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Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.

In the Matter of	)	
Distribution of the 2014, 2015, 2016, and 2017 Cable Royalty Funds	)	**Docket No. 16-CRB-0009-CD (2014-17)**

PROGRAM SUPPLIERS' SUPPLEMENTAL REBUTTAL TESTIMONY RESPONDING TO PTV SUPPLEMENTAL PRODUCTION

As permitted by the Copyright Royalty Judges ("Judges") in their *Order 26 On Prehearing Schedule And Related Matters* (eCRB no. 27469) (February 14, 2023), Program Suppliers are hereby submitting Supplemental Rebuttal Testimony from their expert economist, Cleve B. Tyler, Ph.D. ("Tyler SRT"), attached hereto as Exhibit A.

The Tyler SRT responds to the supplemental discovery production that Program Suppliers received from the Public Television Claimants on February 2, 2023, in response to the Judges' *Order 24 Granting The SDC Motion To Compel PTV To Produce Documents* (eCRB no. 27425) (January 19, 2023). Because PTV's supplemental production was designated as RESTRICTED and subject to the Protective Order entered in this proceeding, Program Suppliers have designated the Tyler SRT as RESTRICTED. A public, redacted copy of the Tyler SRT and will be filed concurrently with the RESTRICTED version.

Respectfully submitted,

/s/ Gregory O. Olaniran

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Attorneys for
Program Suppliers

Dated: February 16, 2023

EXHIBIT A

Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC

In the Matter of **Distribution of Cable Royalty Funds**	**CONSOLIDATED PROCEEDING** **No. 16-CRB-0009 CD (2014-2017)**

SUPPLEMENTAL REBUTTAL TESTIMONY OF CLEVE B. TYLER, PH.D.

February 16, 2023

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I. INTRODUCTION

A. Scope of Assignment

1. I have been retained by counsel for the Motion Picture Association ("MPA"), which represents the Program Suppliers claimant group.[1] I filed Written Direct Testimony ("Direct Testimony"),[2] Amended and Corrected Written Testimony ("Revised Direct Testimony"),[3] and Rebuttal Testimony ("Rebuttal Testimony")[4] in this matter.[5] My qualifications and my curriculum vitae, which includes prior testimony, were provided in my prior testimonies.[6] In my Rebuttal Testimony, I addressed testimony provided by other claimant groups.[7]

2. Since the filing of my Rebuttal Testimony, Public Television Claimants ("PTV") produced additional documents and electronic files on February 2, 2023 (the "2023 PTV Supplemental Production") in response to the Settling Devotional Claimants' ("SDC") Motion to Compel Discovery ("SDC Motion to Compel") (eCRB no. 27170), which was granted by the Copyright Royalty Judges on January 19, 2023.[8]

3. MPA asked me to review the 2023 PTV Supplemental Production and provide supplemental testimony on the impact, if any, of this newly produced information on my opinions and conclusions in this proceeding.

B. Materials Relied Upon

4. In forming my opinions, I relied on publicly available materials, information provided by Cable Data Corporation ("CDC"), data provided by Dr. Jeffrey S. Gray, Ph.D.,[9] and my

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1 Program Suppliers are comprised of producers and distributors of program content such as series, specials, feature films, non-team sports, and miniseries that are aired on broadcast television stations and distantly retransmitted by CSOs.

2 Written Testimony of Cleve B. Tyler, Ph.D., July 1, 2022.

3 Amended and Corrected Written Testimony of Cleve B. Tyler, Ph.D., September 2, 2022.

4 Rebuttal Testimony of Cleve B. Tyler, Ph.D., November 2, 2022. On December 27, 2022, I withdrew limited portions of my Revised Direct Testimony and Rebuttal Testimony. *See* Program Suppliers' Notice Of Withdrawal Of Limited Portions Of Pre-filed Testimony, Exhibits A and B (December 27, 2022) (eCRB no. 27402).

5 I use the same defined terms in this supplemental rebuttal testimony as I did in my Revised Direct Testimony and my Rebuttal Testimony. A redacted version of my Amended and Corrected Written Direct Testimony and Rebuttal Testimony withdrew certain portions of my Revised Direct Testimony and Rebuttal Testimony. In this testimony, references to my Direct Testimony and Rebuttal Testimony refer to the updated testimonies taking into account the withdrawn portions. *See*, Program Suppliers' Notice of Withdrawal of Limited Portions of Pre-Filed Testimony, December 27, 2022.

