Before the
COPYRIGHT OFFICE
LIBRARY OF CONGRESS

ORIGINAL

In the Matter of	)	
	)	
Distribution of 2000, 2001, 2002	)	Docket No. 2008-2 CRB CD 2000-2003
And 2003 Cable Royalty Funds	)	(Phase II)
	)	

INDEPENDENT PRODUCERS GROUP'S OPPOSITION TO JOINT SPORTS CLAIMANTS MOTION TO DISMISS IPG CLAIMS FOR PROGRAMMING NOT WITHIN THE PHASE I SPORTS CATEGORY

Worldwide Subsidy Group LLC (a Texas limited liability company) dba Independent Producers Group ("IPG") hereby submits its opposition to the "Joint Sports Claimants Motion to Dismiss IPG Claims for Programming not Within the Phase I Sports Category".

INTRODUCTION

The JSC move to dismiss IPG's claims in the Phase I Sports category for (1) the U.S. Olympic Trials; (2) the United Negro College fund ("UNCF") Celebrity Golf Tournament; (3) World Cup Soccer broadcasts originating on Canadian television stations; and (4) broadcasts of a program entitled "World Cup Soccer Highlights" originating on Canadian television stations (collectively "IPG's Programs"), based on:

(1) The JSCs' assertion that only programming that falls within the Phase I Representatives' agreed-upon definitions for sports programming is eligible to participate in the Phase I Sports category, and

(2) The opinions of the attorney for the Program Suppliers category, Marsha Kessler of the MPAA, and counsel for the Canadian Claimants Group that IPG's Programs do

not come within the Phase I Representatives' agreed-upon definitions for sports programming.[1]

However, the JSC position is based on a false premise: specifically, the "agreed upon" Phase I definitions are *merely stipulations between the Phase I participants*, of which IPG was not a party, and are not law. As a result, the opinions by counsel and Ms. Kessler cited in the JSC Motion are no more dispositive of whether or not IPG's Programs belong in the Phase I Sports category than IPG's counsel's opinion on the subject, or that of the man on the street. Rather, the opinions and rulings of the Copyright Royalty Judges ("the Judges"), and in prior years, the Copyright Arbitration Royalty Panel ("CARP"), are what are relevant to the question of what programming belongs in what Phase I category. In that regard, the Judges and the CARP have not limited the Phase I Sports category in the manner advocated by the JSC in this motion. Rather, the Judges and the CARP have merely described the Phase I Sports Category as one "compris[ing] sports programming belonging to the National Football League, the National Hockey League," etc. The Judges and the CARP have not limited the Phase I Sports Category to "live" broadcasts, "team sports", or sports telecasts originating in the United States, as the JSC advocates.

It may well be that Phase I parties have stipulated over the years to certain categorical criteria to be employed in their Phase I negotiations, and even filed such stipulations with the CARP and the Judges in the course of various proceedings (see the JSC Motion at pages 3-5), but that is not the same thing as the CARP and/or the Judges adopting such criteria as a

[1] It is not clear from the exhibit provided by the JSC, but the Canadian Claimants Group witness, Ms. Janice de Freitas, may have been under the misimpression that copyright to the World Cup Soccer broadcasts originating from Canadian stations were owned by such stations. If such were the case, then her testimony that such broadcasts should fall within the Canadian Claimants Group Phase I category is of no moment, as it would not have been suggesting that programming owned by a non-Canadian belonged in the Canadian Claimants Group.

governing matter of law. Nor would it be reasonable to impose a definition privately agreed to amongst the Phase I parties that does not comport with category descriptions utilized by the governing bodies (e.g., CRT, CARP, CRB), particularly definitions employed after IPG had already responded to public notices that have periodically requested IPG to identify which Phase I categories IPG maintains claims for Phase II purposes.[2]

This was made explicitly clear in the colloquy between the JSC's counsel, Robert Garrett, and then Chief Judge Sledge on June 11, 2009, attached to the JSC's Motion as Exhibit B:

"**Chief Judge Sledge**:

"I want to clarify on the record that the parties in this proceeding are adopting that framework by stipulation, and that is the framework under which we are operating here as result of stipulation, not as a result of any determination by the Judges.

"**Mr. Garrett**:

"Yes, Your Honors. . . .

