

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In re

**DISTRIBUTION OF CABLE ROYALTY
FUNDS**

**CONSOLIDATED DOCKET NO.
14-CRB-0010-CD
(2010-13)**

**PUBLIC TELEVISION CLAIMANTS' MOTION FOR FINAL
DISTRIBUTION OF THE 2010-13 CABLE ROYALTY FUNDS**

The Public Television Claimants, through their representative Public Broadcasting Service, hereby move pursuant to 17 U.S.C. §§ 801(b)(3)(A) & (B) for final distribution of their share of the cable royalty funds for 2010, 2011, 2012, and 2013 (“2010-13 Cable Royalties”) in an amount to be calculated by the Licensing Division based on the final allocation percentages for the Public Television category determined by the Copyright Royalty Judges (“Judges”).

The Judges resolved all allocation phase controversies regarding the Public Television Claimants’ share of the 2010-13 Cable Royalties in the Final Allocation Determination in these consolidated proceedings. *See Final Allocation Determination*, 84 Fed. Reg. 3552 (Feb. 12, 2009). MPA-Represented Program Suppliers appealed the Final Allocation Determination, and the U.S. Court of Appeals for the District of Columbia Circuit affirmed. *See 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. With the resolution of this appeal, all controversies relating to the 2010-13 Cable Royalties for the Public Television category are fully resolved, and the funds remaining on reserve should be available for immediate distribution by the Judges to the Public Television Claimants.

Pursuant to the Judges’ Final Allocation Determination, 84 Fed. Reg. at 3552, the allocation phase shares of cable royalty funds in the Public Television category are as follows:

Allocation Phase Shares: Public Television Category			
Cable Royalty Year	Basic Fund (percent)	3.75% Fund (percent)	Syndex Fund (percent)
2010	14.8%	0%	0%
2011	18.6%	0%	0%
2012	17.9%	0%	0%
2013	19.5%	0%	0%

As acknowledged by the Judges in the Final Allocation Determination, these shares are net of the allocations of royalties to the Music Claimants and National Public Radio and should be adjusted “to account for partial distributions” of the 2010-2013 Cable Royalties previously ordered by the Judges.¹ *Id.*

For the reasons set forth above, the Public Television Claimants respectfully request that the Judges order final distribution of the Public Television Claimants’ share of the 2010-13 Cable Royalties to the Public Television Claimants in accordance with the Judges’ Final Allocation Determination.

¹ Between 2012 and 2015, the Judges ordered partial distributions of 2010–2013 Cable Royalties to allocation phase participants according to allocation percentages agreed upon by the participants. *See Order Granting Motion of Phase I Claimants for Partial Distribution*, Docket No. 14–CRB–0010 CD (2013) (May 28, 2015) (60% partial distribution of 2013 cable royalties); *Order Granting Motion of Phase I Claimants For Partial Distribution*, Docket No. 14–CRB–0007 CD (2010-12) (Dec. 23, 2014) (60% partial distribution of 2012 cable royalties); *Order Granting Phase I Claimants’ Motion for Partial Distribution of 2011 Cable Royalty Funds*, Docket No. 2012-9 CRB CD 2011 (Mar. 13, 2013) (50% partial distribution of 2011 cable royalties); *Order Granting Phase I Claimants’ Motion for Partial Distribution of 2010 Cable Royalty Funds*, Docket No. 2012-4 CRB CD 2010 (Sept. 14, 2012) (50% partial distribution of 2010 cable royalties). Then, in December 2016, the Judges ordered final distribution of certain 2010–2013 Cable Royalties to Music Claimants and National Public Radio pursuant to their settlements with the allocation phase participants. *See Amended Order Granting Motion For Final Distribution of 2010-2013 Cable Royalty Funds To Music Claimants* (August 23, 2017); *Order Granting Request For Final Distribution of 2010-2013 Cable Royalty Funds To National Public Radio* (August 23, 2017).

Dated: June 16, 2020

Respectfully submitted,

/s/ Ronald G. Dove, Jr.

Ronald G. Dove, Jr. (D.C. Bar No. 430533)

Dustin Cho (D.C. Bar No. 1017751)

COVINGTON & BURLING LLP

One CityCenter

850 Tenth Street, NW

Washington, DC 20001-4956

Phone: (202) 662-5685

Fax: (202) 778-5685

rdove@cov.com

dcho@cov.com

R. Scott Griffin (Ga. Bar No. 140807)

PUBLIC BROADCASTING SERVICE

2100 Crystal Drive

Arlington, VA 22202-3785

Phone: (703) 739-8658

rgriffin@pbs.org

Counsel for Public Broadcasting Service

CERTIFICATE OF SERVICE

I certify that on June 16, 2020, I caused the foregoing to be served on all parties by filing through the eCRB system.

/s/ Ronald G. Dove, Jr.

Ronald G. Dove, Jr.

Proof of Delivery

I hereby certify that on Tuesday, June 16, 2020, I provided a true and correct copy of the PTV Motion for Final Distribution 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

Canadian Claimants Group, represented by Lawrence K Satterfield, served via ESERVICE at lksatterfield@satterfield-pllc.com

SESAC Performing Rights, LLC, represented by John C. Beiter, served via ESERVICE at john@beiterlaw.com

Commercial Television Claimants (CTC), represented by John Stewart, served via ESERVICE at jstewart@crowell.com

Devotional Claimants, represented by Matthew J MacLean, served via ESERVICE at matthew.maclean@pillsburylaw.com

MPA-Represented Program Suppliers, represented by Gregory O Olaniran, served via ESERVICE at goo@msk.com

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via ESERVICE at smosenkis@ascap.com

Joint Sports Claimants, represented by Michael E Kientzle, served via ESERVICE at michael.kientzle@apks.com

Signed: /s/ Ronald G. Dove Jr.