

Before the  
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<i>In re</i> <b>DISTRIBUTION OF CABLE ROYALTY FUNDS</b>	<b>CONSOLIDATED DOCKET NO. 14-CRB-0010-CD/SD (2010-13)</b>
<b>DISTRIBUTION OF SATELLITE ROYALTY FUNDS</b>	
<i>In re</i> <b>DISTRIBUTION OF CABLE ROYALTY FUNDS</b>	<b>CONSOLIDATED DOCKET NO. 14-CRB-0010-CD (2010-13)</b>

**SETTLING DEVOTIONAL CLAIMANTS' MOTION FOR FINAL DISTRIBUTION OF  
2010-13 CABLE ROYALTY FUNDS**

The Settling Devotional Claimants (“SDC”) move pursuant to 17 U.S.C. § 801(b)(3)(B) for a final distribution of the SDC’s share of copyright royalty funds allocated to the Devotional category collected for cable royalty years 2010 through 2013, in an amount to be calculated by the Licensing Division based on the allocation and distribution percentage shares for the Devotional category as have been finally determined by the Judges.

The Judges resolved all distribution phase controversies regarding the SDC’s share of funds collected for cable royalty years 2010 through 2013 in the Judges’ Final Distribution Determination, 83 Fed. Reg. 38,326 (Aug. 6, 2018), pursuant to an agreed resolution among the distribution phase parties. No party appealed the Final Distribution Determination in the Devotional category within the time permitted by 17 U.S.C. § 803(d). The SDC’s distribution phase shares of cable royalty funds allocated to the Devotional category are as follows:

<b>SDC's Distribution Phase Shares Devotional Category</b>	
<b>Cable royalty year</b>	<b>SDC share (percent)</b>
2010	77.1%
2011	82.6%
2012	84.8%
2013	89.1%

The Judges resolved all allocation phase controversies regarding the Devotional category share of funds collected for cable royalty years 2010 through 2013 in the Judges' Final Allocation Determination, 84 Fed. Reg. 3552 (Feb. 12, 2019). MPA-Represented Program Suppliers appealed, and the U.S. Court of Appeals affirmed. Judgment, *Program Suppliers v. Copyright Royalty Board*, No. 19-1063 (Apr. 14, 2020) (per curiam). The D.C. Circuit entered its mandate on June 8, 2020. Pursuant to the Judges' Final Allocation Determination, the allocation phase shares of cable royalty funds in the Devotional categories are as follows:

<b>Allocation Phase Shares Devotional Category</b>			
<b>Cable royalty year</b>	<b>Basic Fund (percent)</b>	<b>3.75% Fund (percent)</b>	<b>Syndex Fund (percent)</b>
2010	4.0%	4.7%	0%
2011	5.5%	6.8%	0%
2012	5.5%	6.7%	0%
2013	4.3%	5.3%	0%

Each of the allocation phase shares above is of the net fees remaining after final distribution to ASCAP, SESAC, and BMI (the Music Claimants) pursuant to a confidential settlement agreements with the allocation phase parties.

The SDC have made the Judges aware of certain issues relating to Multigroup Claimants' identity and authority to receive distribution of funds. See SDC's Further Briefing in Response to Multigroup Claimants' Response to Order to Show Cause, 14-CRB-0010-CD/SD (2010-13)

(Mar. 16, 2020). Resolution of these issues will have no effect on the size of the Devotional fund or of the fund for any other claimant category or on the SDC's share of the Devotional fund, both of which have been resolved by the Judges. The SDC's share, therefore, should be finally distributed without regard to any issues affecting Multigroup Claimants' status in these proceeding.

### **Conclusion**

Accordingly, the SDC request the Judges to order final distribution of the SDC's share of cable royalty fees collected for royalty years 2010 through 2013 that have been allocated to the Devotional category, in accordance with the Judges' final determinations.

Date: June 9, 2020

Respectfully submitted,

/s/ Matthew J. MacLean

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# Proof of Delivery

I hereby certify that on Wednesday, June 10, 2020, I provided a true and correct copy of the Settling Devotional Claimants' Motion for Final Distribution of 2010-13 Cable Royalty Funds to the following:

Broadcast Music, Inc. (BMI), represented by Brian A Coleman, served via ESERVICE at Brian.Coleman@dbr.com

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Signed: /s/ Matthew J MacLean