"**Chief Judge Sledge**:

"And implicit in that statement is *the stipulation that the parties are adopting the categories of Phase I that have never been determined by any regulatory group, but have been informally adopted by the parties in these distribution proceedings*. And those categories are what you're relying on in your Phase I proceedings?

"**Mr. Garrett**:

"Your Honor, I believe the answer to that is yes as well.

---

[2] It is notable that the first instance in which IPG was required to assert its interest in any of the 2000-2003 cable royalty funds occurred in September 2002, in response to the Ascertainment of Controversy for the 2000 Cable Royalty Funds, published at 67 Fed. Reg. 55885 (Aug. 30, 2002), attached hereto as **Exhibit A**. In such notice requesting identification of Phase I and Phase II controversies, the categories are referred to as "sports programming" and "Canadian programming", with no further qualification.

"And I will say, by way of history, there was a point, I believe it was in the 1983 litigated proceeding, where all the parties had agreed upon the definitions of the categories.

"I believe that the Copyright Royalty Tribunal in that case had accepted that as the – as the definition of the various categories, and we have used it consistently since then.

"**Chief Judge Sledge**:

"*And "accepted" is an important word, not made any finding, not adopted it, but accepted it I think is an important concept there.*

"**Mr. Garrett**:

"Yes, Your Honor. I think that's right. . . ."

[emphasis added]

It is eminently clear from this passage that the criteria for the Phase I categories upon which the JSC rely in this motion are merely those agreed to by the Phase I parties, and have not been "found to be controlling", or "adopted" by the CARP, the Judges, or any other "regulatory group", and, as such, are not legally controlling. Chief Judge Sledge clearly went out of his way to clarify that fact, and counsel for the JSC agreed therewith.

As a result, there is no basis upon which to dismiss the IPG Programs from the Phase I Sports category. Moreover, even if such basis existed, the equitable result would not be to dismiss such claims, but to simply re-categorize them.

ARGUMENT

A. The CARP and the Judges have Not Adopted the Specific Criteria for Phase I Categories Contained in Stipulations between the Phase I Parties.

As confirmed in the June 11, 2009 colloquy set forth above, neither the CARP nor the Judges, nor any other regulatory body have adopted the definitions contained in the various

stipulations between the Phase I Parties as a matter of law. In fact, in every known reference located by IPG, the governing body merely refers to the category as "sports programming", without further qualification or limitation.

For instance, in the order entitled "Distribution of 1998 and 1999 Cable Royalty Fund, 2001-8 CARP CD 1998-1999", 69 Fed. Reg. 3606 (1-26-04), the CARP stated the following as part of its ruling as to the distribution of 1998-1999 cable funds:

> "In Phase I, the royalties are divided among eight categories or groups of copyright owners that represent all of the kinds of copyrighted broadcast programming carried by cable systems: . . . , sports programming . . . ."

In a footnote to the reference to "sports programming", the CARP then proceed to describe the participants in such proceeding, but again without any of the limitations advocated by the JSC motion.[3] That is, no qualification is stated that it must be "live" telecasts (as opposed to tape delayed broadcasts),[4] that it can only be a "team" sport,[5] or that it can only be broadcasts that are U.S.-originated (as opposed to either Mexican or Canadian-originated).[6]

---

[3] "This category comprises sports programming belonging to the National Football League, the National Hockey League, the National Basketball Association, Major League Baseball and the National Collegiate Athletic Association." Id., at 3607, fn 2. That the CARP's reference to this programming was not intended to be a comprehensive identification of all "sports programming" is itself borne out by the fact that other forms of "sports programming" have been awarded royalties in the cable distribution proceedings and were not listed (e.g., "World Cup Soccer"), a fact acknowledged in the JSC motion.

[4] This begs the question as to how (or why) the JSC rationalize distinguishing a tape delay from London of, for instance, Olympic team sports (e.g., team volleyball), versus a live telecast thereof when broadcast from the U.S.

[5] This begs the question of what basis exists for distinguishing between an individual golf tournament versus a team event such as Davis Cup golf, or an individual track event versus a track relay.

[6] According to the JSC, sports broadcasts that are Mexican-originated fall in the sports programming category, but the same program broadcasts, if Canadian-originated, fall into the Canadian Claimants Group category.

Identically, in the published notice identified as Distribution of 2003 Cable Royalty Funds, 2005-4 CRB CD 2003, 70 Fed.Reg. 53953, 53954 (9-13-05), the CRB states the following:

> "In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that have been retransmitted by cable systems. The categories have traditionally been . . . sports programming . . . and Canadian programming."

