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June 4, 1980

Mary Lou Burg, Chairman
Copyright Royalty Tribunal
1111 - 20th Street, N. W.
Washington, D. C. 20006

Re: MPAA Rebuttal Exhibits 2 and 3
Docket No. CRT 79-1

Dear Ms. Burg:

At the close of the hearing session on Thursday, May 29, 1980, I advised the Tribunal that Mr. Lloyd and I would attempt to reach agreement concerning differences with respect to the above referenced MPAA exhibits.

Thereafter, I prepared the enclosed memorandum entitled "Relative Ratings of Syndicated Series Vs. Sports Events" and have been advised by counsel for the Joint Sports Claimants that they do not object to the submission of that document to the Tribunal.

It is respectfully requested that the additional copies enclosed herewith be filed with the record.

Very truly yours,


Arthur Scheiner

AS/scr
Enclosure

CC: Attached List

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RELATIVE RATINGS OF SYNDICATED SERIES VS. SPORTS EVENTS

(Based on Nielsen ROSP, February, 1978)

In presenting its case to the Copyright Royalty Tribunal, the Joint Sports Claimants (Sports) discussed the relative distant signal cable viewing of syndicated programs (series and movies) vs. sports programs.

MPAA said that certain comparisons provided were invalid because sports programming and syndicated programming were not being evaluated during the equivalent time periods.

In its rebuttal, MPAA tendered data from the Nielsen Report on Syndicated Programming (ROSP) for February 1978.

The February ROSP report shows for every syndicated series that is carried by five or more commercial television stations, the call letters and location of each station that carried the series, the time of this carriage, and various audience measures including the Designated Market Area rating during an average quarter-hour. (For half-hour programs, the ratings are the average of two quarter-hour ratings. For an hour program, the ratings are the average of four quarter-hours.)

The ROSP also includes the name and average rating for the previous half-hour of the "lead in" program on the same day on the same station.

Another section of the ROSP shows for each syndicated program salient data regarding the programs on competing stations, i.e., head-on competition with the subject syndicated series program. These competitive data are provided for the two competing programs that had obtained the highest ratings in the market.

The February ROSP includes data for approximately 400 syndicated series. MPAA excluded from its rebuttal testimony consideration of all series classified by Nielsen as "child," "devotional" as well as some other types of programs. 1/

MPAA reviewed the data for these 100 for listings which indicated that sports programming was either the lead-in to the

1/ Thus, for example, no comparisons were made with "Animal World" (classified as "Adventure") and the "Arthur Smith Show" (classified as "Variety Musical").

syndicated program or competed head-on with the syndicated program. The data presented in MPAA Rebuttal Exhibit 2 summarizes these findings.

MPAA did not determine whether the lead-in program was a network program or a non-network program or the "head-on" competitive sports program. MPAA defined "sports" as "sports events," i.e., telecasts of games.

For the 100 series that were examined, MPAA sought to list all instances where a sports program was the lead-in, or where a sports program was the competition. However, it appears that not all instances were listed. 2/

MPAA also examined the November 1978 ROSP and found that Collegiate and Professional Football which are predominantly network originated dominated the time periods when games are broadcast, vs. all competition.

2/ Thus, for example, the Adam 12 ratings were not compared with "Local NCAA Basketball" on WKYT; "NCAA Basketball" on WATE; and "Metro Basketball" on WRCB.