

Original  
ORIGINAL

Before the  
COPYRIGHT ROYALTY TRIBUNAL  
Washington, DC 20036

In re: )  
 )  
Adjustment of Cable Royalty )  
Rates )  
 )

JOINT PETITION OF NCTA AND CATA TO INITIATE  
PROCEEDINGS TO ADJUST THE CABLE COPYRIGHT ROYALTY RATES

Pursuant to 17 U.S.C. Sections 801(b)(2)(D) and 804(a) and (b), the National Cable Television Association, Inc. ("NCTA") and the Community Antenna Television Association ("CATA"), on behalf of their member cable television companies, jointly petition the Copyright Royalty Tribunal ("Tribunal") to commence proceedings to adopt the following adjustments to the cable copyright royalty rates and gross receipts limitations:

1. Pursuant to 17 U.S.C. Sections 801(b)(2)(D) and 804(a)(2)(A), NCTA and CATA petition the Tribunal to commence a proceeding to adjust upward the gross receipts limitations currently specified in 37 C.F.R. 308.2(b) to reflect national monetary inflation.
2. Pursuant to 17 U.S.C. Section 804(b), NCTA and CATA petition the Tribunal to commence a proceeding to reconsider and to adjust downward the rates currently specified in 37 C.F.R. 308.2(c) and (d) (the "3.75 percent" rate and the "syndex surcharge").

Both NCTA and CATA have the requisite "significant interest" in the rates for which adjustments are hereby sought. See 17 U.S.C. Section 804 (a)(2) and (b). NCTA and CATA are the principal trade associations of the cable television industry in the United States. NCTA represents the owners and operators of cable systems serving more than 90 percent of the nation's approximately 52 million households, while CATA's member companies serve

over 35 million subscribers nationwide. Each of NCTA's and CATA's member cable systems is a "user of a copyrighted work" as required by 17 U.S.C. Section 804(b). Most importantly, the standing of both NCTA and CATA to file petitions for rate adjustments has been recognized by the Tribunal in previous proceedings.<sup>1/</sup>

Finally, NCTA and CATA wish to note that the instant petition is in no way intended to vitiate or otherwise limit the petition previously filed by NCTA pursuant to 17 U.S.C. Section 801(b)(2)(B) requesting downward adjustments to the 3.75 percent and the base rates to reflect the FCC's reimposition of syndicated exclusivity rules.<sup>2/</sup> Both NCTA and CATA reaffirm their intention to pursue those adjustments as well.

Respectfully submitted,

COMMUNITY ANTENNA TELEVISION  
ASSOCIATION

NATIONAL CABLE TELEVISION  
ASSOCIATION, INC.

By Stephen R. Effros / SD  
Stephen R. Effros  
P.O. Box 1005  
Fairfax, VA 22030  
(703) 691-8875

By Brenda L. Fox / SD  
Brenda L. Fox  
Seth A. Davidson

ITS ATTORNEYS

December 28, 1990

1724 Massachusetts Ave., N.W.  
Washington, D.C. 20036  
(202) 775-3664

1/ See e.g., Adjustment of the Syndicated Exclusivity Surcharge, 55 Fed. Reg. 893, 894 (January 10, 1990); 1985 Cable Royalty Adjustment Proceeding, 50 Fed. Reg. 10989 (March 19, 1985).

2/ See "Petition of the National Cable Television Association, Inc. to Initiate Proceedings to Adjust the Cable Copyright Royalty Rates," CRT Docket No. 89-5-CRA (originally filed June 15, 1989, resubmitted January 2, 1990). Although the Tribunal has not yet formally noticed the commencement of proceedings to consider syndex-related adjustments to the 3.75 percent and base rates, it has acknowledged NCTA's petition and assigned it CRT Docket No. 90-5-CRA. See Adjustment of the Basic and 3.75% Cable Royalty Rates, 55 Fed. Reg. 20294 (May 16, 1990).