Again, *none* of the qualifications to which the JSC now assert define the sports programming category are mentioned. In fact, even in the final distribution order relating to Phase I proceedings for 2000-2003 cable royalties, the JSC's asserted qualifications are not mentioned. *See* Distribution of 2000-2003 Cable Royalty Funds, 75 Fed. Reg. 26798 (5-12-10) ("sports programming"). On what basis then was IPG supposed to intuit that the "sports programming" category only includes "live" telecasts, of "team" sports, broadcast from the United States? On what basis does the JSC contend that the definition that it contends was adopted amongst the Phase I participants was adopted by any prior governing body? If broadcasts of the IPG-claimed sporting events do not belong in the "sports category", then where do they belong?

As regards IPG's most valuable sports programming, the World Cup Soccer matches, the JSC argue that IPG's programming goes into the Canadian Claimants Group category, even though the underlying copyright owner is not Canadian, but Swiss. Again, the basis for this is confounding, as the references to such category in CARP and CRB orders and notices, the pleadings of the Canadian Claimants Group, the evidence submitted by the Canadian Claimants Group, and even the name of the group – have universally limited application of the category to *Canadian* copyright owners. For example:

> "Canadian broadcast programming consists of various *Canadian copyright owners* whose programs are retransmitted by cable systems located near the

> U.S./Canada border. The category is referred to as ''Canadian Claimants'' in this document."

See "Distribution of 1998 and 1999 Cable Royalty Fund, 2001-8 CARP CD 1998-1999", 69 Fed. Reg. 3606 (1-26-04), at 3607, Footnote 6. [emphasis added]

> "Canadian broadcast programming (referred to as ''Canadian Claimants'' and consists of various *Canadian copyright owners* whose programs are retransmitted by cable systems located near the U.S./Canada border).

See "Distribution of 2003 Cable Royalty Funds, 2005-4 CRB CD 2003", 72 Fed. Reg. 46516 (8-20-07), at 46516, Footnote 6. [emphasis added]

Moreover, even the Canadian Claimants Group consider their category limited to Canadian copyright owners, as in the Phase I proceedings for 2000-2003 cable royalties, the Canadian Claimants' 2000-2003 claim was derived *solely* from retransmitted Canadian broadcast signals, and then only such portion as was attributable to Canadian copyright owners. *See Final Distribution Order*, 2008-2 CRB CD 2000-2003, at 11, 75 Fed. Reg. 26798 (5-12-10), citing *Report of the CARP to the Librarian of Congress* in Docket No. 2001-8 CARP CD 98-99, at 71-72.

These orders do not dictate that any and all Canadian originated broadcasts must be included in the Canadian Claimants Group. However, they do appear to exclude non-Canadian owned broadcasts as they both refer to "Canadian copyright owners", which is further consistent with the Phase I category title of "*Canadian*" Claimants Group.

Similarly, the JSC challenge that the program titled "World Cup Soccer Highlights", because its name suggests that it is an edited program rather than the broadcast of a sporting event, fails to qualify in the Sports Programming category. The JSC, however, failed to actually review the broadcast data produced by IPG in discovery, that suggests that such programming was simply a tape-delayed broadcast of the sporting event. As is clear therefrom, the

programming is typically 3-4 hours in length, and occurs on the same dates as the World Cup matches. For the reasons stated above, there is no requirement that a sporting event be "live" versus tape delayed, so such programming is appropriately categorized as part of the Sports Programming category.

B. <u>The IPG Programming Falls within the Phase I Sports Category, and Outside the Canadian Claimants Group</u>.

Based on the foregoing, the binding legal criteria of what belongs in the Phase I Sports Programming category is little more than that the subject programming be that of a "sport". In that regard, there can be no question that the United States Olympic Trials, a UNCF Celebrity Golf Tournament, and the World Cup of Soccer constitute "sports" programming, and therefore are appropriately within the Phase I Sports Programming category.

As noted, the Phase I parties may have stipulated to limit the Phase I sports category to "live", "team" sports broadcast from the United States, but the Judges did not adopt the same as a matter of law. Moreover, the stipulation for the current proceedings did not even occur until June of 2009, long after claimants to the 2000-2003 Cable Royalty Funds, including IPG, had filed their initial notices of intent to participate. As such, at the time that IPG made the instant claims in the Phase I sports category, no such Phase I stipulation existed purporting to limit the sports category to "live", "team" sports broadcast from the United States.