6 One addition to my curriculum vitae since my last testimony was recognition as a Thought Leader for Competition Economists in 2023 by Who's Who Legal. *See*, https://whoswholegal.com/cleve-b-tyler.

7 *See*, ¶ 7 of my Rebuttal Testimony for a list of the specific testimonies that I addressed.

8 Order 24 Granting the SDC Motion to Compel PTV to Produce Documents, dated January 19, 2023.

9 *See*, Amended and Corrected Written Direct Testimony of Jeffrey S. Gray, Ph.D. (September 2, 2022) ("Gray Testimony").

training and experience in economics and econometrics. I have also considered certain materials provided in discovery associated with the testimonies of Commercial Television Claimants ("CTV"), SDC, Canadian Claimants Group ("CCG"), PTV, and Joint Sports Claimants ("JSC") witnesses, including the newly produced 2023 PTV Supplemental Production. The materials I rely upon are cited in my Revised Direct Testimony, Rebuttal Testimony, Attachment A, and throughout this testimony. I reserve the right to update my opinions based on relevant materials and information that may later become available. I may use demonstrative exhibits during the hearing to summarize my analyses and opinions.

C. Summary of Opinions

5. The 2023 PTV Supplemental Production reinforces my prior opinions, including: (1) that the models offered by Drs. Johnson, George, and Marx contain substantial risk of overfitting, data mining, and biased results; and (2) that the Tyler Model provides substantial advantages over these other models.

6. Dr. Johnson acknowledges in his written testimony, proper econometric practice is to use economic theory and industry background to inform and develop model specification, which then may lead to informative results. However, the 2023 PTV Supplemental Production provides evidence of departure from this practice – Dr. Johnson and his staff tested many different models, and *then* sought to justify certain specifications with economic and industry support. The evolution of Dr. Johnson's calculated shares for PTV over time provides evidence that data mining and/or overfitting occurred. This evidence exacerbates my expressed concerns about the risks of data mining, overfitting, and model selection leading to biased results, concerns which are acutely on display for the Johnson Model.

7. By contrast, the Tyler Model was based upon a principled approach, which involved extensive consideration of economic theory, cable industry practices, and the availability of data to inform model specification. In addition, the Tyler Model decreases the likelihood of bias by using Subscriber Group Royalty Percentage ("SGRP") as the dependent variable, which has the effect of (1) requiring fewer analytical choices than the models of Drs. Johnson, George, and Marx; and (2) lowering the variability that has nothing to do with distant signal carriage.

II. 2023 PTV SUPPLEMENTAL PRODUCTION

8. The 2023 PTV Supplemental Production contains, among other materials, details regarding the regression analyses and share allocation analyses performed by Edgeworth Economics, working at the direction of Dr. Johnson.[10] Following PTV's initial production of documents underlying its Written Direct Statement ("PTV WDS") on July 18, 2022, and August 11, 2022, PTV made two supplemental discovery productions underlying the PTV WDS last year, dated August 28, 2022 and September 16, 2022. These earlier PTV supplemental

[10] Dr. John Johnson is listed as the Chief Executive Officer of Edgeworth Economics (https://www.edgeworthe conomics.com/people-dr-john-h-johnson).

productions were produced in response to the Settling Devotional Claimants' requests for production, dated July 11, 2022.

9. The 2023 PTV Supplemental Production is massive in size compared with earlier PTV supplemental productions. Figure 2.1, below, provides some basic metrics showing just how much larger this latest production is compared with prior PTV supplemental productions.

FIGURE 2.1
Number of Files and Size of PTV WDS Supplemental Productions

PTV WDS Supplemental Production Date	Number of Files	Supplemental Production Size
8/29/22	518	21 MB
9/16/22	13	434 MB
2/2/23	> 150,000	2.3 TB

10. One terabyte (TB) is equal to 1,000,000 MB.[11] Thus, the 2023 PTV Supplemental Production is over 5,000 times larger than PTV's prior supplemental productions in aggregate. The 2023 PTV Supplemental Production contains large swaths of files that were not previously produced. The production contains over 10,000 files related to datasets and coding used to perform analyses. This is in contrast with PTV's earlier productions, which together contained approximately 750 coding and data files used in the analysis.[12] Additionally, the production contains email communications, PowerPoint slides, Excel files, csv files, Tableau workbooks, text files, and many other file types.

