COPYRIGHT ROYALTY TRIBUNAL

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In the Matter of: :

1986 CABLE ROYALTY : CRT 88-2-86CD

DISTRIBUTION PROCEEDING :

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(This volume contains pages 1-6)

1111 20th Street, N.W.
Room 458
Washington, D. C.

Monday, December 5, 1988

The hearing in the above-entitled matter was convened pursuant to Notice at 10:00 a.m.

BEFORE: EDWARD W. RAY Chairman

MARIO F. AGUERO Commissioner

J. C. ARGETSINGER Commissioner

ROBERT CASSLER General Counsel

APPEARANCES:

On behalf of MPAA:

ARTHUR SCHEINER, ESQ. and
DENNIS LANE, ESQ.
Wilner & Scheiner
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

On behalf of PBS:

GENE BECHTEL, ESQ.
BECHTEL, BORSARI, COLE & PAXSON
2101 L Street, N.W., Suite 502
Washington, D.C. 20037

On behalf of ASCAP:

I. FRED KOENIGSBERG, ESQ.
ASCAP
One Lincoln Plaza
New York, NY 10023

On behalf of BMI:

JOSEPH Di MONA, ESQ.
Reid & Priest
1111 19th Street, N.W.
Washington, D.C. 20036

On behalf of Sports Claimants:

ROBERT GARRETT, ESQ.
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

P R O C E E D I N G S

(10:07 a.m.)

CHAIRMAN RAY: On the record, please.

Well, today we were going to begin the hearing of the 1986 Cable Royalty Distribution Proceeding, Docket Number 88-2-86CD.

I understand the attorneys have an announcement to make for us. Who would like to go first?

MR. SCHEINER: Mr. Bechtel has asked that I advise you -- for the record, my name is Arthur Scheiner, and I represent the Program Suppliers.

Very close to the close of business on Friday, Mr. Bechtel, on behalf of PBS, and myself arrived at a settlement agreement, and I am delighted to report that to you all.

We expect and are confident that we can deliver to you -- rather, that we will have entered into a written agreement of settlement not later than Wednesday of this week and, pending that, we would ask that you continue the hearing until that date when we affirm to you that we have entered into the written agreement.

CHAIRMAN RAY: Thank you.

MR. SCHEINER: I would also like to note that we have pending before the Tribunal, a request for distribution of the remaining '86 funds. It is my

understanding that the agreement that we have entered into does not impact on that at all and, once again, we urge that such distribution be made.

That concludes my statement.

CHAIRMAN RAY: Thank you, Mr. Scheiner. That is good news. We always encourage and like to see parties reach settlement whenever possible.

Mr. Bechtel, do you have anything to say?

MR. BECHTEL: May it please the Court -- Gene Bechtel, counsel for PBS -- I support the statement of Mr. Scheiner, and say that we are delighted with the settlement as well.

MR. SCHEINER: Commissioners?

COMMISSIONER AGUERO: Are we going to use the same schedule of distribution, the same percentage of distribution that we were using, or are there any changes between PBS and MPAA?

MR. SCHEINER: Same distribution.

COMMISSIONER AGUERO: Thank you.

CHAIRMAN RAY: Are there any other comments on any other subjects that you want to bring up before we adjourn today?

MR. GARRETT: Mr. Chairman, I was wondering if I could just go ahead and present my direct case anyway?

(Laughter.)

CHAIRMAN RAY: Yes. We'll excuse everyone else and you can stay here and present your case.

MR. SCHEINER: You, too, will retire also.

CHAIRMAN RAY: Right, we'll all go.

(Laughter.)

COMMISSIONER AGUERO: Do you have some ideas concerning Phase II, the scheduling of the Phase II hearing?

MR. SCHEINER: We have not yet --

CHAIRMAN RAY: Off the record, please.

(Discussion off the record.)

CHAIRMAN RAY: Back on the record. If there is nothing else, we will adjourn until we hear back from Mr. Scheiner and Mr. Bechtel regarding the settlement.

Thank you.

(Whereupon, at 10:12 a.m., the hearing In the Matter Of Docket Number 88-2-86CD was adjourned, to reconvene at the call of the Chair.)

C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: COPYRIGHT ROYALTY TRIBUNAL

Before: EDWARD RAY

Date: DECEMBER 5, 1988

Place: WASHINGTON, D.C.

represents the full and complete proceedings of the aforementioned matter, as reported and reduced to typewriting.

Phyllis Young

PHYLLIS YOUNG