

**BEFORE
THE COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS**

_____))
Distribution of the 2010)
Cable Royalty Funds)
_____))
_____)

Received
SEP 04 2012
Copyright Royalty Board
Docket No. 2012-4
CRB CD 2010

COMMENTS OF NATIONAL PUBLIC RADIO, INC.

By Federal Register notice dated August 3, 2012, 77 Fed. Reg. 46527, the Copyright Royalty Board ("Board") solicited comment on (1) the motion for partial distribution filed by the parties representing the Phase I claimant categories to which Section 111 cable royalties have been allocated in prior cable distribution proceedings (collectively, "Phase I Parties") and (2) the existence of Phase I and Phase II controversies with respect to the distribution of the 2010 cable royalty funds. As a Phase I Party, National Public Radio, Inc. ("NPR") hereby submits its comments in support of the motion and advises the Board with respect to Phase I and Phase II controversies.

**No Controversy Precludes Distribution of 50 Percent
of the 2010 Cable Royalty Funds**

As a longstanding Phase I claimant, NPR participated in the joint motion requesting the distribution of 50 percent of the 2010 cable royalty funds. See 77 Fed. Reg. at 46527 n.1. As set forth in that motion, there is nothing to preclude the distribution of 50 percent of the 2010 cable royalty funds, even though all the 2010 cable royalty funds remain in dispute at this time. Among other reasons, distribution of the funds is subject to the condition that any overpayment that results from the partial distribution must be repaid with interest in accordance with the agreement to be executed under Section 801(b)(3)(C)(ii) of the Copyright Act. Accordingly,

while all the 2010 cable royalty funds remain in dispute, no claimant will be deprived of the share of the 2010 cable royalty funds to which it subsequently may be entitled, notwithstanding the partial distribution.

Existence of Controversy

With respect to Phase I of the 2010 cable royalty distribution proceeding, the shares of funds to be allocated to NPR and the other Phase I claimant groups remains in controversy. With respect to Phase II, NPR is unaware of any Phase II claims with respect to the share of the 2010 cable royalties to be awarded to NPR and its participating member stations. At the same time, there is also no Phase II settlement to report at this time.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I, Gregory A. Lewis, hereby certify that a courtesy copy of the foregoing "Comments of National Public Radio" was sent to the following via first class mail, postage prepaid, this 4th day of September, 2012:

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Subject: Docket No. 2012-4 CRB CD 2010 (Distribution of the 2010 Cable Royalty)
Attachments: NPR1-#14348-v1-NPR_Comments_on_2010_Cable_Royalties_Partial_Distribution.pdf

Attached please find NPR's comments in response to the August 3, 2012 Federal Register Notice concerning the above-referenced matter. 77 Fed. Reg. 46527. Please let me know if there are any questions or concerns regarding this matter.

Greg Lewis

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