11. The sheer scale of information is more than could have been reviewed in detail prior to the filing of this testimony given time constraints. However, certain summary files are contained in the production. For example, the 2023 PTV Supplemental Production includes an Excel summary of at least 500 regressions performed prior to the filing of the Johnson Testimony

[11] *See*, "TB to MB Conversion", https://www.gbmb.org/tb-to-mb ("1 Terabyte is equal to 1000000 megabytes (decimal)... 1 Terabyte is equal to 1048576 megabytes (binary).").

[12] The 2023 PTV Supplemental Production differed from prior PTV productions in its organization as well. The prior PTV productions for the Johnson Testimony contained an organized layout for the SAS and Stata programs to easily run the analytical programs with minimal work. In the 2023 PTV Supplemental Production, by contrast, the Stata and SAS files were produced with Bates-numbered filenames without a usable directory structure to quickly run the programs. My preliminary investigation indicates that a substantial amount of work and time would be required to run the programs found in the 2023 PTV Supplemental Production; more than would be possible given the February 16, 2023 deadline for this supplemental testimony, and the expected March 6, 2023 start date of the hearing in this case. As such, I have not verified any of the results in the 2023 PTV Supplemental Production.

("Johnson Regression Summary").[13] This Johnson Regression Summary provides useful insight in evaluating the reliability of the Johnson Model.

III. DR. JOHNSON AND HIS STAFF RAN MANY REGRESSIONS, INCLUDING MANY WITH DIFFERENT DEPENDENT VARIABLES

12. Dr. Johnson and his staff attempted more than 500 regressions in the development of his final model.[14] This approach differs from the approach that I pursued in the development of my model. As I explained in my Rebuttal Testimony:

> The approach I followed in developing the Tyler Model was *not* to attempt huge numbers of regression model permutations. Instead, I developed the Tyler Model using a principled approach which focused on the key economic question of relative value – an approach which led to the use of a hedonic model with SGRP as the dependent variable. This more principled approach means that hundreds of models are not needed to develop a final model.[15]

13. The large volume of regression models run by Edgeworth Economics staff reinforces the point in my Rebuttal Testimony that a Crawford-style regression must control for substantial variability in the dependent variable:

> The dependent variables used by Dr. George, Dr. Johnson, and Dr. Marx contain a substantial amount of variability due to factors other than categories of distantly retransmitted minutes for a subscriber group. These factors impact the amount of the royalty paid which are not directly related to the types of minutes contained in distantly retransmitted signals (such as the number of subscribers). The implication of using a dependent variable with such a large degree of variability is that more control variables (including, potentially, fixed effects) must be used to "tease out" the underlying relationships sought to be measured.[16]

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[13] PTV081592. [redacted]

[14] Based on the unique [redacted] provided in the Johnson Regression Summary.

[15] Rebuttal Testimony, ¶ 17.

[16] Rebuttal Testimony, ¶ 31. Dr. Crawford and/or staff working at his direction also performed hundreds of regression analyses prior to the submission of his testimony. Revised Direct Testimony, ¶¶ 121-25. As I noted in my Revised Direct Testimony, this fact was consistent with a conclusion that the Crawford Model was overfitted. *Id.*

14. As the 2023 PTV Supplemental Production shows, Dr. Johnson and his team spent a substantial amount of time testing many different independent variables, but also tested many different forms for the *dependent variable*, as demonstrated below.

15. Figure 3.1 shows the readily identifiable dependent variables used in regression analyses by Dr. Johnson according to the Johnson Regression Summary.[17]

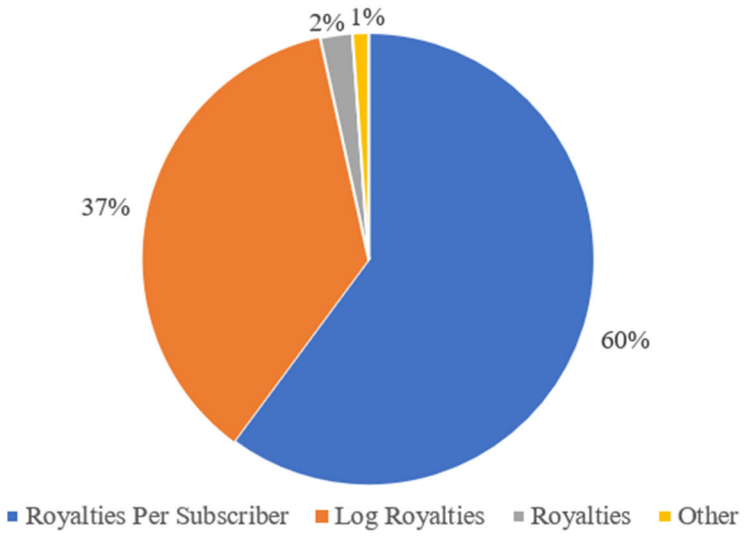
FIGURE 3.1
Dependent Variables Tested in Regression Analyses
by Dr. Johnson and His Staff

