

**Before the  
COPYRIGHT ROYALTY JUDGES  
The Library of Congress**

*In re*

**NOTICE OF INQUIRY REGARDING  
CATEGORIZATION OF CLAIMS FOR  
CABLE OR SATELLITE ROYALTY  
FUNDS AND TREATMENT OF  
INELIGIBLE CLAIMS**

**Docket No. 19-CRB-0014-RM**

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**ORDER DENYING JSC MOTION FOR LEAVE TO REPLY**

On April 15, 2020, the Joint Sports Claimants (JSC) filed with the Copyright Royalty Judges (Judges) their Motion for Leave to Reply (Motion). JSC seeks an opportunity for interested parties to file reply comments “prior to the commencement of any formal rulemaking proceeding.” *Id.* at 1. No party responded to JSC’s Motion.<sup>1</sup>

JSC states that, if permitted to reply, it “intends to submit additional comments and testimony of survey, industry, and economic experts addressing the significant problems with the declarations submitted by Program Suppliers’ witnesses ....” *Id.* at 2. It then goes on to preview the ways in which it intends to controvert Program Suppliers’ witness testimony. JSC claims that “reply comments would assist the Judges in evaluating the relative merits of the various comments submitted” and would “further the Judges’ goal of creating a factual record that informs any rulemaking process.” *Id.*

Although JSC makes a case for supplementing the administrative record with additional evidence and arguments, it does not explain, much less justify, why reply comments are needed *prior* to the Judges issuing a notice of proposed rulemaking. If the Judges choose to discontinue this rulemaking without publishing a proposed rule, an additional submission from JSC (which opposes any change to the current claimant category definitions<sup>2</sup>) at this time would be superfluous. If the Judges choose to publish a proposed rule, JSC (and any other interested party) will have the opportunity to supplement the administrative record at that time.

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<sup>1</sup> Since this proceeding is a rulemaking, docket submissions, including the Motion, are not automatically delivered to other parties that have filed comments. Since there is no certificate of service appended to the Motion, the Judges assume that it was not separately delivered to the other commenters. Consequently, the Judges have no basis to conclude that any of the other commenters have seen the Motion. Therefore, the Judges do not interpret the absence of responses to the motion as agreement or acquiescence on the part of the other commenters.

<sup>2</sup> See Comments of the Joint Sports Claimants, at 1-2 (Mar. 16, 2016) ([JSC Comments](#)).

The Judges, therefore, **DENY** the Motion.  
**SO ORDERED.**

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Jesse M. Feder  
Chief Copyright Royalty Judge

DATED: April 5, 2021