

Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of)	
)	
Distribution of 2004, 2005, 2006, 2007, 2008 and 2009 Cable Royalty Funds)	Docket No. 2012-6 CRB CD 2004-2009 (Phase II)
)	
In the Matter of)	
)	
Distribution of 1999-2009 Satellite Royalty Funds)	Docket No. 2012-7 CRB SD 1999-2009 (Phase II)
)	

**Independent Producers Group’s Response
to Judges’ Order Directing Parties to
Review Calculations of Final Distribution Shares**

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On December 4, 2020, the Judges issued their *Order Directing Parties to Review Calculation of Final Distribution Shares*.

IPG's review of the Licensing Division calculations reveals that the electronic data submitted by the Licensing Division includes information taken from Excel electronic sheets that were not provided to the participants. Each of the following electronic sheets (as well as others not affecting IPG) are expressly referenced electronically within cells that appear within the Excel spreadsheet, but are not included within the electronic data, and go toward the various cable and satellite royalty funds, the deductions thereto, and the growth of those funds via investment:

2004 Cable Roll-forward
2005 Cable Roll-forward
2006 Cable Roll-forward
2007 Cable Roll-forward
2008 Cable Roll-forward
2009 Cable Roll-forward

2000 Satellite Roll-forward
2001 Satellite Roll-forward
2002 Satellite Roll-forward
2003 Satellite Roll-forward
2004 Satellite Roll-forward
2005 Satellite Roll-forward
2006 Satellite Roll-forward
2007 Satellite Roll-forward
2008 Satellite Roll-forward
2009 Satellite Roll-forward

To be clear, the foregoing does not mean that the Licensing Division calculations are inaccurate, only that they cannot be verified. Submission of the information contained on the foregoing electronic sheets, and comparison with any source of information on which those electronic sheets are based, can be achieved quickly if such information is provided.

Second, as a general matter, IPG is unable to determine the accuracy of calculations related to other parties, for the simple reason that IPG was not informed of the amounts received by those parties from prior distributions to a common agent, i.e., the information provided to the Licensing Division that was not simultaneously communicated to IPG. As such, IPG can only rely on the expectation that other recipients of distributions to a common agent have verified the accuracy of such figures.

Finally, pursuant to orders previously issued by the Judges, various parties were required to inform IPG of the amounts allocable to the cable and satellite royalty pools for the program suppliers and devotional programming categories. As a universal matter, the figures previously reported to IPG misreported the amounts allocable to those programming categories, often substantially. This information was provided to IPG pursuant to orders that only required that the amounts allocable to the particular program categories, without confirmation by the Licensing Division, without allowing IPG to review the settlement agreements relating thereto, and without the submission of the calculations being performed. This was despite the fact that the relevant settlement agreements were entered into on behalf of *entire* programming categories of which IPG maintained an interest. Consequently, IPG remained unable to verify those figures – which ultimately were inaccurate -- in order to accurately assess its alternatives relating to continued litigation versus settlement. Future orders should end this practice of allowing only certain parties information relating to settlement agreements made on behalf of *entire* program categories.

In sum, verification of the Licensing Division calculations requires submission of the already-existent Excel electronic sheets, and any information on which the information contained therein is based.

Respectfully submitted,

December 18, 2020

_____/s/_____
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CERTIFICATE OF SERVICE

I certify that on December 18, 2020, I caused a copy of the foregoing pleading to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

_____/s/_____
Brian D. Boydston, Esq.

Proof of Delivery

I hereby certify that on Friday, December 18, 2020, I provided a true and correct copy of the Independent Producers Group's Response to Judges' Order Directing Parties to Review Calculations of Final Distribution Shares to the following:

Devotional Claimants, represented by Jeannette M. Carmadella, served via ESERVICE at jeannette@lutzker.com

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

Signed: /s/ Brian D Boydston