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**COPYRIGHT ROYALTY TRIBUNAL**

[CRT Docket No. 90-5-CRA]

**Adjustment of the Basic and 3.75% Cable Royalty Rates**

**AGENCY:** Copyright Royalty Tribunal

**ACTION:** Notice.

**SUMMARY:** Following the withdrawal of all cable rate adjustment petitions, the Tribunal is giving notice that no other cable rate petitions are pending with the Tribunal, and no further adjustments to the cable copyright royalty rates can be considered until the next window year 1995.

**FOR FURTHER INFORMATION CONTACT:** Robert Cassler, General Counsel, Copyright Royalty Tribunal, 1825 Connecticut Avenue, N.W., Suite 918, Washington, D.C. 20009 (202-673-5400).

**SUPPLEMENTARY INFORMATION:** The Copyright Act of 1976 authorizes the Copyright Royalty Tribunal to be petitioned to adjust the cable copyright royalty rates in any year ending in a 0 or a 5. It also authorizes the Tribunal to be petitioned to adjust the cable rates whenever the FCC changes its blackout rules or distant signal importation rules.

The FCC changed its syndicated exclusivity blackout rules in 1989, with blackout demands to begin January 1, 1990, and accordingly, the Tribunal was petitioned by NCTA and CATA to adjust the syndicated exclusivity surcharge. The Tribunal commenced the proceeding on January 10, 1990, and published its final rule on August 16, 1990. 55 FR 893; 55 FR 33604.

In the same petition, NCTA also requested that there be a downward adjustment of the basic and 3.75% rates paid by Form 3 cable systems. The basis for this request was the FCC's change of its syndicated exclusivity blackout rules.

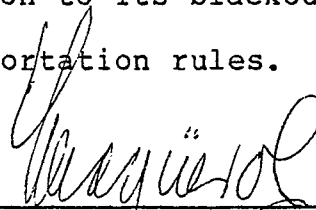
NCTA recommended that this second request be heard by the Tribunal in a later proceeding. Since 1990 was also a window year in which the Tribunal can be petitioned to adjust the cable rates, the Tribunal determined that it would consolidate NCTA's second request with any other rate adjustment petitions that would be filed with the Tribunal in 1990.

On December 28, 1990, the Tribunal received cable rate adjustment petitions from the Program Suppliers, the Joint Sports Claimants, PBS, the Music Claimants, the Canadian Claimants, and a joint petition from NCTA and CATA.

On January 11, 1991, the Tribunal received a Joint Withdrawal of Petitions For Rate Adjustments from all parties who had filed a cable rate adjustment petition with the Tribunal, including the rate adjustment petitions filed January 2, 1990 by NCTA and CATA, and the above mentioned rate adjustment petitions filed December 28, 1990. The parties, including copyright owners and users, agreed that they will not seek any adjustment to the cable copyright royalty rates.

Accordingly, all petitions filed due to the FCC's reinstatement of the syndicated exclusivity blackout rules or due to the window year having been withdrawn, there are no cable rate adjustment petitions pending with the Tribunal.

Therefore, the Tribunal will not consider adjusting the cable copyright royalty rates until the next window year, 1995, or until the FCC makes any further modification to its blackout rules or reinstates its distant signal importation rules.



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Mario F. Aguero

Chairman

Dated: January 15, 1991

90-5-CRA

DOCKET STATEMENT

<u>FILING</u>	<u>DATE</u>	<u>PARTY</u>	<u>SUBJECT/DESCRIPTION</u>
FED REG	05/16/90	CRT	ADJ. OF BASIC & 3.75% CABLE RATES
COMMENTS	06/22/90	OWNERS' JOINT CLAIMANTS	PETITION TO CONSOLIDATE PROCEEDINGS WITH THE SYNDEX REVIEW PROCEEDING  EXHIBITS 1 & 2
LETTER	06/22/90	REID AND PRIEST	CHANGE OF ADDRESS (MARKET SQUARE; 701 PENN AVE, NW; 20004)
CALL	07/02/90	SCHEINER AND LANE	CHANGE OF ADDRESS
COMMENTS	07/03/90	NCTA	RESPONSE TO THE COPYRIGHT OWNERS' JOINT COMMENTS TO CONSOLIDATE PROCEED- INGS
REPLY	07/16/90	OWNERS' JOINT CLAIMANTS	REPLY TO THE NCTA RESPONSE OF 07/03
ORDER	07/18/90	TRIBUNAL	TIME FOR FILING PETITIONS
PETITION	12/28/90	JOINT SPORTS	PETITION TO INCREASE ROYALTY RATES
PETITION	12/28/90	PBS	PETITION TO INITIATE RATE ADJUSTMENT PROCEED- INGS
PETITION	12/28/90	NCTA, CATA	PETITION TO INITIATE PROCEEDINGS TO ADJUST THE CABLE COPYRIGHT ROYALTY RATES
PETITION	12/28/90	PROGRAM SUPPLIERS	PETITION REQUESTING RATE ADJUSTMENT

PETITION	12/28/90	ASCAP, BMI, SESAC	PETITION FOR COMMENCEMENT OF PROCEEDINGS
PETITION	12/28/90	CANADIAN	PETITION TO ADJUST ROYALTY RATES
WITHDRAWAL	01/11/90	ALL PARTIES	WITHDRAWAL OF ALL PENDING PETITIONS
FED REG	01/15/91	TRIBUNAL	NO PETITIONS ARE PENDING

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