[17] Not all of the models identified in the Johnson Regression Summary contain a description of the dependent variable. My summary of the dependent variables tested is limited to those models where the Johnson Regression Summary indicates the dependent variable in the column called "*LHS*." As an economist, "LHS" would indicate that these are descriptions for the "Left Hand Side" variable in the regression analysis, otherwise known as the dependent variable.

16. Overall, Dr. Johnson and his staff identified more than *40 distinct dependent variables* in his analytical iterations.[18] Using this approach in specifying a model only exacerbates the likelihood of data mining that I describe in my Direct Testimony.[19]

17. The Johnson Regression Summary also reveals that most of the regressions run by Dr. Johnson and his team used different dependent variables than the one Dr. Johnson offered in his written testimony. Figure 3.2 shows the proportion of regressions identified in Figure 3.1 in which the dependent variable took the form of royalties, log royalties, or royalties per subscriber.[20]

FIGURE 3.2
Number of Regressions Run by Dr. Johnson
by Basic Form of the Dependent Variable



18. Dr. Johnson's final model uses the log of royalties as the dependent variable. However, more than 60 percent of the regressions run by Dr. Johnson's staff and summarized in Figure 3.2 did not use log of royalties as the dependent variable. In fact, the majority of his regression analysis used *royalties per subscriber* as the dependent variable. An internal Edgeworth Economics presentation from February 2022 describes that [redacted][21]

[18] Certain of these dependent variables may instead represent a similar model run on a different subset of data (*e.g.* 3.75 fees vs. base fees).

[19] Revised Direct Testimony, ¶¶ 123-125.

[20] Johnson Regression Summary.

[21] "Preliminary Model Specifications – Distribution of Cable Royalty Funds," Edgeworth Economics, February 23, 2022, PTV087993.

19. As I described in my Rebuttal Testimony, I had considered using royalties per subscriber as the dependent variable for the Tyler Model, as such an approach might lower the variability in the dependent variable which has nothing to do with distant carriage. However, I decided against using this dependent variable due to my concern regarding measurement error in the calculation of subscribers, an issue I discuss in my Rebuttal Testimony.[22]

IV. RISK OF BIAS DUE TO DATA MINING IN THE JOHNSON MODEL

20. In my Revised Direct Testimony, I summarized my approach of following a principle of best practices in which my analysis "is based on economic logic; incorporates standard, tested economic approaches; is reliable and replicable; and is well-documented."[23] This involves using a model with "straightforward inputs and objective outputs which adhere to these principles and provide for transparency."[24] Among other things, this process involves relating the econometric model to facts of the industry or policy in question so that the analysis answers important underlying questions. This principled approach led to the use of a model where I tested only a few dozen regression specifications.

21. Dr. Johnson describes using a similar approach for model building in his testimony.

> Ultimately, the process of developing a regression model—called "model specification"—relies on careful consideration of the question of interest, the relevant underlying economic theories and assumptions, the facts about the phenomena being modeled, as well as the data available for analysis. As such, designing the best possible model to study a given question can be an iterative process. The goal of this process, which can involve testing and assessing multiple possible specifications for robustness, is to develop a model that is most reliable and informative for answering the question of interest.[25]

I agree with Dr. Johnson that model development should rely on a "careful consideration" of how the question relates to the economic theory and facts of the matter.

22. However, correspondence in the 2023 PTV Supplemental Production shows that his staff at Edgeworth Economics appear to have departed from the approach described by Dr. Johnson. Figure 4.1 shows an internal e-mail sent within Edgeworth Economics in April 2022. In this e-mail, Dr. Johnson's staff discuss seeking support from an industry expert to justify

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22 Rebuttal Testimony, § III.B and footnote 56.