As for the Canadian Claimants Group, the binding legal criteria is merely that the claimant be "Canadian", meaning, as set forth in the authorities quoted above, that the owner of such programming be "Canadian". Given that criteria, World Cup broadcasts originating in Canada, but owned by a non-Canadian, such as the Federation Internationale De Football Associations" ("FIFA"), the owner of the World Cup of Soccer, in addition to being a sports

program more logically within the sports category, would not fall within the Canadian Claimants Group, since FIFA is not a Canadian entity.

CONCLUSION

For the reasons set forth herein, the JSC's motion should be denied in its entirety.

Respectfully submitted,

Dated: August 9, 2012

Brian D. Boydston, Esq.
California State Bar No. 155614

PICK & BOYDSTON, LLP
10786 Le Conte Ave.
Los Angeles, California 90024
Telephone: (213)624-1996
Facsimile: (213)624-9073
Email: brianb@ix.netcom.com

Attorneys for Independent Producers Group

CERTIFICATE OF SERVICE

I hereby certify that on this 10 day of August, 2012, a copy of the foregoing was sent by overnight mail to the parties listed on the attached Service List.

Brian D. Boydston, Esq.

JOINT SPORTS CLAIMANTS:

Robert Alan Garret, Esq.
Stephen K. Marsh
Marco Palmieri
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, D.C. 20004-1206

EXHIBIT A

EXHIBIT A

(3) electronically through the OSHA webpage. Please note that you cannot attach materials such as studies or journal articles to electronic comments. If you have additional materials, you must submit three copies of them to the OSHA Docket Office at the address above. The additional materials must clearly identify your electronic comments by name, date, subject and docket number so we can attach them to your comments. Because of security-related problems there may be a significant delay in the receipt of comments and intentions to participate in stakeholder meetings by regular mail. Please contact the OSHA Docket Office at (202) 693–2350 for information about security procedures concerning the delivery of materials by express delivery, hand delivery and messenger service.

All comments and submissions will be available for inspection and copying at the OSHA Docket Office at the above address. Comments and submissions will be posted on OSHA's Web site at *www.osha.gov*. OSHA cautions you about submitting personal information such as social security numbers and birth dates. Contact the OSHA Docket Office at (202) 693–2350 for information about materials not available through the OSHA webpage and for assistance in using the webpage to locate docket submissions.

II. Background

On April 5, 2002, the Department of Labor announced a four-pronged comprehensive approach for addressing muskuloskeletal disorders (MSDs). One of those prongs called for OSHA to develop industry or task-specific guidelines. OSHA's first industry-specific guidelines will address MSD hazards in the nursing home industry.

The draft guidelines contain an introduction and three main sections. The introduction provides an overview of the nature and scope of the problem of MSDs in nursing homes. It also explains the role of ergonomics in reducing the incidence of these injuries. The three main sections set out the major components of an effective ergonomics process:

- *Management Practices*—Includes a discussion of management commitment and employee participation, ergonomics training, occupational health management, and methods for evaluating a nursing home's ergonomics program.
- *Worksite Analysis*—Describes methods of identifying and evaluating ergonomic stressors.
- *Control Methods*—Presents 49 methods that can be used to control exposure to ergonomic stressors in nursing homes. The control methods are presented with drawings showing proper use, and with recommendations for when to use a specific control method.

OSHA encourages interested parties to comment on all aspects of the draft guidelines.

III. Stakeholder Meeting

Following the close of the comment period, OSHA will be holding a stakeholder meeting in the Washington, DC metropolitan area. In a future **Federal Register** notice, the Department will announce the date and precise location of the stakeholder meeting.

This notice was prepared under the direction of John L. Henshaw, Assistant Secretary for Occupational Safety and Health. It is issued under sections 4 and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 657).

Issued at Washington, DC, this 27th day of August, 2002.

John L. Henshaw,

Assistant Secretary of Labor.

[FR Doc. 02–22285 Filed 8–29–02; 8:45 am]

BILLING CODE 4510–26–M

LIBRARY OF CONGRESS

Copyright Office

[Docket No. 2002–8 CARP CD 2000]

Ascertainment of Controversy for the 2000 Cable Royalty Funds

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice with request for comments and notices of intention to participate.

