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October 6, 1980

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

Re: Clarification of Cable
Royalty Distribution
Determination

Dear Chairman Burg:

This letter is being submitted in order to clarify the Notice of Final Determination in the 1978 Cable Royalty Distribution Proceeding which appeared in the Federal Register, Vol. 45, No. 186, on Tuesday, September 23, 1980. In its discussion of the distribution of cable royalty fees the Tribunal stated:

the Tribunal will distribute the royalty fees allocated to program syndicators, sports claimants, PBS and television broadcasters represented by NAB to designated common agents according to the terms of voluntary agreements. The royalty fees allocated to music performing rights societies will be distributed to ASCAP, BMI and SESAC as provided in this determination.

Some 68 television broadcaster claimants have not authorized the NAB to represent them in the allocation of their portion of the broadcasters' share of the cable royalties. The Tribunal has determined that in our Phase II allocation, all broadcasters should be treated equally. Therefore we have adopted the NAB formula in the computation of the share of all commercial television claimants. (emphasis supplied).

Chairman Mary Lou Burg
October 6, 1980
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The Tribunal should be aware and the record should be clarified to reflect that on September 8, 1980, the National Association of Broadcasters ("NAB") submitted a letter to the Tribunal indicating that the NAB, Superstation, Inc. and Canadian Broadcasting Corporation had reached a voluntary agreement allocating the royalties. That agreement provided that WTBS would be awarded \$15,876.80 of the share of royalties which were allocated to broadcasters.

However, the Tribunal's Order as printed in the Federal Register makes no provision for this agreement and in fact suggests that the NAB formula was adopted by the Tribunal in determining the shares of all stations which were not represented by the NAB. This is inaccurate and contrary to the understanding and agreement reached between WTBS and the NAB.

Therefore, the record should be clarified to reflect that pursuant to a voluntary agreement between NAB and Superstation, Inc., Superstation, Inc. shall be awarded \$15,876.80 of the royalties which were allocated to broadcasters by the Tribunal for the 1978 distribution year.

Sincerely yours,



Peter H. Feinberg
Counsel for
Superstation, Inc.



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UNITED STATES OF AMERICA

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October 7, 1980

Peter H. Feinberg, Esquire
Smith and Pepper
700 Montgomery Building
1776 K Street, NW
Washington, DC 20006

Dear Mr. Feinberg:

Our interpretation of the language in the Notice of Final Determination in the 1978 Cable Royalty Distribution proceeding which appeared in the Federal Register, Vol. 45, No. 186 on Tuesday, September 23, 1980 reflects the terms of the letter of September 8, 1980 from the National Association of Broadcasters to the Tribunal.

That letter stipulated that the NAB, Superstation, Inc. and Canadian Broadcasting Corporation had reached a voluntary agreement allocating the royalties. That letter further stated that WTBS would be awarded \$15,876.80 of the share of royalties which were allocated to broadcasters for the 1978 distribution year.

Nothing in our Notice of Final Determination should be construed to imply that we did not recognize, approve or accept the terms of that voluntary agreement.

I hope this letter clarifies the matter.

Sincerely,

Mary Lou Burg
Chairman