

ORIGINAL

Before the
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

In the matter of)
)
Distribution of) Docket No. CRT 79-1
Cable Royalty Fees)

RESPONSE TO THE TRIBUNAL'S
ORDER OF JULY 30, 1980

The National Association of Broadcasters ("NAB"), for and on behalf of its member broadcasting stations claiming compulsory royalty fees for 1978, submits this response pursuant to the July 30, 1980 Order of the Copyright Royalty Tribunal ("Tribunal"), 45 Fed. Reg. 50621, directing:

"[a]ny claimant who wishes to present testimony during Phase II [to] inform the Tribunal of such intention no later than August 13 and [to] advise the Tribunal of the names of proposed witnesses."

During Phase II, the NAB intends to present one witness, James J. Popham, Esq., Assistant General Counsel of the NAB. We hereby request that Mr. Popham's testimony be scheduled for Tuesday, August 19, 1980 in order to accommodate our

witness' prior commitments.

Since the Tribunal, on August 11, 1980, denied the NAB's August 8 motion for a declaratory ruling,* all of the evidence described in the NAB papers submitted in support of the aforesaid motion have been excluded. Accordingly, the NAB is unable to present any evidence in support of its sports claim during Phase II and will instead submit an offer of proof of said evidence pursuant to Section 301.51(g) of the Tribunal's rules of evidence.

Respectfully submitted,

COUDERT BROTHERS
Attorneys for the National
Association of Broadcasters
200 Park Avenue
New York, New York 10166

Of Counsel:

Erwin C. Krasnow, Esq.
James J. Popham, Esq.

Carleton C. Eldridge, Jr., Esq.
June C. Gottschalk, Esq.

* On August 8, 1980, the NAB moved on an expedited basis for a declaratory ruling permitting it to offer evidence during Phase II demonstrating the broadcasters' copyright ownership of certain sports programming. The motion was denied by the Tribunal without written opinion on August 11, 1980.

CERTIFICATE OF SERVICE

I, Anna Dellicurti, a secretary in the law firm of Coudert Brothers, hereby certify that copies of the foregoing NAB "Response to July 30, 1980 Order" have been sent by first-class United States mail, postage prepaid, to the following list on the 13th day of August, 1980.

Judith Jurin Somo, Esquire
Squire, Sanders & Dempsey
21 Dupont Circle, N.W.
Washington, D.C. 20036

Edward W. Chapin, Esquire
Broadcast Music, Inc.
320 West 57th Street
New York, New York 10019

Bernard Korman, Esquire
American Society of Composers,
Authors and Publishers
One Lincoln Plaza
New York, New York 10023

Arthur Scheiner, Esquire
Wilner & Scheiner
1200 New Hampshire Avenue, N.W.
Suite 300
Washington, D.C. 20036

Charles T. Duncan, Esquire
Peabody, Rivlin, Lambert &
Meyers
1150 Connecticut Avenue, N.W.
Washington, D.C. 20036

Jeffrey D. Southmayd, Esquire
Fisher, Wayland, Southmayd &
Cooper
1100 Connecticut Avenue, N.W.
Washington, D.C. 20036

James F. Fitzpatrick, Esquire
David H. Lloyd, Esquire
Arnold & Porter
1200 New Hampshire Avenue, N.W.
Washington, D.C. 20036

Janice F. Hill, Esquire
National Public Radio
2025 M Street, N.W.
Washington, D.C. 20036

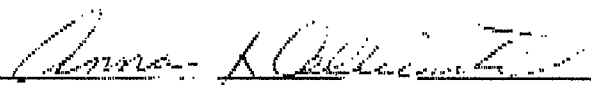
Gene A. Bechtel, Esquire
Arent, Fox, Kintner,
Plotkin & Kahn
1815 H Street, N.W.
Washington, D.C. 20006

Jacqueline Weiss, Esquire
Public Broadcasting Service
475 L'Enfant Plaza West, S.W.
Washington, D.C. 20024

Albert F. Ciancimino, Esquire
SESAC, Incorporated
10 Columbus Circle
New York, New York 10019

Mr. D. E. Lytle
Corporate Program Services
Canadian Broadcasting Company
Post Office Box 8478
Ottawa, Ontario
CANADA K1G 3J5

Richard Damay, Esquire
Schwab, Goldberg, Price & Damay
1185 Avenue of the Americas
New York, New York 10036



Anna Dellacurti