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DEC 28 1990

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Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

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In the Matter of :

: Docket No. 90-5-CRA

ADJUSTMENT OF THE BASIC :

AND 3.75% CABLE ROYALTY RATES :

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PETITION FOR COMMENCEMENT OF
PROCEEDINGS BY THE AMERICAN SOCIETY
OF COMPOSERS, AUTHORS AND PUBLISHERS,
BROADCAST MUSIC, INC. AND SESAC, INC.

1. The American Society of Composers, Authors and Publishers ("ASCAP"), Broadcast Music, Inc. ("BMI") and SESAC, Inc. ("SESAC") (collectively, the "Music Claimants") hereby petition the Copyright Royalty Tribunal to commence proceedings for the adjustment of the Basic and 3.75% cable royalty rates, in accordance with the Copyright Act, 17 U.S.C. §§801(b)(2) and 804(a)(2)(A), and the Tribunal's regulations, 37 C.F.R. §§301.61(b) and 301.62. See, Order of July 18, 1990 in this proceeding.

2. ASCAP, BMI and SESAC are "performing rights societies," as defined by 17 U.S.C. §116(e)(3). The writer and publisher members or affiliates of each are the creators and copyright owners of musical compositions, which are performed publicly by means of secondary transmissions by cable operators. On behalf of their members and affiliates, the Music Claimants have received distributions of cable

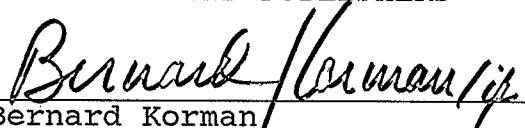
royalties for every year since the establishment of the cable compulsory license. The amount of those distributions is directly dependent on the cable royalty rate.

Accordingly, on behalf of their members or affiliates, ASCAP, BMI and SESAC each have the "significant interest" necessary to justify a petition to commence cable royalty rate adjustment proceedings. 17 U.S.C. §804(a)(2) and 37 C.F.R. §301.62(a).

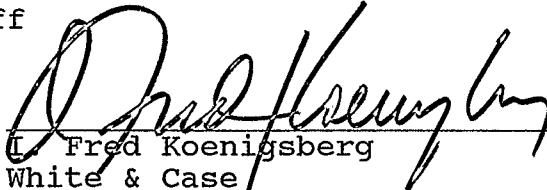
3. ASCAP, BMI and SESAC each represent creators and copyright owners of the same type of copyrighted work -- musical compositions -- performed by means of secondary transmissions by cable operators. Accordingly, the Tribunal has always treated their claims for both cable royalty rate adjustments and distributions of cable royalties jointly when they have been so presented. See, e.g., Adjustment of the Syndicated Exclusivity Surcharge, 55 Fed. Reg. 33,604 (1990). ASCAP, BMI and SESAC therefore share similar interests in this proceeding and may file their petition jointly as the Music Claimants. 37 C.F.R. §301.62(a).

Respectfully submitted


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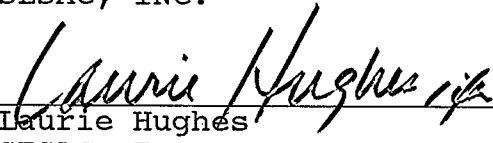

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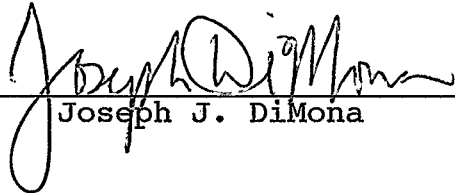
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Dated: December 28, 1990

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Brief of the American Society of Composers, Authors and Publishers, Broadcast Music, Inc., and SESAC, Inc." was served by first-class mail, postage prepaid, this 28th day of December 1990 to the parties on the attached list.



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