

able to compute the total amount of royalties owing to it for the 1978 calendar year.*/

3. WTBS believes that the distribution of royalties among broadcast claimants should be based on the formula set out in its July, 1979 filing. In this manner will royalties be distributed equitably among television stations based on the actual royalty dollars which were paid by specific cable systems carrying specific programming.

4. The Tribunal should be aware that authorization which would allow the Tribunal to distribute royalties to a single entity representing all broadcast claimants will not be secured. Therefore even if there is no dispute over the formula for the distribution of the royalties among broadcast claimants, the Tribunal will have to hold a proceeding during Phase II in order to determine the manner in which it will physically distribute royalties to individual claimants. This Phase II proceeding should commence by the filing of briefs or memoranda outlining specific procedures by which the Tribunal could distribute the royalties to individual claimants. A second stage of the proceeding, if necessary, would allow for the presentation of oral testimony.

*/ For a full explanation of WTBS' methodology in filing its claim, see its filing of July 31, 1979.

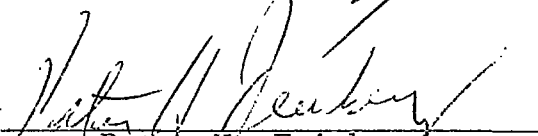
5. At this juncture in the distribution proceeding it is difficult to make a determination as to the extent of agreement among other parties within the class regarding the distribution of royalties since the Tribunal has not yet determined the manner in which royalties will be divided as between groups of claimants. The adoption of a particular formula by the Tribunal could influence the manner in which the royalties are distributed between individual claimants within a group. For instance, the adoption of a formula which is based on the number of hours of programming transmitted combined with the distant signal equivalent value of a station, as opposed to distribution based solely on the number of hours that programming is transmitted, could suggest the eventual division of royalties among claimants of a class. Thus WTBS believes it is premature to attempt to resolve the division of royalties within a class until the Tribunal makes the threshold determination on the division of royalties among groups of claimants.

6. Therefore the Tribunal must hold hearings during Phase II of these proceedings in order to determine the manner in which the Tribunal will physically distribute royalties to members of each class who have not authorized representation by any group pursuant to Section 111(5)(A) of the Act. Most likely such a distribution procedure will be necessary in future years as well.

7. As soon as the Tribunal reaches a final determination regarding the distribution of royalties among various claimant groups, it should then ascertain the extent of agreement existing within each class, and if disagreement is present, a proceeding should commence to establish the formula for the division of royalties among members of the class. The Tribunal should also commence a proceeding to determine the manner in which the royalties should be distributed to individual claimants once a formula for distribution is established.

Respectfully submitted,
SUPERSTATION, INC.

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June 6, 1980

CERTIFICATE OF SERVICE

I, Colleen Duffy, a secretary in the law offices of Smith & Pepper, do hereby certify that on this 6th day of June, 1980, I have caused to be hand delivered or mailed first class postage prepaid, copies of the foregoing "Response of Superstation, Inc. to Paragraph 4 of the Tribunal's Order Released May 7, 1980," to the following:

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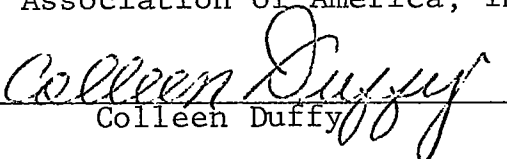
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