

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In re

Distribution of Cable Royalty Funds

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

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

Commercial Television Claimants ("CTV") hereby move pursuant to 17 U.S.C. § 801(b)(3)(B) for final distribution of the cable royalty funds for 2010, 2011, 2012, and 2013 ("2010-13 Cable Royalties") allocated to the Commercial Television category. As set forth below, no Allocation or Distribution Phase controversies exist concerning these funds.

On February 12, 2019, the Judges issued their final determination of royalty allocation in the 2010-13 cable distribution proceeding. Distribution of Cable Royalty Funds, 84 Fed. Reg. 3552 (Feb. 12, 2019), corrected 84 Fed. Reg. 5505 (Feb. 21, 2019) ("2010-13 Cable Final Determination"). The Judges allocated the following shares of the 2010-13 Cable Royalties to the Commercial Television category:

Allocation Phase Shares, Commercial TV Category

<u>Cable Royalty Year</u>	<u>Basic Fund</u>	<u>3.75% Fund</u>	<u>Syndex Fund</u>
2010	16.8%	19.7%	0%
2011	16.8%	20.6%	0%
2012	16.2%	19.7%	0%
2013	15.3%	19.0%	0%

84 Fed. Reg. at 3552. The royalty shares allocated in the 2010-13 Cable Final Determination are stated net of the allocations of royalties to the Music Claimants and National Public Radio, *id.*, and the Music Claimants and NPR have received final distributions of their shares of the 2010-13 Cable Royalties. *See* Order Granting Motion for Final Distribution of 2010-13 Cable Royalty Funds to Music Claimants, No. 14-CRB-0010 CD (2010-13) (Aug. 11, 2017); Order Granting Motion for Final Distribution of 2010-13 Cable Royalty Funds to National Public Radio, No. 14-CRB-0010-CD (2010-13) (Aug. 23, 2017).

The 2010-13 Cable Final Determination resolved all Allocation Phase controversies regarding CTV's share of the 2010-13 Cable Royalties. No non-CTV claimant sought a distribution of 2010-13 Cable Royalties allocated to the Commercial Television category. Therefore, there are no Distribution Phase controversies in the Commercial Television category.

The 2010-13 Cable Final Determination was affirmed by the U.S. Court of Appeals for the District of Columbia Circuit. *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 the appeal, all controversies relating to the 2010-13 Cable Royalties for the Commercial Television category are fully resolved, and the funds remaining on reserve should be made available for immediate distribution by the Judges.

CONCLUSION

For the reasons set forth above, CTV's motion for final distribution of its 2010-13 Cable Royalties in the Commercial Television category should be granted. Accordingly, the Judges should order the final distribution to CTV of all of the remaining 2010-13 Cable Royalties allocated to the Commercial Television category, in an amount to be determined by the

Licensing Division pursuant to the 2010-13 Cable Final Determination and accounting for all prior distributions of such royalties to the Allocation Phase parties.

Dated: June 16, 2020

Respectfully submitted,

COMMERCIAL TELEVISION CLAIMANTS

/s/ David Ervin

By: _____

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Proof of Delivery

I hereby certify that on Tuesday, June 16, 2020, I provided a true and correct copy of the Commercial Television Claimants' Motion for Final Distribution Of 2010-13 Cable Royalty Funds to the following:

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

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

Public Television Claimants (PTC), represented by Ronald G. Dove Jr., served via ESERVICE at rdove@cov.com

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

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

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

Signed: /s/ David J Ervin