23 Revised Direct Testimony, ¶ 74.

24 Revised Direct Testimony, ¶ 74.

25 Johnson Testimony, ¶ 37. *See also*, Johnson Testimony, ¶ 54 ("Importantly, differences in underlying understandings about how a given marketplace 'works' (or how a hypothetical marketplace with no compulsory licensing could work) can lead to differences in model specification. My discussion of the relevant economic landscape of the industry in Section III above informs my regression model selection.")

modeling decisions that appear to already have been made. Specifically, a member of Dr. Johnson's staff states that [redacted][26]

FIGURE 4.1
E-Mail Sent by Dr. Johnson's Staff Regarding Support Sought

[redacted]

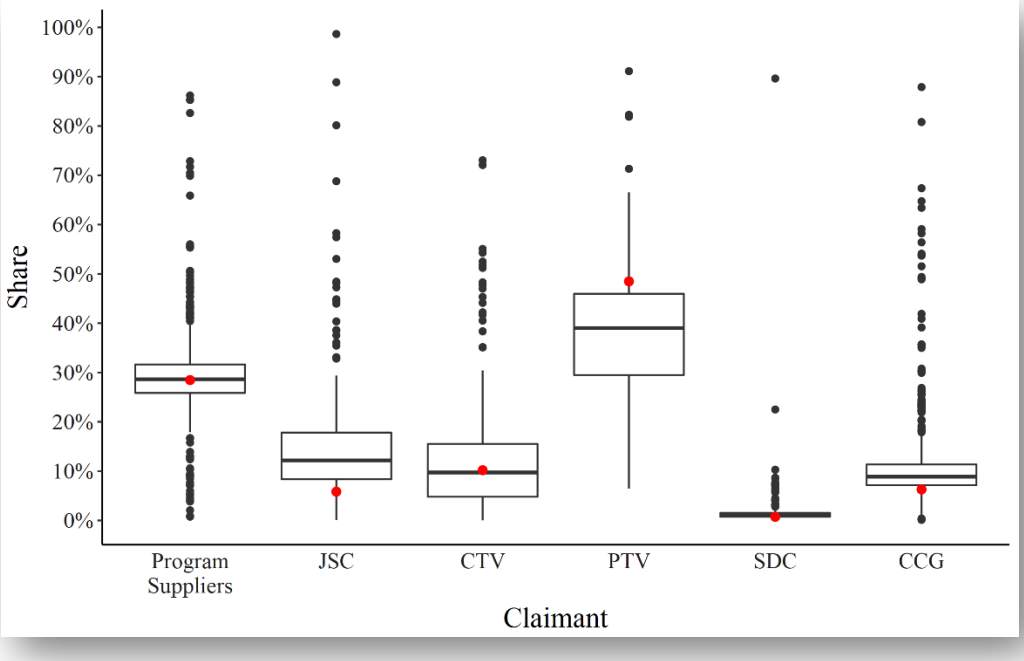
23. Rather than letting the facts of the industry guide the model building, it appears that Dr. Johnson's staff already was seeking industry [redacted] for modeling decisions that already had been made. By the time Dr. Johnson's staff was considering seeking this [redacted] it appears they had already completed a full draft of Dr. Johnson's written direct testimony, in which Dr. Johnson's final share allocations were included.[27] I find the approach taken by Dr. Johnson and his team (at least, the approach taken in the e-mail above) is one that severely risks adopting a model that produces biased results.

[26] PTV060122 (emphasis added).

[27] *See* PTV063348 and PTV063349-82. Additional communications also appear to support the conclusion that Dr. Johnson's team sought to support their share calculation results and modeling decisions with theory and industry practice after the fact. *See, e.g.*, PTV063739, PTV062659-60, PTV115286-307, and PTV087993.

24. Furthermore, a review of regression results contained in the 2023 PTV Supplemental Production suggests strongly that data mining occurred, thus corroborating the risk of bias. Figure 4.2 shows a box plot of the shares calculated by claimant group and year for all the regression results in the Johnson Regression Summary. Box plots are a graphical means of depicting distributions of data.[28] For each claimant group and year, the bold horizontal line across each box depicts the median result while the top and bottom of the box depict the middle 50 percent of the results (known as the interquartile range). The vertical lines extending from the box (known as the "whiskers") extend to the maximum and minimum values, unless there are results outside 1.5 times the interquartile range which instead are depicted as black dots. The red dots show the share calculations from Dr. Johnson's final model.

