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89-2343

October 30, 1980

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

Re: Request for Access to Records and Freedom of
Information Act Request re 1978 Cable Royalty
Distribution Determination, Docket No. CRT 79-1

Dear Chairman Burg:

On behalf of our client, National Public Radio, we would like to request (1) copies of any transcripts, minutes or memoranda of any meetings of the Copyright Royalty Tribunal from July 30 to September 23, 1980, relating to the above-referenced matter and (2) copies of any notices of such meetings. We understand from a representative of the Tribunal, that such meetings were held on August 19, 20 and 21, 1980. This request specifically includes, but is not limited to, records relating to those meetings.

This request is made pursuant to 37 C.F.R. §§301.21, 301.22 which provide for public access to Tribunal records, and 37 C.F.R. §301.23, which embodies the Tribunal's responsibilities under the Freedom of Information Act. It is also based upon 37 C.F.R. §§301.11-301.17, which embodies the Tribunal's responsibility under the Government in Sunshine Act to "insure that all Tribunal meetings shall be open to the public." 37 C.F.R. §301.11. The Tribunal's rules provide that all Tribunal meetings -- whether open or closed -- are to be preceded by seven days' notice in the Federal Register. 37 C.F.R. §301.11(b). Closed meetings may be held under certain limited circumstances, but if they are, transcripts or detailed minutes must be kept. 37 C.F.R. §301.15. The public is permitted access to the transcripts within twenty days unless the transcripts fall within one of the exceptions listed in 37 C.F.R. §301.13.

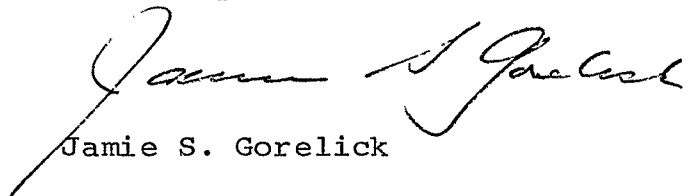
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Chairman Mary Lou Burg
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We have not seen nor can we discover any Federal Register notice of Tribunal meetings during the period in which we are interested, July 30 to September 23, 1980. We were verbally advised by your office, on October 23, 1980, that although several meetings were held during that time period, no notices, records, transcripts or minutes with respect to such meetings were available. If this means that the Tribunal did not meet with respect to Docket No. CRT 79-1 between July 30 and September 23, 1980, we would appreciate confirmation of this. If it means that the Tribunal did discuss Docket No. CRT 79-1 in that time period, but has declined to make its records available, we would request consideration of that position in light of the Tribunal's own rules. Specifically, we request copies of the notices of the meetings and the transcripts and/or minutes of the meetings, pursuant to 37 C.F.R. §§301.12(a), 301.15(a) and 301.23.

Thank you for your attention to this matter. We would appreciate your reply within ten working days.

Sincerely yours,



Jamie S. Gorelick

JSG:kys



COPYRIGHT ROYALTY TRIBUNAL
UNITED STATES OF AMERICA

1111 20th Street, N.W.
Washington, D.C. 20036
(202) 653-5175

COMMISSIONERS:
Thomas C. Brennan
Douglas E. Coulter
Mary Lou Burg
Clarence L. James, Jr.
Frances Garcia

November 10, 1980

Jamie S. Gorelick, Esquire
Miller, Cassidy, Larroca & Lewin
2555 M Street, NW - Suite 500
Washington, DC 20037

Dear Mr. Gorelick:

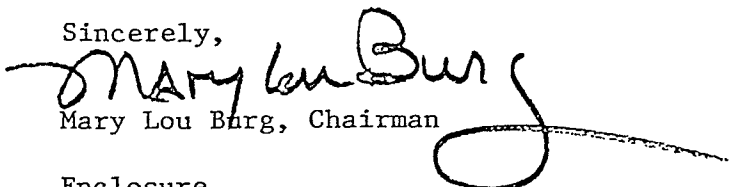
The Copyright Royalty Tribunal has received your letter of October 30, 1980 concerning "Request for Access to Records and Freedom of Information Act Request re 1978 Cable Royalty Distribution Determination, Docket No. CRT 79-1." The Copyright Royalty Tribunal is an independent agency within the Legislative Branch. The extent of the application, if any, of the Freedom of Information Act to the records of the Tribunal has not been resolved and may be controlled by judicial decisions involving other agencies of the Legislative Branch. Without prejudice to our position concerning the application of the Information Act, I shall respond to your request for information concerning Docket No. CRT 79-1.

Transcripts for the Tribunal meetings of August 19, 20, and 21, 1980 are available for reading in the office of the Tribunal or may be purchased from Accurate Reporting Co.; 1239 Pennsylvania Ave., SE; Washington, DC 20003; Phone 544-4404.

Notice of these meetings appeared in the Federal Register of July 30, 1980, a copy of which notice I am enclosing. This proceeding was an on-going adjudication of claims. Since the claimants participating in the hearings had personal notice through their counsel of the times of Tribunal meetings, separate notice of each individual meeting was not published in the Federal Register.

The Tribunal in adopting its final determination in Docket No. 79-1 acted in accordance with the provisions of Chapter 8 of the copyright law and such provisions of our regulations which apply to the adjudication of claims.

Sincerely,


Mary Lou Burg, Chairman

Enclosure