

JUN 6 1980 RECD

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

In the Matter of)
)
Distribution of Cable)
Royalty Fees)

STATEMENT OF
BROADCAST MUSIC, INC.

Broadcast Music, Inc. ("BMI"), by its attorneys, submits the following statement in response to the directive contained in Part (4) of the Tribunal's "Cable Distribution Schedule of Proceedings".

The Tribunal has directed claimants in this proceeding to submit either:

- (a) a percentage listing of how the total share of the joint claimant shall be allocated among the individual eligible claimants, or
- (b) a properly authorized statement on behalf of each eligible member of the joint claim that they have authorized the Tribunal to distribute the royalty share of the joint claimants to a common agent, and that all eligible claimants have agreed to a procedure for the distribution of that share among the eligible claimants, or
- (c) a statement describing in detail the extent of disagreement among individual members of the joint claim, and identifying those matters that will require consideration by the Tribunal during Phase II.

BMI elects to respond to paragraph (c).

Music claimants in this proceeding include BMI, the American Society of Composers, Authors and Publishers (ASCAP)

and SESAC, Inc., the music performing rights organizations. BMI seeks a distribution of the amount claimed for the public performance of copyrighted musical compositions over cable systems as follows:

BMI	47-1/2%
ASCAP	47-1/2%
All other Music Claimants (SESAC plus a reserve)	<u>5%</u>
	100%

As indicated in BMI's claim for cable royalty fees filed in July, 1979, BMI believes the best measure of the performance of music on cable television systems is the performance of music on radio and television. More than 50% of the music performed on radio and television is music in the BMI repertoire. Therefore, BMI claims approximately half of the royalty fees to be distributed to music claimants. The reserve would be distributed among the claimants noted above in accordance with their pro rata shares after the Tribunal determines, as a final matter, that there are no additional valid music claimants.

Inasmuch as BMI, ASCAP and SESAC have not, as of this time, agreed to a distribution of cable royalty fees as to each, and if no agreement is reached, it will be necessary for the Tribunal to consider, as part of Phase II of the Cable Distribution Proceedings, those factors which should be taken into account (surveys, "charts", etc.) in

allocating the music claimants share, as determined by this Tribunal in Phase I, among the individual and music claimants in Phase II of these proceedings.

Respectfully submitted,

PEABODY, RIVLIN, LAMBERT & MEYERS
Washington Counsel

By Charles T. Duncan
Charles T. Duncan, Esq.

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Edward W. Chapin, Esq. *(ETD)*
Counsel

Dated: June 6, 1980

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was mailed, postage prepaid, this 6th day of June, 1980, to the following persons at their office addresses:

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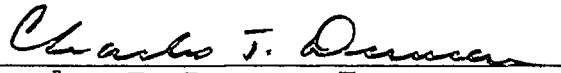
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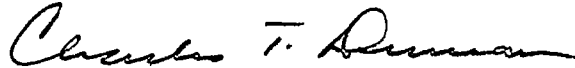
Honorable Mary Lou Burg
Chairman
Copyright Royalty Tribunal
1111 20th Street, N.W.
Washington, D.C. 20036

RE: Distribution of Cable
Royalty Fees

Dear Chairman Burg:

Broadcast Music, Inc., submits the enclosed statement
in response to the directive contained in Part (4) of the
Tribunal's "Cable Distribution Schedule of Proceedings".

Sincerely yours,



Charles T. Duncan

CTD/drw

Enclosure