FIGURE 4.2
Box-Plot of All Results in Johnson Regression Summary

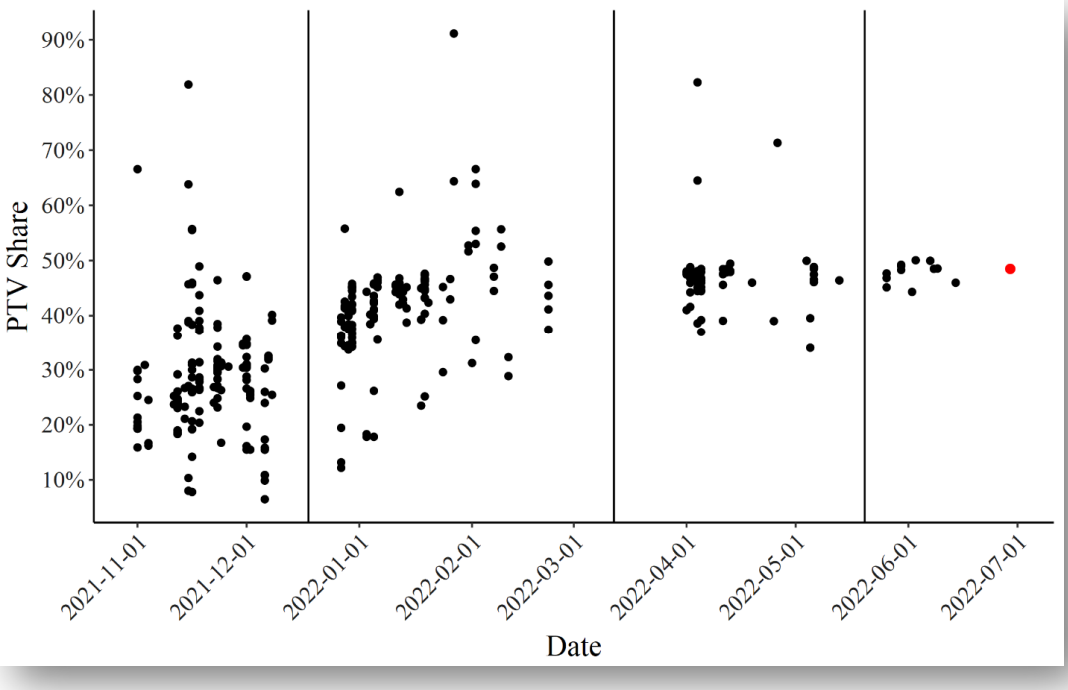


25. These results indicate that the final share Dr. Johnson reported for PTV is substantially higher than the median results from the models considered, and even higher than the interquartile range (the middle 50 percent of his results). These results are consistent with a conclusion that data mining occurred in the development of Dr. Johnson's model.

[28] *See*, Yi, Mike, "A Complete Guide to Box Plots," CHARTIO, Data Tutorials, available at: https://chartio.com/learn/charts/box-plot-complete-guide/ ("A box plot (aka box and whisker plot) uses boxes and lines to depict the distributions of one or more groups of numeric data. Box limits indicate the range of the central 50% of the data, with a central line marking the median value. Lines extend from each box to capture the range of the remaining data, with dots placed past the line edges to indicate outliers.").

26. A review of the results as they evolved over time is also instructive. Figure 4.3 shows a scatterplot of the shares reported for PTV only from Dr. Johnson's regression results in the Johnson Regression Summary over time.[29] The red dot shows the final share number reported for the Johnson Model for PTV.

FIGURE 4.3
Scatterplot of All Shares Reported for PTV
from the Johnson Regression Summary, by Date

