

Before the  
COPYRIGHT ROYALTY TRIBUNAL  
Washington, D.C. 20036

In the Matter of )  
 )  
DISTRIBUTION OF CABLE )  
TELEVISION ROYALTY FEES )  
Affidavit on Behalf  
of Pictorial, Graphic  
and Sculptural Charac-  
ter Claimants

State of New York )  
 )  
 ) ss.:  
County of New York )

Tami Kaiser, being duly sworn, deposes and says:

1. I am employed by Warner Amex Cable Communications Inc. (formerly Warner Cable Corp. and hereinafter referred to as "Warner") and have responsibility for compilation of information received from Warner's cable systems relative to television signal carriage and submission of the required information to the Copyright Royalty Tribunal as statements of account. I am familiar with the files of statements of accounts maintained by Warner for the cable systems owned by Warner which, in 1978, aggregated 125 systems throughout 28 states in the United States.

2. At the request of a representative of the pictorial, graphic and sculptural character claimants, I examined certain of Warner's files of the statements of account submitted by Warner to the Copyright Royalty Tribunal with respect to television signal carriage during the year 1978. At the same time, I was given The Arbitron Television Syndicated Program Analysis - November 1978 book ("Arbitron") and directed to specific pages

which I was told listed television stations in the United States carrying, in 1978, programming from syndicated sources, which included characters owned by the claimants, according to a program sampling selected by the Arbitron Company. Attached, as Exhibit "A", is a photocopy of each page of Arbitron to which I referred and the pages explaining the survey.

3. Based on my examination of Warner's files of the statements of account and my examination of the Arbitron pages ("Exhibit "A"), I compiled the schedule that is attached hereto as Exhibit "B".

4. My examination of Warner's files proceeded as follows:

(a) I started with the Warner-owned systems in the New England Region of the United States. (The New England Region is the smallest Warner region and consists of the states of Maine, Massachusetts, New Hampshire and Vermont. There are 11 cable systems in that region.) I pulled out the statements of account for every Warner system in that region and compared (i) the call letters of the stations listed on Exhibit "A" with (ii) the call letters of the stations listed in each statement of account as stations whose signals were carried by that cable system. This procedure took approximately three (3) hours.

(b) After I completed a review of each Warner-owned system in the New England Region, I was asked to select a sampling of two systems from each of Warner's other four (4) regions (Mid-Atlantic, Central, Southern and Western), and to

review the statements of account for those systems I selected. I selected one system from the "large" systems (those with an annual gross in excess of \$160,000) and one system from the "medium" systems (those with an annual gross of \$41,500 to \$160,000) by pulling out the first statement of account for each such system which carried a signal as described above.

(c) Since distant signals are not required to be noted on statements of account filed with the Copyright Royalty Tribunal for small systems (an annual gross of under \$41,500), I did not include in my sampling of the other four regions a review of statements filed for small systems.

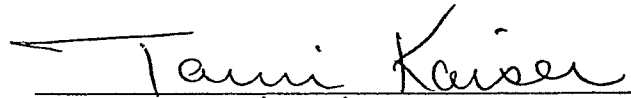
(d) Upon completion of the sampling of the Mid-Atlantic Region, the Central Region, the Southern Region and the Western Region, I noticed that although some program titles were carried on several television stations whose signals were picked up by the cable systems I reviewed, the program entitled "BOZO LIVE" had not been carried as a distant signal on any cable system I had reviewed. The "BOZO LIVE" program was telecast, according to Exhibit "A", on WGN in Chicago. I then reviewed the statement of account for the Warner Cable of Danville system, which carries, among others, the signal of WGN in Chicago as a distant signal and added that system to Exhibit "B".

(e) The columns on Exhibit "B" set forth the following information: In the first column, the numbers indicate system size: "#1" is a small system, "#2" is a medium system

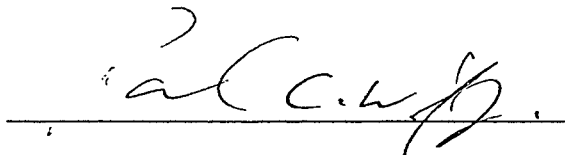
and "#3" is a large system, as defined above. The second column headed "System" gives the location of a Warner-owned cable system. The third column headed "Call Sign" gives the call letters of the television station carried by the respective cable system identified in the second column and over which a designated program was telecast, as shown on Exhibit "A". The fourth column headed "City" gives the location of the respective television station shown on Exhibit "A". The fifth column headed "Type" states whether the television station is a network affiliate ("N") or an independent ("I") station. The sixth column headed "Show" gives the title of one of the programs, which I was advised included a claimant's characters. The seventh column headed "Syn. Exc." states whether or not the program identified in the sixth column was "blacked out" pursuant to the syndicated exclusivity rules, as shown on the respective cable system statement of account. The letter "D" next to a system name indicates that the signal involved was carried as a distant signal and where that letter is preceded by a number, that indicates the number of distant signals carried by the particular cable system.

(f) For example, entry 16 of Exhibit "B" provides the following information: The programs entitled "CASPER THE FRIENDLY GHOST" ("Casper") and "BOZO'S BIG TOP" ("Bozo") were, according to Arbitron, carried in syndication on Station WLVI out of Boston. WLVI is an independent station (I) that was picked up and

carried by Warner Cable of Claremont as a distant signal (D). Neither Casper nor Bozo were "blacked out" pursuant to the syndicated exclusivity rules. Warner Cable of Claremont is a large system (#3) and carries a total of nine (9) distant signals (9D) of which (see entries 16, 17, 19, 20, and 21) program titles designated by claimants as including characters were carried on five (stations WLVI, WMTW, WSBK, WPIX and WSMW).

  
Tami Kaiser

Sworn to before me this  
21st day of March, 1980.



PAUL C. WINLEY, JR.  
Notary Public, State of New York  
No. 41-4642815  
Qualified in Queens County  
Certificate Filed in New York County  
Commission Expires March 30, 1981