

ORIGINAL

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

DEC 4 1992

In the Matter of:

1992 PUBLIC BROADCASTING
RATE ADJUSTMENT PROCEEDING

CRT Docket No. 92-2-PBRA

COMMENTS OF BROADCAST MUSIC, INC.
IN SUPPORT OF NOTICE OF PROPOSED RULEMAKING

Broadcast Music, Inc. ("BMI"), a performing rights organization, submits these comments in support of the Notice of Proposed Rulemaking issued by the Copyright Royalty Tribunal ("Tribunal") in the above-captioned proceeding. 57 Fed. Reg. 55494 (November 25, 1992).

In the Notice of Proposed Rulemaking, the Tribunal proposes no regulation with respect to the use by PBS and NPR of musical compositions found in the repertoires of ASCAP, BMI, and SESAC, in light of the voluntary agreements which have been reached by the parties. 57 Fed. Reg. 55494, 55495.

With respect to the performance of musical works by certain college and university public broadcasting entities, the Tribunal proposes to increase the rates for these entities in accordance with the terms of a joint proposal submitted by ASCAP and the American Council on Education ("ACE"), which was supported by BMI, to amend §304.5(c) of the Tribunal's regulations. BMI supports the Tribunal's proposed amendment of §304.5(c), subject to the following correction. The royalty rates listed in §304.5(c) (1) through (4) appear to be in error and should be \$189, \$189, \$45, and \$1, respectively. See 37

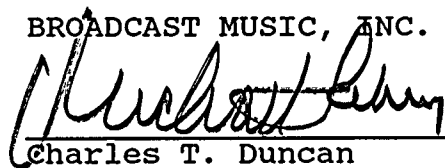
C.F.R. §304.5(c) (1992).

With respect to the performances of musical compositions by public broadcasting stations which are unaffiliated with PBS, NPR or the college and university entities, the Tribunal proposes to adopt the rates in the joint proposals, which were entered into separately by ASCAP, BMI, and SESAC with the two representatives of such stations to appear in this proceeding, the National Federation of Community Broadcasters and the National Religious Broadcasters Radio Music License Committee. 57 Fed. Reg. 55494, 55496. BMI supports the Tribunal's proposed amendment of §304.6 and the adoption of these rates.

In summary, BMI supports the Notice of Proposed Rulemaking issued by the Tribunal for the establishment of royalty rates payable by public broadcasting entities pursuant to 17 U.S.C. §118 for the use of works in BMI's repertory, subject to the correction of the royalty rates in §304.5(c).

Respectfully submitted,

BROADCAST MUSIC, INC.



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December 4, 1992

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Comments of Broadcast Music, Inc. in Support of Notice of Proposed Rulemaking" was served on each party on the attached list, via first-class mail, postage prepaid, this 4th day of December, 1992.

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