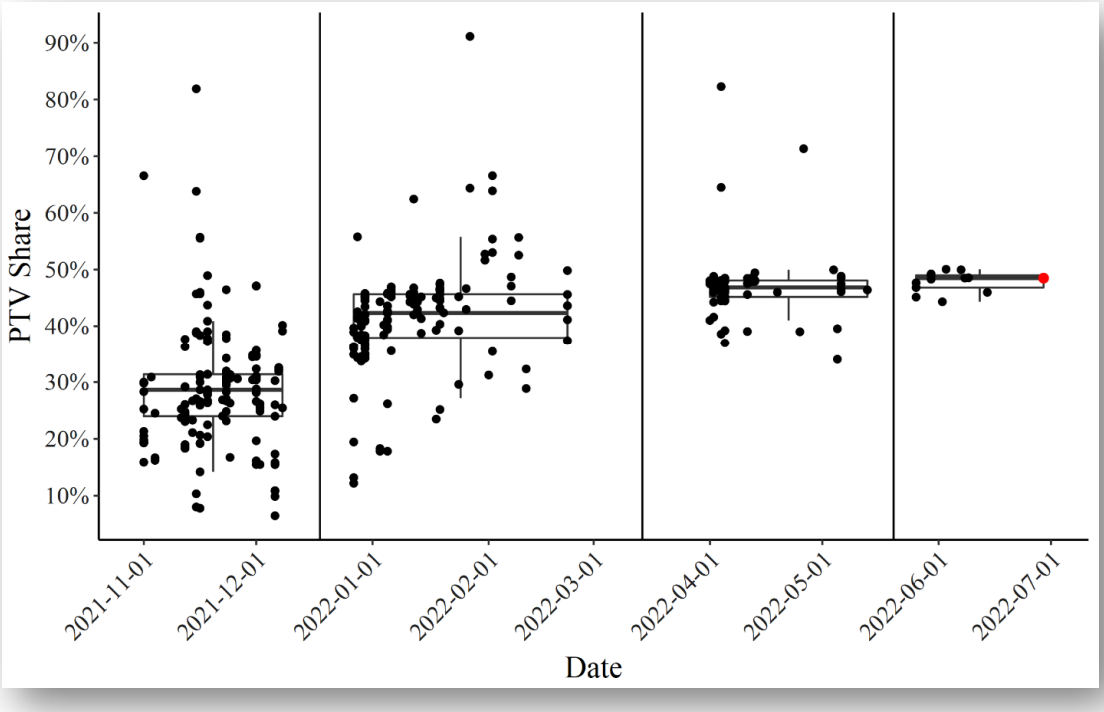


27. Several observations can be made from this scatterplot. First, there appears to have been four bursts of work as indicated by the clusters of black dots during each of the four periods of activity. The first was from early November 2021 to early December 2021. The second was from late December 2021 to late February 2022. A third burst was from late March 2022 to mid-May 2022, followed shortly thereafter by a last set of results from late May 2022 to the report date in early July 2022.

28. Figure 4.4 below shows a similar picture as above, but overlays box and whisker plots over each of the four periods of activity. The box and whisker plots confirm the observations about the scatterplot made above.

[29] The [redacted] column in the Johnson Regression Summary is used to identify dates for each of the specific shares reported.

FIGURE 4.4
Scatterplot and Box Plot of All Shares Reported for PTV from the Johnson Regression Summary, by Date



29. This scatterplot along with the box plots demonstrate in Figure 4.4 that the PTV calculated share generally increased over time, as the median PTV shares (the horizontal line within each box) increases for each burst of work activity. This is especially true from the first period to the second period and from the second period to the third. In addition, the variability of the results has declined over time, as shown by the general reduction in the height of the boxes and whiskers in the box plot.

30. The 2023 PTV Supplemental Production materials indicate that Dr. Johnson was not personally involved in the regression analysis prior to late January or early February 2022.[30] According to the Johnson Regression Summary, over 350 regressions had been run by Edgeworth staff prior to Dr. Johnson's involvement.

31. Looking at Figure 4.4 above, this means that Dr. Johnson began his involvement in the last one-third of the 2nd period of activity. As shown above, by that point in time, PTV's share

[30] The emails in the 2023 PTV Supplemental Production indicate that Dr. Johnson was not involved in the matter until late January/early February 2022. [redacted] (PTV060868). [redacted] (PTV060867).

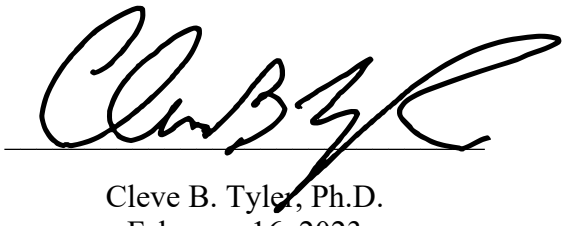
from the regression results developed by Edgeworth Economics staff had increased substantially from less than 30 percent on average to more than 40 percent on average.

32. In my earlier testimonies, I discussed my concerns regarding the risk of data mining in the Crawford Model.[31] The 2023 PTV Supplemental Production demonstrates that without a principled approach, there is a substantial variety of ways a regression based on royalty payments as the dependent variable could be specified to estimate the relative values of the content categories at issue. This issue, combined with the hundreds of regressions that Edgeworth Economics ran which led to higher PTV shares as the Edgeworth iterated on the model, is evidence of data mining and exacerbates the concern that Dr. Johnson's results are biased.[32]

33. My approach instead is not based on share outcomes. I focus on incorporating the facts of the broadcast industry and distant programming into my model without consideration of a particular result or output. In my rebuttal testimony, I provided a visual of how my final share recommendation compared with the different model specifications that I considered.[33] Figure 2.1 of my Rebuttal Testimony shows that the Program Supplier shares in my base model are near the median for the shares of the models considered. In general, the use of SGRP as the dependent variable as done in the Tyler Model substantially lowers the risk of bias.

