

Before the  
UNITED STATES COPYRIGHT ROYALTY JUDGES  
LIBRARY OF CONGRESS  
Washington, DC

*In re*

DETERMINATION OF ROYALTY RATES AND TERMS  
FOR PERFORMANCE OR DISPLAY OF  
NONDRAMATIC MUSICAL WORKS AND PICTORIAL,  
GRAPHIC, AND SCULPTURAL WORKS BY PUBLIC  
BROADCASTING ENTITIES (PB IV)

Docket No. 21-CRB-0002-  
PBR (2023-2027)

**JOINT MOTION REQUESTING POSTPONEMENT OF  
SUBMISSION OF WRITTEN DIRECT STATEMENTS**

The Corporation for Public Broadcasting (“CPB”), National Public Radio, Inc. (“NPR”), the Public Broadcasting Service (“PBS”), and Global Music Rights, LLC (“GMR”) respectfully submit this request to postpone the deadlines for submission of direct witness statements.

CPB, NPR, and PBS (collectively, “CPB”) are or will be responsible for a vast amount of the broadcast programming at issue in this proceeding. And, as in prior periods, CPB anticipates that its payment of royalties pursuant to 37 CFR § 381.4 will primarily be accomplished through direct agreements with performing rights organizations (“PROs”). To that end, CPB has already finalized agreements with each of Broadcast Music, Inc. (“BMI”), American Society of Composers, Authors and Publishers (“ASCAP”), SESAC Performing Rights, LLC (“SESAC”), and The Harry Fox Agency LLC (“HFA”), which have each been submitted to the Judges or will soon be submitted to the Judges. CPB and the one remaining PRO with which it has not reached agreement, GMR, have engaged in productive settlement negotiations and believe full settlement is likely. In light of this, CPB and GMR jointly request that the Judges grant a postponement for 14 days (until December 6, 2021) of the time to submit written direct statements, or such other

period that the Judges believe provides a reasonable period of time within which the parties should be able to settle the issues in this proceeding.

The undersigned are mindful that the Judges wish the parties to adhere to the schedule set forth in the February 9, 2021 Case Scheduling Order (the “Order”), as amended on September 10, 2021, October 14, 2021, and November 3, 2021. The undersigned nevertheless request the exercise of the Judges’ discretion to provide the parties with additional time to continue what have been productive discussions towards a full settlement without the parties having to incur the added obligations and potentially unnecessary costs of the immediately upcoming phases of the proceeding (including written direct statements and discovery). Avoiding these costs is particularly relevant in a proceeding like this one, which is dedicated to public broadcasting, where many of the participants are non-profit organizations. The Order provides for the opportunity for parties to file a “motion stating good cause to vary the schedule”; given that the statutory license scheme is designed to facilitate and encourage the participants in rate proceedings to reach negotiated resolutions and avoid the expense and uncertainty of adjudications, CPB and GMR submit that good cause has here been shown. H.R. REP. 108-408, at 24 (2004); S. REP. 104-128, at 39 (1995).

The undersigned believe the requested postponement would not prejudice any other party or the Judges’ ability to conduct a timely proceeding and reach a timely result. Even with such an extension, and even in the unlikely event that CPB and GMR are unable to enter into a settlement, the Judges will still be able to render a decision on rates and terms in this proceeding prior to December 16, 2022. (*See* proposed revised schedule, attached as Exhibit A, which retains all current deadlines other than the date for submission of written direct cases.)

For these reasons, the undersigned participants respectfully request that this motion be granted and that the parties be allowed until and including December 6, 2021 to file a Notice of Settlement or written direct statements.

DATED: November 22, 2021

Respectfully submitted,

/s/ Kenneth L. Steinthal

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**EXHIBIT A**  
**PB IV Proposed Proceeding Schedule**

<b>Case Event</b>	<b>Date</b>
Non-Settling Parties file Written Direct Statements Commencement of Discovery Period	December 6, 2021
End of Discovery	December 14, 2021
Settlement Conference Period	December 27, 2021- January 17, 2022
Deadline to file Amended Written Direct Statements	November 24, 2021
Deadline for Written Rebuttal Statements	December 27, 2021
Deadline for Joint Settlement Conference Report	January 18, 2022
Hearing	TBD
Proposed Findings and Conclusions	TBD
Responsive Findings and Conclusions	TBD
Closing Arguments	TBD
Initial Determination	Not later than December 16, 2022

## CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November, 2021, a copy of the foregoing Joint Motion Requesting Postponement of Submission of Written Direct Statements was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel and *pro se* participants who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ David Mattern

# Proof of Delivery

I hereby certify that on Monday, November 22, 2021, I provided a true and correct copy of the JOINT MOTION REQUESTING POSTPONEMENT OF SUBMISSION OF WRITTEN DIRECT STATEMENTS to the following:

Educational Media Foundation, represented by David Oxenford, served via ESERVICE at doxenford@wbklaw.com

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

Powell, David, represented by David Powell, served via ESERVICE at davidpowell008@yahoo.com

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

Church Music Publishers' Association, Inc., represented by Carroll C Rigler, served via ESERVICE at cheshirerigler@shrumhicks.com

National Religious Broadcasters Noncommercial Music License Committee, represented by Karyn K Ablin, served via ESERVICE at ablin@fhhlaw.com

The Harry Fox Agency LLC, represented by John C. Beiter, served via ESERVICE at john@beiterlaw.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via ESERVICE at scott@oandzlaw.com

Broadcast Music, Inc., represented by Jennifer T. Criss, served via ESERVICE at jennifer.criss@faegredrinker.com

Signed: /s/ David P Mattern