

Before the  
COPYRIGHT ROYALTY TRIBUNAL  
WASHINGTON, D.C.

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In the Matter of:  
1992 Public Broadcasting  
Rate Adjustment Proceeding

CRT Docket No. 92-2-PBRA

PROPOSED FINDINGS OF FACT AND  
CONCLUSIONS OF LAW OF BROADCAST MUSIC, INC.

I. INTRODUCTION

Broadcast Music, Inc. ("BMI") hereby submits its Proposed Findings of Fact and Conclusions of Law, in accordance with the Copyright Royalty Tribunal's Order of October 30, 1992 in this proceeding.

II. BACKGROUND OF THIS PROCEEDING

On June 30, 1992, the Tribunal published a notice of commencement of the 1992 Adjustment of the Public Broadcasting Royalty Rates and Terms, which ordered the parties to file their notices of appearance by August 14, 1992 and direct cases on September 21, 1992. 57 Fed. Reg. 29066. On August 13, 1992, the Tribunal extended the date for submission of direct cases until October 19, 1992, at the request of the Public Broadcasting Service ("PBS") and National Public Radio ("NPR"), in order to permit additional time for possible settlement. 57 Fed. Reg. 37149. On September 15, 1992, the Tribunal issued an Order which described the procedure for the filing of direct cases. Direct cases were filed on October 19, 1992. They consisted principally

of joint proposals or settlement agreements. By order of October 30, 1992, the Tribunal noted that no objection to a "paper" disposition of this proceeding had been received and that no further evidence had been submitted by the parties. Therefore, the record was closed and the parties were directed to file Proposed Findings of Fact and Conclusions of Law on November 9, 1992.

In its direct case, BMI notified the Tribunal that BMI had reached an agreement with PBS and NPR with respect to the compulsory royalty payments to be paid by PBS and NPR for the years 1993-97. A redacted copy of the agreement was provided to the Tribunal.

BMI supported the Joint Proposal of the American Society of Composers, Authors and Publishers ("ASCAP") and the American Council on Education ("ACE"), that the Tribunal continue the rate schedule in 37 C.F.R. §304.5(c) for the Colleges and Universities, subject to an annual cost-of-living adjustment. BMI stated that a continuation of the present royalty rate for BMI works contained in 37 C.F.R. §304.5(c), subject to an annual cost-of-living adjustment, was acceptable to ACE.

BMI also reached an agreement with the National Religious Broadcasters Noncommercial Radio Music License Committee ("NRB") and the National Federation of Community Broadcasters ("NFCB") for the compulsory royalty rates to be paid for BMI works by the Unaffiliated Radio Stations.

Similar agreements were adopted in the final rules in

the 1987 Adjustment of the Public Broadcasting Royalty Rates and Terms. 52 Fed. Reg. 249.

III. PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW

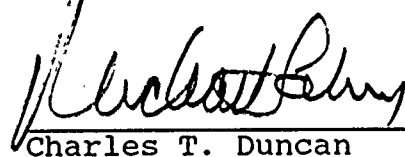
The compulsory royalty payments in the voluntary agreement between BMI and PBS and NPR apply in lieu of the rates and terms in 37 C.F.R. §304.4. The rates for BMI and ASCAP works should continue to be the same in 37 C.F.R. §304.5(c), with respect to the performance of musical compositions by public broadcasting entities licensed to the Colleges and Universities. Finally, the compulsory royalty rates for the Unaffiliated Radio Stations in the Joint Proposal of BMI, NRB, and NFCB should be adopted by the Tribunal in 37 C.F.R. §304.6(c).

IV. CONCLUSION

For the foregoing reasons, the royalty rates proposed by the parties as described above should be approved by the Tribunal for the years 1993-97.

Respectfully submitted,

BROADCAST MUSIC, INC.



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November 9, 1992

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing "Proposed Findings of Fact and Conclusions of Law of Broadcast Music, Inc." was served on each party on the attached list, via first-class mail, postage prepaid, this 9th day of November, 1992.

*Minaksi Bhatt*  

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