SUMMARY: The Copyright Office of the Library of Congress directs all claimants to royalty fees collected for calendar year 2000 under the section 111 cable statutory license to submit comments as to whether a Phase I or Phase II controversy exists as to the distribution of those fees, and a Notice of Intention to Participate in a royalty distribution proceeding.

DATES: Comments and Notices of Intention to Participate are due on September 30, 2002.

ADDRESSES: If sent by mail, an original and five copies of written comments and a Notice of Intention to Participate should be addressed to: Copyright Arbitration Royalty Panel (CARP), P.O. Box 70977, Southwest Station, Washington, DC 20024. If hand delivered, an original and five copies should be brought to the Office of the General Counsel, James Madison Memorial Building, Room 403, First and Independence Ave., SE., Washington, DC 20540.

FOR FURTHER INFORMATION CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Senior Attorney, Copyright Arbitration Royalty Panels, PO Box 70977, Southwest Station, Washington, DC 20024. Telephone: (202) 707–8380. Telefax: (202) 252–3423.

SUPPLEMENTARY INFORMATION: Each year cable systems submit royalties to the Copyright Office for the retransmission to their subscribers of over-the-air broadcast signals. These royalties are, in turn, distributed in one of two ways to copyright owners whose works were included in a retransmission of an over-the-air broadcast signal and who timely filed a claim for royalties with the Copyright Office. The copyright owners may either negotiate the terms of a settlement as to the division of the royalty funds, or the Librarian of Congress may convene a Copyright Arbitration Royalty Panel ("CARP") to determine the distribution of the royalty fees that remain in controversy. *See* 17 U.S.C. chapter 8.

During the pendency of any proceeding, the Librarian of Congress may distribute any amounts that are not in controversy, provided that sufficient funds are withheld to cover reasonable administrative costs and to satisfy all claims with respect to which a controversy exists under his authority set forth in section 111(d)(4) of the Copyright Act, title 17 of the United States Code. *See,* e.g., Orders, Docket No. 2000–6 CARP CD 98 (dated October 12, 2000) and Docket No. 99–5 CARP CD 97 (dated October 18, 1999). However, the Copyright Office must, prior to any distribution of the royalty fees, ascertain who the claimants are and the extent of any controversy over the distribution of the royalty fees.

The CARP rules provide that:

> In the case of a royalty fee distribution proceeding, the Librarian of Congress shall, after the time period for filing claims, publish in the **Federal Register** a notice requesting each claimant on the claimant list to negotiate with each other a settlement of their differences, and to comment by a date certain as to the existence of controversies with respect to the royalty funds described in the notice. Such notice shall also establish a date certain by which parties wishing to participate in the proceeding must file with the Librarian a notice of intention to participate.

37 CFR 251.45(a). The Copyright Office may publish this notice on its own initiative, *see,* e.g., 64 FR 23875 (May 4, 1999); in response to a motion from an

interested party, *see,* e.g., 65 FR 54077 (September 6, 2000), or in response to a petition requesting that the Office declare a controversy and initiate a CARP proceeding. In this case, the Office has received a motion for a partial distribution of the 2000 cable royalty fees.

On July 31, 2002, representatives of the Phase I claimant categories to which royalties have been allocated in prior cable distribution proceedings filed a motion with the Copyright Office for a partial distribution of the 2000 cable royalty fund. The Office will consider this motion after each interested party has been identified by filing the Notice of Intention to Participate requested herein and had an opportunity to file responses to the motion.

1. Comments on the Existence of Controversies

Before commencing a distribution proceeding or making a partial distribution, the Librarian of Congress must first ascertain whether a controversy exists as to the distribution of the royalty fees and the extent of those controversies. 17 U.S.C. 803(d). Therefore, the Copyright Office is requesting comment on the existence and extent of any controversies, at Phase I and Phase II, as to the distribution of the 2000 cable royalty fees.

In Phase I of a cable royalty distribution, royalties are distributed to certain categories of broadcast programming that has been retransmitted by cable systems. The categories have traditionally been syndicated programming and movies, sports, commercial and noncommercial broadcaster-owned programming, religious programming, music programming, and Canadian programming. The Office seeks comments as to the existence and extent of controversies between these categories for royalty distribution.

