

ORIGINAL

Received Copyright Royalty Tribunal  
Date: DEC 4 1992

Before the  
COPYRIGHT ROYALTY TRIBUNAL  
Washington, D.C.

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In the Matter of :   
: Docket No. 92-2-PBRA  
1992 ADJUSTMENT OF THE :   
PUBLIC BROADCASTING ROYALTY :   
RATES AND TERMS :   
:   
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COMMENTS OF THE AMERICAN  
SOCIETY OF COMPOSERS, AUTHORS  
AND PUBLISHERS

The American Society of Composers, Authors and Publishers ("ASCAP") submits these Comments in response to the Copyright Royalty Tribunal's Notice of Proposed Rule Making in this matter, 57 Fed. Reg. 55,494 (November 19, 1992).

There appears to be a typographical error in § 304.5(c) of the proposed regulations, dealing with the rates for performance of music by "college stations." As the Tribunal noted in its Notice of Proposed Rule Making, the rates inserted in proposed § 304.5(c) will have to be adjusted by the last Consumer Price Index published prior to December 1, 1992, which figure was not available when the Tribunal published the Notice of Proposed Rule Making. 57 Fed. Reg. 55,494, at 55,495. Hence, the Tribunal noted, "the Tribunal will temporarily list the current dollar amounts in the text of the proposed rules. These dollar

amounts will be replaced with the inflation adjusted figures at the time the final rule making is published in the Federal Register." Id., emphasis added.

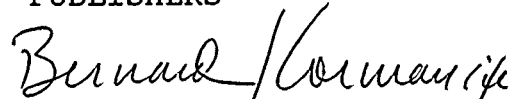
The rates stated in proposed § 304.5(c) are \$173 (ASCAP), \$173 (BMI), \$41 (SESAC), and \$1 (other). However, these are the rates set for calendar year 1990; see, 54 Fed. Reg. 49,976, 49,977 (1989). The most recent rates are those for 1992, and are \$189 (ASCAP), \$189 (BMI), \$45 (SESAC) and \$1 (other); see, 56 Fed. Reg. 60,924 (1991). Accordingly, the dollar amounts given in proposed § 304.5(c) should be corrected to reflect the current (i.e., 1992) dollar amounts. Those corrected current dollar amounts should then be adjusted for inflation in the Tribunal's final rule.

With that correction, ASCAP supports the Tribunal's proposed regulations, to the degree that they affect ASCAP and the rights it licenses on behalf of its writer and publisher members and affiliated foreign performing rights societies.

ASCAP has no comments on the Tribunal's proposed regulations to the degree that they do not affect ASCAP and the rights it licenses.

Respectfully submitted,

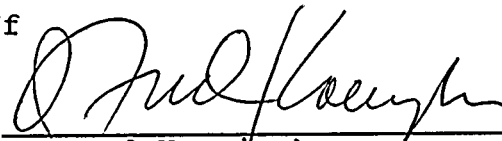
AMERICAN SOCIETY OF  
COMPOSERS, AUTHORS AND  
PUBLISHERS



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Dated: December 4, 1992

CERTIFICATE OF SERVICE

I, I. Fred Koenigsberg, certify that I have, this 3rd day of December, 1992 serviced a copy of the foregoing "COMMENTS OF THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS" on the following parties, by first class mail:

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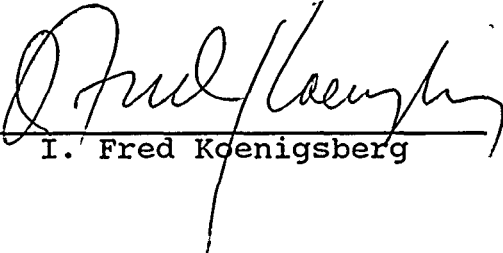
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