

**UNITED STATES COPYRIGHT ROYALTY JUDGES**  
**The Library of Congress**

*In re*

**DETERMINATION OF ROYALTY RATES AND  
TERMS FOR PERFORMANCE OR DISPLAY  
OF NONDRAMATIC MUSICAL WORKS AND  
PICTORIAL, GRAPHIC, AND SCULPTURAL  
WORKS BY PUBLIC BROADCASTING  
ENTITIES (PB III)**

**Docket No. 16-CRB-0002 PBR**  
**(2018-2022)**

**ORDER GRANTING CHURCH MUSIC PUBLISHERS' MOTION TO  
ACCEPT LATE PETITION TO PARTICIPATE**

On April 8, 2016, the Church Music Publisher' Association (CMPA) filed a motion with the Copyright Royalty Judges (Judges) to accept its untimely petition to participate in the captioned proceeding.<sup>1</sup> The motion was unopposed.

Pursuant to Section 803(b)(1)(A)(ii) of the Copyright Act and 37 CFR § 351.1(d), the Judges may, for good cause shown and if there is no prejudice to the participants that have already filed petitions, accept late petitions to participate at any time up to 90 days before the date on which participants in the proceeding are to file their written statements.<sup>2</sup> In its motion, CMPA notes that “the case name for this proceeding differs in format from the two prior proceedings to establish royalty rates and terms payable to public broadcasting entities for the Section 118 license.” Motion at 2.<sup>3</sup> According to CMPA, this change in the name of the proceeding led CMPA to overlook the notice commencing the proceeding. As a result, CMPA asks that the Judges find good cause to accept its late petition.

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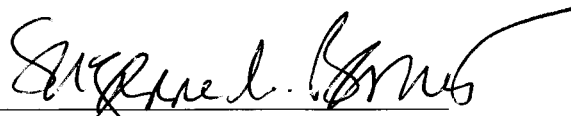
<sup>1</sup> The Motion also notified the Judges that CMPA was withdrawing a previous “Motion for Late Filing of Petition” and “Motion to Supplement Request to Accept Late Petition to Participate” (dated March 22, 2016 and March 31, 2016, respectively). Motion at 1.

<sup>2</sup> Barring an earlier settlement, written direct statements are due in this proceeding no later than November 7, 2016. *See Notice of Participants, Commencement of Voluntary Negotiation Period, and Case Scheduling Order* (March 25, 2016).

<sup>3</sup> The captions for the two prior proceedings pursuant to Copyright Act Section 118 (“Scope of Exclusive Rights: Use of Certain Works in Connection with Noncommercial Broadcasting”) were “*In Re* Determination of Reasonable Rates and Terms for Noncommercial Broadcasting, Docket No. 2011-2 CRB NCEB” and “*In the Matter of* Determination of Reasonable Rates and Terms for Noncommercial Broadcasting, Docket No. 2006-2 CRB NCBRA”). The term “public broadcasting entity” is defined in Section 118(f) as a “noncommercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in paragraph (2) of subsection (c).”

The Judges find good cause for accepting the late petition and hereby grant the unopposed motion.<sup>4</sup>

**SO ORDERED.**

  
Suzanne M. Barnett  
Chief Copyright Royalty Judge

DATED: May 6, 2016.

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<sup>4</sup> In accepting CMPA's late petition, the Judges make no ruling on whether CMPA, or any other petitioner, has the requisite "significant interest" in this proceeding entitling it to continued and full participation in the proceeding. *See Notice of Participants, Commencement of Voluntary Negotiation Period, and Case Scheduling Order* (March 25, 2016) at n.2.