In Phase II of a cable royalty distribution, royalties are distributed to claimants within a program category. If a claimant anticipates a Phase II controversy, the claimant must state each program category in which he or she has an interest that has not, by the end of the comment period, been satisfied through a settlement agreement and the extent of the controversy.

The Copyright Office must be advised of the existence and extent of all Phase I and Phase II controversies by the end of the comment period. It will not consider any controversies that come to its attention after the close of that period.

2. Notice of Intention To Participate

Section 251.45(a) of the rules, 37 CFR, requires that a Notice of Intention to Participate be filed in order to participate in a CARP proceeding, but it does not prescribe the contents of the Notice. Recently, in another proceeding, the Library has been forced to address the issue of what constitutes a sufficient Notice and to whom it is applicable. *See* 65 FR 54077 (September 6, 2000); *see also* Orders in Docket No. 2000–2 CARP CD 93–97 (June 22, 2000, and August 1, 2000). These rulings will result in a future amendment to § 251.45(a) to specify the content of a properly filed Notice. In the meantime, the Office advises those parties filing Notices of Intention to Participate in this proceeding to comply with the following instructions.

Each claimant that has a dispute over the distribution of the 2000 cable royalty fees, either at Phase I or Phase II, shall file a Notice of Intention to Participate that contains the following: (1) The claimant's full name, address, telephone number, and facsimile number (if any); (2) identification of whether the Notice covers a Phase I proceeding, a Phase II proceeding, or both; and (3) a statement of the claimant's intention to fully participate in a CARP proceeding.

Claimants may, in lieu of individual Notices of Intention to Participate, submit joint Notices. In lieu of the requirement that the Notice contain the claimant's name, address, telephone number and facsimile number, a joint Notice shall provide the full name, address, telephone number, and facsimile number (if any) of the person filing the Notice and it shall contain a list identifying all the claimants that are parties to the joint Notice. In addition, if the joint Notice is filed by counsel or a representative of one or more of the claimants identified in the joint Notice, the joint Notice shall contain a statement from such counsel or representative certifying that, as of the date of submission of the joint Notice, such counsel or representative has the authority and consent of the claimants to represent them in the CARP proceeding.

Notices of Intention to Participate must be received in the Office of the Copyright General Counsel no later than 5 p.m. on September 30, 2002.

3. Motion of Phase I Claimants for Partial Distribution

A claimant who is not a party to the motion, but who files a Notice of Intention to Participate, may file a response to the motion no later than the due date set forth in this notice for comments on the existence of controversies and the Notices of Intention to Participate. The Motion of Phase I Claimants for Partial Distribution is available for inspection and copying in the Office of the General Counsel.

Dated: August 27, 2002.

David O. Carson,

General Counsel.

[FR Doc. 02–22255 Filed 8–29–02; 8:45 am]

BILLING CODE 1410–33–P

MEDICARE PAYMENT ADVISORY COMMISSION

Commission Meeting

AGENCY: Medicare Payment Advisory Commission.

ACTION: Notice of meeting.

SUMMARY: The Commission will hold its next public meeting on Thursday, September 12, 2002, and Friday, September 13, 2002, at the Ronald Reagan Building, International Trade Center, 1300 Pennsylvania Avenue, NW., Washington, DC. The meeting is tentatively scheduled to begin at 10 a.m. on September, and at 9 a.m. on September 13.

Topics for discussion include: assessing payment adequacy; streamlining cost reports; monitoring beneficiaries' access to care; survey of physicians about Medicare; Medicare payment for physician services compared to private payers; competitive bidding for durable medical equipment; social HMO (SHMO) demonstration project; SNF services in Medicare+Choice; payment for new technology; 2003 hospital outpatient PPS proposed rule; and Medicare payment for prescription drugs under part B.

Agendas will be mailed on Thursday, September 5, 2002. The final agenda will be available on the Commission's Web site (*www.MedPAC.gov*).

ADDRESSES: MedPAC's address is: 601 New Jersey, NW., Suite 9000, Washington, DC 20001. The telephone number is (202) 220–3700.

FOR FURTHER INFORMATION CONTACT: Diane Ellison, Office Manager, (202) 220–3700.

Lu Zawistowich,

Acting Executive Director.

[FR Doc. 02–22161 Filed 8–27–02; 8:45 am]

BILLING CODE 6820–BW–M