DECLARATION OF CLEVE B. TYLER

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and of my personal knowledge.



Cleve B. Tyler, Ph.D.
February 16, 2023

[31] Revised Direct Testimony, ¶¶ 122-125.

[32] The concerns expressed about data mining here are sometimes referred to as "P-hacking". *See e.g.*, Simonsohn, Uri, Leif D. Nelson, and Joseph P. Simmons (2014), "P-Curve: A Key to the File-Drawer," *Journal of Experimental Psychology*, 143:2 (534-547).

[33] Rebuttal Testimony, ¶¶ 21-23 and Figure 2.1.

ATTACHMENT A
Materials Relied Upon

BRG
Berkeley Research Group

Materials Relied Upon
(Supplemental Rebuttal Expert Testimony of Cleve B. Tyler)

Description

Court Filings and Decisions:

Program Suppliers' Notice Of Withdrawal Of Limited Portions Of Pre-filed Testimony, Exhibits A and B (December 27, 2022) (eCRB no. 27402).

Order 24 Granting the SDC Motion to Compel PTV to Produce Documents, dated January 19, 2023.

Testimony & Testimony Exhibits:

Written Testimony of Cleve B. Tyler, Ph.D., July 1, 2022.

Written Direct Statement of Public Television, July 1, 2022.

Direct Testimony of John H. Johnson, IV, July 1, 2022.

Amended and Corrected Written Testimony of Cleve B. Tyler, Ph.D., September 2, 2022.

Amended and Corrected Written Direct Testimony of Jeffrey S. Gray, Ph.D., September 2, 2022.

Rebuttal Testimony of Cleve B. Tyler, Ph.D., November 2, 2022.

Publicly Available Materials:

https://www.edgeworteconomics.com/people-dr-john-h-johnson.

"TB to MB Conversion," available at: https://www.gbmb.org/tb-to-mb.

Yi, Mike, "A Complete Guide to Box Plots," CHARTIO, Data Tutorials, available at: https://chartio.com/learn/charts/box-plot-complete-guide/.

https://whoswholegal.com/cleve-b-tyler.

Academic Books, Articles & Literature:

Simonsohn, Uri, Leif D. Nelson, and Joseph P. Simmons, "P-Curve: A Key to the File-Drawer," American Psychological Association, Journal of Experimental Psychology: General, Vol. 143, No. 2, 534-547, 2014.

Produced Material:

PTV060122

PTV060867-9

PTV062659-60

PTV063348

PTV063349-82

PTV063739

PTV081592

PTV087993

PTV115286-307

ATTACHMENT B
2023 PTV Production Exhibits (Examples)

REDACTED

CERTIFICATE OF SERVICE

I certify that on February 16, 2023, I caused a copy of the foregoing to be served on all parties registered to receive notice by eCRB by filing through the eCRB filing system.

/s/ Lucy Holmes Plovnick

_____

Lucy Holmes Plovnick

Proof of Delivery

I hereby certify that on Thursday, February 16, 2023, I provided a true and correct copy of the [PUBLIC VERSION] Program Suppliers' Supplemental Rebuttal Testimony Responding To PTV Supplemental Production to the following:

Commercial Television Claimants / National Association of Broadcasters, represented by David J Ervin, served via E-Service at dervin@crowell.com

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

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

ASCAP, represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

Public Television Claimants, represented by Ronald G. Dove Jr., served via E-Service at rdove@cov.com

Broadcast Music, Inc. (BMI), represented by Jennifer T. Criss, served via E-Service at jennifer.criss@dbr.com

National Public Radio, represented by Amanda Huetinck, served via E-Service at ahuetinck@npr.org

Joint Sports Claimants, represented by Michael E Kientzle, served via E-Service at michael.kientzle@arnoldporter.com

SESAC Performing Rights, LLC, represented by Timothy L Warnock, served via E-Service at twarnock@loeb.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

Multigroup Claimants, represented by Brian D Boydston, served via E-Service at brianb@ix.netcom.com

Canadian Claimants, represented by Lawrence K Satterfield, served via E-Service at lksatterfield@satterfield-pllc.com

Signed: /s/ Lucy H Plovnick