

ORIGINAL


Before The
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C.

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

COMMENTS OF NATIONAL PUBLIC RADIO
CONCERNING PROPOSED DISTRIBUTION
OF 1978 CABLE ROYALTY FUND

This is in response to the Copyright Royalty Tribunal's notice of February 23, 1981, concerning possible distribution of the 1978 Cable Royalty Fund ("the Fund"), 46 Fed. Reg. 13544. National Public Radio ("NPR") objects to the distribution of any portion of the Fund that is subject to the claims of parties appealing the Tribunal's 1978 determination. Specifically, it does not waive its right, under 17 U.S.C. § 809, to have the portion of the Fund subject to appeal by NPR -- 4 percent -- held and preserved pending appeal. NPR does not object to the distribution of funds not in dispute.

Respectfully submitted,



JAMIE S. GORELICK
MILLER, CASSIDY, LARROCA & LEWIN
2555 M Street, N.W., Suite 500
Washington, D.C. 20037
(202) 293-6400

ERNEST T. SANCHEZ
JANICE F. HILL
Office of General Counsel
National Public Radio
2025 M Street, N.W.
Washington, D.C.

Attorneys for National Public Radio

CERTIFICATE OF SERVICE

I, Jamie S. Gorelick, certify that I have this 6th day of March, 1981, caused copies of the attached Comments of National Public Radio Concerning Proposed Distribution of 1978 Cable Royalty Fund to be served by mail, first class, postage prepaid, on the following:

The Honorable Clarence James
Chairman
Copyright Royalty Tribunal
1111 20th Street, N. W.
Washington, D. C. 20036

John Cordes
Appellate Section, Civil Division
United States Department of Justice
Washington, D. C. 20530

Arthur Scheiner, Esq.
Wilner & Scheiner
Suite 300
2021 L Street, N. W.
Washington, D. C. 20036

James F. Fitzpatrick, Esq.
Arnold & Porter
1200 New Hampshire Avenue, N. W.
Washington, D. C. 20036

Philip R. Hochberg, Esq.
Vorys, Sater, Seymour and Pease
1828 L Street, N. W.
Washington, D. C. 20036

Carleton G. Eldridge, Jr.
c/o Sherman E. Katz, Esq.
Coudert Brothers
One Farragut Square South
Washington, D. C. 20006

James J. Popham, Esq.
National Association of Broadcasters
1771 N Street, N. W.
Washington, D. C. 20036

Peter F. Robinson, Esq.
Canadian Broadcasting Corporation
P. O. Box 8478
Ottawa, Ontario K1G 3J5
Canada

Malcolm A. Hoffman, Esq.
12 East 41st Street
New York, New York 10017

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

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

Benjamin L. Zelenko, Esq.
Landis, Cohen, Singman & Rauh
1019 Nineteenth Street, N. W.
Suite 500
Washington, D. C. 20036

Paul, Weiss, Rifkind, Wharton
& Garrison
345 Park Avenue
New York, New York 10154

Charles T. Duncan, Esq.
Peabody, Rivlin, Lambert & Myers
12th Floor
1150 Connecticut Avenue, N. W.
Washington, D. C. 20036

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

Albert E. Ciancimino, Esq.
SESAC, Inc.
10 Columbus Circle
New York, New York 10019

Robert F. Corazzini, Esq.
Smith & Pepper
1776 K Street, N. W.
Suite 700
Washington, D. C. 20006

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

Ritchie T. Thomas, Esq.
Squire, Sanders & Dempsey
21 Dupont Circle, N. W.
Washington, D. C. 20036

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

Richard Dannay, Esq.
Schwab, Goldberg, Price & Dannay
1185 Avenue of the Americas
New York, New York 10036



Jamie S. Gorelick