

ORIGINAL

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

In the Matter of)	
)	
Adjustment of Cable)	Docket No. CRT 85-3-85CA
Copyright Royalty Rates)	

MOTION FOR DISCONTINUANCE

Turner Broadcasting System, Inc. ("TBS"), by its attorneys, hereby moves the Copyright Royalty Tribunal for leave to withdraw its petition seeking to reduce the royalty rate for carriage of WTBS under certain circumstances and asks the Tribunal to terminate the instant proceeding.^{1/}

The United States District Court for the District of Columbia issued an opinion last week that has significant ramifications for both copyright users and copyright owners.^{2/} The Court's interpretation of "gross receipts"

^{1/} TBS' Petition was filed on March 15, 1985. The Tribunal issued a Notice Commencing Cable Royalty Adjustment Proceeding, effective July 15, 1986. 51 Fed. Reg. 25590 (July 15, 1986).

^{2/} Cablevision Co. v. Motion Picture Association of America, Inc., Civil Action No. 83-1655, 83-2785, 84-3097 (D.D.C., July 31, 1986).

will result in lower royalty fee payments for cable television systems' carriage of distant broadcast signals such as WTBS. The disincentive for carriage of WTBS represented by the application of the 3.75% rate will accordingly be lessened.

TBS believes that in view of this changed circumstance, the marketplace may well provide the relief TBS heretofore requested from this Tribunal. Under these circumstances, the important conservation of administrative and corporate resources will be served by TBS withdrawing its petition. This conclusion is buttressed by the fact that under the Tribunal's schedule, and in light of Copyright Office regulations, a cable system may not be able to take advantage of any new rate established by the Tribunal until the 1988-1 accounting period.

For the foregoing reasons, TBS respectfully requests that the Tribunal permit it to withdraw its petition for a rate adjustment and that the Tribunal terminate the instant proceeding.

Respectfully submitted,



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Dated: August 6, 1986

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CERTIFICATE OF SERVICE

I, Gloria F. Hayes, hereby certify that I have, this 6th day of August, 1986, served a copy of the foregoing "Motion for Discontinuance" of Turner Broadcasting System, Inc. via first-class mail, postage prepaid, to the following:

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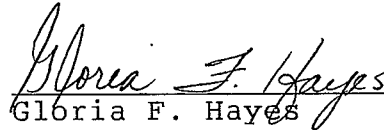
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July 30, 1986

The Honorable Edward W. Ray
Chairman
Copyright Royalty Tribunal
Room 450
1111 - 20th Street, N.W.
Washington, D.C. 20036

Re: Docket No. CRT 85-3 85CA

Dear Chairman Ray:

Enclosed please find an original and six (6) copies of the Notice of Appearance of the Canadian Claimants in the Rate Adjustment Proceeding.

Please date stamp a copy of the Notice and return it in the enclosed stamped envelope.

Sincerely,


Kendall Satterfield

Enclosures