

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' NOTICE AFFIRMING
CALCULATIONS OF FINAL DISTRIBUTION SHARES**

Pursuant to the Judges' October 14, 2020 *Order Directing Parties to Review Calculations of Final Distribution Shares* in the 2010-2013 cable royalty proceeding, the Public Television Claimants have conducted such a review and have concluded that the calculations are consistent with the Copyright Royalty Judges' prior orders and that no clarifications or corrections are necessary.

On October 2, 2020, the Judges issued an *Order Directing Calculation of Final Distribution Shares*, directing the Licensing Division to compute the amounts to be distributed to each party from each fund:

- “in accordance with the percentage shares [awarded]”;
- “net of the allocations of royalties paid to the Music Claimants and NPR”;
- “account[ing] for partial distributions of the 2010-2013 cable royalties previously ordered by the Judges”; *and*
- apportioning among the parties “[a]ll other increases or decreases to the royalty funds (e.g., due to administrative expenses incurred or investment earnings accrued while the funds were on deposit with the Copyright Office) ... in accordance with [the parties’]

respective percentage shares *as adjusted to rebalance the parties' shares following any partial distributions those parties may have received.*" October 2 Order at 2 (emphasis added).

The calculations by the Licensing Division, included in Appendix A to the October 14 Order, implemented the Judges' instructions precisely.

The Public Television Claimants understand that certain parties whose partial distribution shares were higher than their final distribution award shares ("the windfall parties") are considering asserting a challenge to the underlying methodology ordered by the Judges and implemented by the Licensing Division that would increase their awards. Re-opening these proceedings to additional litigation over share methodologies is not the sort of "clarification" contemplated by the Judges' October 14 Order, and should be rejected on that basis alone. After years of litigation—and a decade since the earliest royalties at issue were generated—it is time to bring this matter to an end and distribute the royalty funds to the copyright owners in accordance with the calculations properly set forth in Appendix A to the October 14 Order.

Adopting a new methodology from the windfall parties at this late stage would be unfair and inconsistent with precedent. If the Judges nevertheless decide to consider any new methodology put forward by the windfall parties, then the Public Television Claimants respectfully request the opportunity to review that methodology, any underlying arguments, and any revised calculations, and respond in due course under a schedule set by the Judges.

Dated: October 26, 2020

Respectfully submitted,

/s/ Ronald G. Dove, Jr.

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CERTIFICATE OF SERVICE

I certify that on October 26, 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 Monday, October 26, 2020, I provided a true and correct copy of the PTV Notice Affirming Final Share Calculations 2010-2013 to the following:

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

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

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.