

Received
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Copyright Royalty Board

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of)

Distribution of the)
2011 Cable Royalty Funds)

Docket No. 2012-9 CRB CD 2011

COMMENTS OF ASCAP ON THE EXISTENCE OF CONTROVERSIES

The American Society of Composers, Authors and Publishers (“ASCAP”)¹ files these comments in response to the Copyright Royalty Board (“CRB”) notice of January 15, 2013 (published at 78 Fed. Reg. 4,169 (January 18, 2013)) soliciting comments on a motion filed by Phase I claimants for partial distribution of 2011 cable royalty funds as well as comments as to the existence of controversies with respect to the distribution of such 2011 cable royalties.

ASCAP is filing separate comments as part of a larger filing by Phase I parties regarding the above-referenced matter, and state therein that there are no Phase I settlements concerning any portion of the 2011 cable royalties, and that Phase I controversies exist among the different Phase I categories as to the distribution of the 2011 royalty funds. Additionally, those comments stated that individual Phase I Parties would separately file comments apprising the Copyright Royalty Judges (“Judges”) of the status of any Phase II controversies existing in and among those Parties.

¹ ASCAP represents 500,000 composer, lyricist, songwriter, and publisher members with a repertory of millions of copyrighted musical works. On behalf of its members, ASCAP licenses the public performance rights granted to its members’ copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). ASCAP is also affiliated with about ninety foreign performing rights societies around the world and licenses the repertories of those societies in the United States. ASCAP, with Broadcast Music, Inc. (“BMI”), and SESAC, Inc. (“SESAC”) are collectively the Phase I Music Claimants.

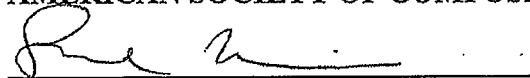
Consistent with this, ASCAP submits supplemental comments to report on the status of Phase II controversies in the music category.

ASCAP and Broadcast Music, Inc. ("BMI") have executed a confidential settlement with SESAC, Inc. ("SESAC") with regard to SESAC's share of 2011 cable royalties. However, because there is no confidential settlement between ASCAP and BMI with regard to the 2011 cable royalties, a Phase II controversy currently exists between BMI and ASCAP. ASCAP is unaware of any other Phase II controversies in the music category. If an unanticipated Phase II claim is made by an individual, there would be a controversy.

ASCAP believes that the size of the remaining undistributed amount, along with the Phase I Parties' commitment to repay any excess distributions, would be more than sufficient to satisfy any Phase I or II claims and the costs of any distribution proceedings involving these funds. *See* Motion of Phase I Claimants for Partial Distribution of 2011 Cable Royalties (filed December 12, 2012) in this matter.

Respectfully submitted,

AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS



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Dated: February 19, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this date, February 19, 2013, a copy of the foregoing Comments of ASCAP on the Existence of Controversies was sent by FedEx overnight delivery to the following:

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From: crb
Sent: Tuesday, February 19, 2013 3:15 PM
To: Barnett, Suzanne; Roberts, William; Strasser, Richard; Giuffreda, Gina
Cc: Keys, LaKeshia; crb
Subject: FW: Comments of ASCAP in Docket No. 2012-9 CRB CD 2011
Attachments: Comments of ASCAP on the Existence of Controversies for 2011 Cable Royalty Funds.pdf

From: Sam Mosenkis [<mailto:smosenkis@ascap.com>]
Sent: Tuesday, February 19, 2013 3:06 PM
To: crb
Cc: Alexander Baez
Subject: Comments of ASCAP in Docket No. 2012-9 CRB CD 2011

To whom it may concern:

Please find attached the Comments of ASCAP in Docket No. 2012-9 CRB CD 2011 in response to the CRB's notice of January 15, 2013.

If you have any questions, please contact me at [212-621-6450](tel:212-621-6450).

Thank you,

Sam Mosenkis

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