

APR 27 1989

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

ORIGINAL

In the Matter of:

1987 JUKEBOX ROYALTY
DISTRIBUTION PROCEEDING

Docket No. 89-1-87JD

MOTION FOR IMMEDIATE
AND FINAL DISTRIBUTION

The American Society of Composers, Authors and Publishers ("ASCAP") and Broadcast Music, Inc. ("BMI") hereby move, pursuant to 17 U.S.C. § 116(c)(4)(C), for immediate and final distribution of all of that portion of the 1987 jukebox royalty fund which remains to be distributed, as follows:

1. We are the only statutorily-identified "performing rights societies" participating in the 1987 jukebox royalty distribution proceeding. 17 U.S.C. § 116(e)(3). We have reached voluntary agreement concerning the distribution of 1987 jukebox fees pursuant to 17 U.S.C § 116(c)(2), and have jointly claimed 100% of the 1987 fund pursuant to the Tribunal's regulations, 37 C.F.R.

§ 305.4(a). See our joint Justification of Claim in this proceeding dated November 1, 1988.

2. The only other entity which had filed a claim to the 1987 fund is Asociacion de Compositores y Editores de Musica Latinoamericana ("ACEMLA").^{1/} ACEMLA has now withdrawn its claim. ACEMLA Letter dated April 24, 1989.

3. Accordingly, as we are the only remaining claimants to the 1987 jukebox royalty fund, and as we have reached voluntary agreement on distribution of that fund, there remains no controversy as to the distribution of that fund.

4. On November 16, 1988 and January 12, 1989, we filed a Motion for Immediate Partial Distribution and a Motion for Immediate Further Partial Distribution, respectively, in this proceeding, which motions the Tribunal granted. See Tribunal Orders dated December 5, 1988 and January 13, 1989. The Tribunal has, to date, made a partial distribution to us of 99% of the 1987 jukebox royalty fund.

1 SESAC, Inc. had filed a Motion for Leave to File Claim of Entitlement to Share in 1987 CRT Jukebox and Cable Royalty Distributions and had conditionally filed a Justification of Claim in this proceeding. SESAC, however, subsequently withdrew its Motion and Justification of Claim. SESAC Letter dated January 9, 1989. Italian Book Corp. ("IBC") also filed a claim, but subsequently withdrew it. IBC letter dated December 7, 1988.

5. There being no other claimants to and no controversy over distribution of the 1987 jukebox royalty fund, we respectfully request that the Tribunal make the final distribution of all remaining 1987 jukebox royalties to us.

6. We have learned from the Copyright Office Licensing Division that the remaining 1987 jukebox royalties have been invested in United States Treasury Securities which mature on June 15, 1989, in the amount of \$65,000.00.


7. We therefore respectfully request that the Tribunal make the final distribution we have asked for as soon as possible, and in any event not later than June 15, 1989. In the past, the Copyright Office has assured us that there would be no problem in selling those securities before their maturity date, so as to make available for distribution the final portion of the 1987 fund at any date directed by the Tribunal. If such a sale is necessary, we would affirmatively support such a sale before the securities' maturity date.

8. For these reasons, we respectfully move that: (a) the Tribunal order an immediate final distribution to ASCAP and BMI jointly of all of that portion of the 1987 jukebox fund which remains to be distributed; and (b) the

Tribunal direct the Copyright Office to implement such a final distribution order by taking all steps necessary (including, if necessary, sale of United States Treasury securities in advance of their maturity date) to make such portion of the 1987 jukebox royalty fund available for distribution as soon as possible, and in no event later than June 15, 1989.

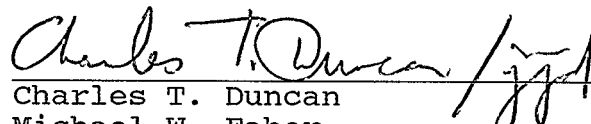
Respectfully submitted,

AMERICAN SOCIETY OF COMPOSERS,
AUTHORS AND PUBLISHERS


Bernard Korman
ASCAP
One Lincoln Plaza
New York, N.Y. 10023
(212) 870-7510

Of counsel: I. Fred Koenigsberg
Bennett M. Lincoff

BROADCAST MUSIC, INC.

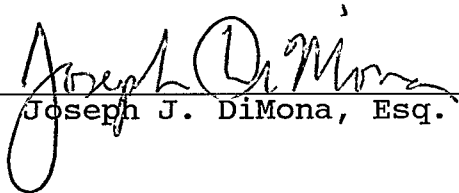

Charles T. Duncan
Michael W. Faber
Joseph J. DiMona
Reid & Priest
1111 19th Street, N.W.
Washington, D.C. 20036
(202) 828-0100

Of counsel: Edward W. Chapin
Nicholas Arcomano

Dated: April 27, 1989

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Motion for Immediate and Final Distribution" was served on this 27th day of April, 1989, via first-class mail, postage prepaid, to each of the parties on the attached service list.



