

ORIGINAL

6 MAR REC'D

Before The
COPYRIGHT ROYALTY TRIBUNAL
Washington, D.C. 20036

_____))
))
In the Matter of))
))
DISTRIBUTION OF CABLE))
ROYALTY FEES))
_____))

Docket No. CRT 79-1

STATEMENT OF
BROADCAST MUSIC, INC.
CONCERNING PARTIAL DISTRIBUTION OF ROYALTY FEES

Broadcast Music, Inc. ("BMI"), by its attorneys,
submits the following statement in response to the Copyright
Royalty Tribunal's ("Tribunal") direction published in the
Federal Register of February 23, 1981 [46 F.R. 13544].

BMI, having had the opportunity to review the proposal
submitted by Motion Picture Association of America, et al.
("MPAA"), approves it in principle with one exception. BMI
does not agree with MPAA's methodology with respect to the
division of the music distribution among BMI and American
Society of Composers, Authors and Publishers ("ASCAP").

BMI suggests that the Tribunal set aside and not
distribute the amount subject to controversy on appeal and
distribute the remaining portion of the music award in

accordance with the dollar ratio applied to BMI and ASCAP as adopted by the Tribunal in its Final Determination [45 F.R. 63026].

Illustratively, if a \$15,600,000*/ fund is assumed available for distribution, BMI would propose a division between BMI and ASCAP as follows:

Calculation Of
Amount In Controversy

| | | |
|-----|---|--------------|
| 1A. | Total Pool | \$15,600,000 |
| 1B. | Performing Rights Organizations' Share (line 1A x 4.5%) | 702,000 |
| 1C. | Less BMI Uncontested Distribution (Line 1B x 35.6%) | 249,912 |
| 1D. | Less ASCAP Uncontested Distribution (Line 1B x 54%) | 379,080 |
| 1E. | Less SESAC Uncontested Distribution (Line 1B x 3%) | 21,060 |
| | | 51,948 |
| 1F. | Amount In Controversy (Line 1B minus Line 1C minus Line 1D minus Line 1E) | 51,948 |

*/ The amount available for distribution to all parties was \$15,608,913.64, as of March 5, 1981.

Calculation of Amount Not
In Controversy Available
For Present Distribution
To ASCAP And BMI

| | | |
|-----|--|-----------|
| 2A. | Performing Rights Organizations' Share (From Line 1B) | \$702,000 |
| 2B. | Less Amount In Controversy (From Line 1F) | 51,948 |
| | | <hr/> |
| 2C. | Amount Subject To Distribution (Line 2A minus Line 2B) | 650,052 |
| 2D. | Less Uncontested SESAC Distribution (From Line 1E) | 21,060 |
| | | <hr/> |
| | Amount Of Funds Not In Controversy Available For Present Distribution To ASCAP And BMI (Line 2C minus Line 2D) | 628,992 |

Distribution To ASCAP
And BMI Of Funds Not
In Controversy On The
Basis of The Tribunal's
54:43 Ratio

3A. BMI Distribution

$$\frac{43}{(54+43)} \times 628,992 = 278,831.50$$

3B. ASCAP Distribution

$$\frac{54}{(54+43)} \times 628,992 = 350,160.49$$

Recapitulation

| | |
|---|------------|
| Performing Rights Organization Share (From Line 1B) | \$702,000 |
| BMI Present Distribution (From Line 3A) | 278,831.50 |
| ASCAP Present Distribution (From Line 3B) | 350,160.49 |
| Reserve For Future Distribution (From Line 1F) | 51,948 |

Respectfully submitted,
BROADCAST MUSIC, INC.

By: Charles T. Duncan, Esq.
Charles T. Duncan, Esq.
Peabody, Rivlin, Lambert & Meyers
A Professional Corporation
1150 Connecticut Avenue, N.W.
Twelfth Floor
Washington, D.C. 20036
(202) 457-1000

Edward W. Chapin, Esq.
Edward W. Chapin, Esq.
Counsel

Dated: March 6, 1981

CERTIFICATE OF SERVICE

I, Joel S. Winnik, an attorney in the law firm of Peabody, Rivlin, Lambert & Meyers, a Professional Corporation, hereby certify that copies of the foregoing "Statement of Broadcast Music, Inc. Concerning Partial Distribution of Royalty Fees" have been sent by first-class United States mail, postage prepaid, to the attached list on this 6th day of March, 1981.



Joel S. Winnik, Esq.

Robert A. Garrett, Esq.
Arnold & Porter
1229 Nineteenth Street, N.W.
Washington, D.C. 20036

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

Carleton G. Eldridge, Jr., Esq.
Coudert Brothers
200 Park Avenue
New York, N.Y. 10017

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

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

Arthur Scheiner, Esq.
Wilmer & Scheiner
1200 New Hampshire Ave., N.W.
Suite 300
Washington, D.C. 20036

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

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

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

Judith Jurin Semo, Esq.
Squire, Sanders & Dempsey
21 DuPont Circle, N.W.
Washington, D.C. 20036