

ORIGINAL

Received Copyright Royalty Tribunal
Date:

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Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20009

1990 Satellite Carrier) CRT Docket No. 91-5-90SCD
Royalty Fund)

PROGRAM SUPPLIERS' COMMENTS
CONCERNING EXISTENCE OF A CONTROVERSY
AND NOTICE OF INTENT TO PARTICIPATE

Program Suppliers, pursuant to the Tribunal's Notice, 56 Fed. Reg. 37530 (August 7, 1991) submit comments on the existence of a controversy with regard to the 1990 satellite carrier royalty and their notice of intent to participate in a proceeding.


Program Suppliers believe that our comments on the 1989 proceeding (filed June 24, 1991) are equally applicable to the 1990 satellite carrier royalty fund. The parties have discussed preliminarily the possibility of settlement. These discussions are still at a very early stage of fact-gathering. The parties appear, however, to be interested in settling, rather than litigating. As the Tribunal is well aware, these same parties have been heavily involved in the 1989 cable royalty distribution proceeding, which requires considerable time and energy.

Program Suppliers continue to believe that the best course in these circumstances is for the Tribunal to delay any decision as to whether a controversy exists. More time will give an opportunity for the parties to work out a settlement. As a practical matter, given the hearing schedule for the 1989 cable

distribution proceeding, delay will have little effect on a possible hearing schedule.

Program Suppliers have no current objection to consolidation of the 1989 and 1990 satellite carrier royalty proceeding, if a hearing eventually proves necessary. After further development of the facts relevant to the satellite carrier royalties, it may at that time, become apparent that consolidation would be unwieldy. Program Suppliers believe, however, that any effort to reduce the time and expense of hearings should be supported.

Respectfully submitted,


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Dated: September 6, 1991

CERTIFICATE OF SERVICE

I, Arthur Scheiner, certify that I have, this 6th day of September, 1991, served a copy of the foregoing "Program Suppliers' Comments Concerning Existence Of A Controversy And Notice Of Intent To Participate" by first class mail, postage prepaid, to the parties on the attached list.

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