Joseph J. DiMona, Esq.

Ronald E. Karam, Esq.
Schnader, Harrison, Segal & Lewis
1600 Market Street, Suite 3600
Philadelphia, PA 19103

Margot Polivy, Esq.
Katrina Renouf
1532 Sixteenth Street, N.W.
Washington, D.C. 20036

Gene A. Bechtel, Esq.
Bechtel, Borsari, Cole & Paxson
2101 L Street, N.W., Suite 502
Washington, D.C. 20037

Bernard R. Sorkin, Esq.
Warner Communications, Inc.
75 Rockefeller Plaza
New York, NY 10019

Barbara S. Wellbery, Esq.
Public Broadcasting Service
Sixth Floor
1320 Braddock Place
Alexandria, VA 22314-1698

Dennis Angel, Esq.
33 Lynwood Road
Scarsdale, New York 10583

Arnold P. Lutzker, Esq.
Dow, Lohnes & Albertson
1255 Twenty-Third St., N.W.
Suite 500
Washington, D.C. 20037

Laurie Hughes, Esq.
SESAC, Inc.
55 Music Square East
Nashville, Tennessee 37203

Peter H. Feinberg, Esq.
Pepper & Corazzini
1776 K Street, N.W., Suite 200
Washington, D.C. 20006

I. Fred Koenigsberg, Esq.
ASCAP
One Lincoln Plaza
New York, New York 10023

Arthur Scheiner, Esq.
Dennis Lane, Esq.
Wilner & Scheiner
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036

Fritz E. Attaway, Esq.
Motion Picture Association of
America
1600 I Street, N.W.
Washington, D.C. 20006

Robert A. Garrett, Esq.
Arnold & Porter
1200 New Hampshire Ave., N.W.
Washington, D.C. 20036

Philip R. Hochberg, Esq.
Baraff, Koener, Olender &
Hochberg, P.C.
2033 M Street, N.W., Suite 700
Washington, D.C. 20036-3355

Ritchie T. Thomas, Esq.
Judy Jurin Semo, Esq.
Squire, Sanders & Dempsey
1201 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

Harry R. Olsson, Jr., Esq.
Gilbert & Gilbert
10 E. 40th Street, 43rd Floor
New York, NY 10016

Jamie S. Gorelick, Esq.
Miller, Cassidy, Larroca & Lewin
2555 M Street, N.W., Suite 500
Washington, D.C. 20037

Carol R. Whitehorn, Esquire
Senior Attorney
National Public Radio
2025 M Street, N.W.
Washington, D.C. 20036

W. Thad Adams, III, Esq.
2180 First Union Plaza
301 S. Tryon Street
Charlotte, North Carolina 28282

John H. Midlen, Jr., Esq. .
1050 Wisconsin Avenue, N.W.
Washington, D.C. 20007

Douglas G. Thompson, Esq.
Kendell Satterfield, Esq.
Finkelstein, Thompson & Levenson
2828 Pennsylvania Ave., N.W., Suite 200
Washington, D.C. 20007

Clifford Harrington, Esq.
Barry Gottfried, Esq.
Fisher, Wayland, Cooper & Leader
1255 23rd Street, N.W., Suite 800
Washington, D.C. 20037

Grace Shafran, Esq.
Legal Counsel
Baton Broadcasting, Inc.
Post Office Box 9
Station "O"
Toronto, Ontario M41 2M9

Diane H. Ming, Esq.
George R. Grange, II, Esq.
Gammon & Grange
1925 K Street, N.W., Suite 300
Washington, D.C. 20006

Mr. Robert O'Reilly
Office of Executive Vice President
Canadian Broadcasting Corporation
Post Office Box 8478
Ottawa, Ontario K1G 3J5

Joel M. Schoenfeld, Esq.
Neal Edelson, Esq.
Recording Industry Association
of America, Inc.
1020 Nineteenth Street, N.W.
Suite 200
Washington, D.C. 20036

Benjamin F. P. Ivins
Assistant General Counsel
National Association of Broadcasters
1771 N Street, N.W.
Washington, D.C. 20036

Jerome J. Shestack, Esq.
Schnader, Harrison, Segal & Lewis
1600 Market Street, Suite 3600
Philadelphia, PA 19103

Lawrence J. Bernard, Jr.
Ward & Mendelsohn, P.C.
1000 17th Street, N.W.
Suite 900
Washington, D.C. 20036

Victor E. Ferrall, Jr., Esq.
John I. Stewart, Jr., Esq.
Crowell & Moring
1001 Pennsylvania Ave., N.W.
Washington, D.C. 20004-2505