter was
reconvened at 10:00 a.m., pursuant to adjournment.

BEFORE:

EDWARD W. RAY	Chairman
MARIO F. AGUERO	Commissioner
J. C. ARGETSINGER	Commissioner

P R O C E E D I N G S

(10:00 a.m.)

CHAIPMAN RAY: On the record, please.

Before we continue with Multimedia's direct case, or we are just now beginning Multimedia's direct case, I would like to read for the record the clarification of yesterday's ruling on NAB's Motion for Reconsideration.

"NAB had requested a clarification of yesterday's ruling in which the Tribunal granted MPAA's Motion to Dismiss NAB's claim for WDBJ and WTAJ. NAB referred the Tribunal to the claims filed by Shur Communications, Inc. and Macromedia, Inc., the parents of WDBJ and WTAJ. However, the Tribunal did not view that these claims were filed by the parent corporation for all of its subsidiaries. The claim filed by WAGT Television, Inc., Shur Communications Inc. was specifically for WAGT Television.

"In Part IV of the Claim it states, 'Nature of work for which claim is filed, all stations produced programming broadcast by WAGT and the claim was submitted by WAGT-TV's president and General Counsel'. Similarly, the claim filed by Gateway Communications, Inc., licensee of TV station of WBNG-TV and Macromedia, Inc., its parent corporation, specifically states in Part IV of the claim, 'Nature of work for which claim is filed all station produced Programming, including newscasts, public affairs, childrens

1 and sports programming broadcast by WBNG-TV' and the claim
2 is submitted by WBNG's vice president and general manager.

3 The Tribunal considers that the mere mention of
4 the parent corporation was not enough to put the Tribunal
5 on notice and the other parties on notice that a claim had
6 been filed for other subsidiaries, besides the one mentioned
7 as the nature work for which a claim is filed and the sign-
8 ing officer."

9 Mr. Lutzker, do you have an opening statement?

10 MR. LUTZKER: Yes, I do have a short opening
11 statement.

12 Multimedia is pleased to be here, Multimedia has
13 been one of the most diligent program suppliers in present-
14 ing an independent Phase II case to the Tribunal. This,
15 in fact, is the fifth consecutive presentation that Multi-
16 media has made covering the 1979 through the 1983 Cable
17 Royalty Distribution proceeding.

18 In each proceeding we have expressed our particu-
19 lar concerns with the formulation of division of royalties
20 as proposed by MPAA, and in each instance the Tribunal has
21 recognized the validity of these objections in awarding
22 Multimedia a sum different from what MPAA had proposed in
23 its own independent studies.

24 Since the 1979 proceeding, the awards to Multi-
25 media have been challenged only once by MPAA in court, in