

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

In the matter of)
)
Distribution of Cable)
Royalty Fees)

WITNESS STATEMENTS OF REPRESENTATIVES OF
MAJOR LEAGUE BASEBALL,
NATIONAL BASKETBALL ASSOCIATION,
NATIONAL HOCKEY LEAGUE, AND
NORTH AMERICAN SOCCER LEAGUE

James F. Fitzpatrick
David H. Lloyd
Robert Alan Garrett
Vicki J. Divoll
ARNOLD & PORTER
1229 Nineteenth Street, N.W.
Washington, D. C. 20036

Of Counsel:

Alexander H. Hadden
Office of the Commis-
sioner of Baseball
15 West 51st Street
New York, New York 10019

Philip R. Hochberg
VORYS, SATER, SEYMOUR & PEASE
1800 M Street, N.W.
Suite 800 South
Washington, D. C. 20036

Attorneys for the Joint
Sports Claimants

March 24, 1980

LIST OF WITNESS STATEMENTS

1. STATEMENT OF BOWIE K. KUHN,
COMMISSIONER OF BASEBALL
2. STATEMENT OF GEORGE FAUST,
DIRECTOR OF BROADCASTING AND SCHEDULING,
NATIONAL BASKETBALL ASSOCIATION
3. STATEMENT OF JOEL NIXON,
DIRECTOR OF BROADCASTING,
NATIONAL HOCKEY LEAGUE
4. STATEMENT OF RON BAIN,
DIRECTOR OF BROADCASTING,
NORTH AMERICAN SOCCER LEAGUE

STATEMENT OF BOWIE K. KUHN,
COMMISSIONER OF BASEBALL

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STATEMENT OF BOWIE K. KUHN,
COMMISSIONER OF BASEBALL

1. My name is Bowie K. Kuhn. I have been the Commissioner of Baseball since 1969. Prior to that time I served as Counsel to the National League. My statement in this proceeding is made on behalf of all 26 Major League Baseball clubs, which have filed under Section 111 of the Copyright Revision Act of 1976, for royalty fees paid by cable systems for distant signal retransmission of Major League Baseball telecasts in 1978. These clubs are listed in Exhibit No. 1 hereto.

I. Baseball's Telecasting Patterns

2. Major League Baseball clubs license television rights at two levels. In accordance with the provisions of the Sports Broadcast Act of 1961, the clubs pool a portion of their rights and, through the Commissioner's Office,

license these rights to the national television networks. This has resulted in the national telecasting of such feature events as Monday Night Baseball, the Saturday Game of the Week, the League Championship Series, the All Star Game and the World Series. Under the provisions of Section 111 of the Copyright Revision Act, cable systems are not required to pay a compulsory licensing fee for the retransmission of these nationally distributed games, and we have made no claim for those telecasts.

3. In addition to these national network telecasts, each major league team separately presents local telecasts of its games by licensing the rights directly to television stations; by licensing the rights to sponsors who deal with the stations; or by purchasing air time on local stations and producing their own telecasts. In 1978, the clubs presented a total of 1,414 telecasts over their local "flagship" stations. See Exhibit No. 2 hereto. Many of these same telecasts were also carried by the more than 100 broadcast stations which comprise the clubs' regional networks and which are licensed to the nation's smaller and medium-sized communities. See Exhibit No. 3 hereto. These

telecasts, imported as distant signals, are compensable under Section 111, and accordingly, we have made royalty claims for them. In addition, we have also claimed for "This Week in Baseball" which is a syndicated program consisting primarily of the highlights of the telecasts of our games.

4. It is clear that sports has become a key component of cable programming. CATV systems throughout the country have been able to import a massive amount of distant signal baseball programming, both over conventional microwave transmission and the newer satellite transmission of the so-called "superstations." There are presently four television stations which are on satellite and available for nationwide distribution to CATV systems: WTBS-TV, formerly WTCG-TV (Atlanta, Georgia); WGN-TV (Chicago, Illinois); KTVU-TV (San Francisco, California); and WOR-TV (New York, New York). An important common characteristic of all of these superstations is their heavy concentration of sports programming. Each of these stations is, in fact, the flagship station of one of the major league clubs and televised a great number of baseball games in 1978. See Exhibits 2 and 3 hereto.

5. Moreover, according to data assembled by the Motion Picture Association of America, ^{*/} of the 20 stations that were the largest contributors to the 1978 royalty pool, 11 carried baseball and a total of 16 carried some type of professional sports programming. See Exhibit No. 4 hereto. A further analysis of the MPAA data reveals that professional sports flagship stations contributed more than 50% to the 1978 pool.

II. The Value of Baseball and Other Sports Programming From the Standpoint of the Copyright Owner

6. The Copyright Royalty Tribunal has the responsibility for distributing the royalty pool among the copyright owners on a fair and equitable basis. I believe that the Tribunal, in approaching this task, should examine the comparative value of the various claimants' programming and the relative bargaining positions of the parties in order to determine: (1) how cable systems would choose to allocate their programming dollars if they had to negotiate in the marketplace for the purchase of retransmission rights; and (2) what factors would influence the copyright owners in negotiations for the sale of their programming to cable systems.

^{*/} The MPAA's data shows the percentage of the total revenue paid by cable systems in the first half of 1978 attributable to each station.

7. Sports programming is a very valuable commodity and cable operators are willing to pay a premium to acquire the right to retransmit sports in contrast to other programming. My testimony, however, does not focus on that issue, but rather on the factors that would influence the copyright owners of sports programming if they were to bargain with cable operators to reach a fair price for their product.

8. In this connection, Baseball and the other sports interests have consistently taken the position that cable retransmission of their programming into any club's home territory can have a significant adverse impact on the very determinants of that club's economic success -- the following of its hometown fans, the size of its gate, and the value of its broadcast rights. This, in turn, affects the competitive stability of the entire league. As the Senate Subcommittee on Patents, Trademarks and Copyrights noted in 1969, when it initially exempted sports programming from the compulsory licensing provisions of the copyright revision legislation:

"Unrestricted secondary transmissions by CATV of professional sporting events could seriously injure the property rights of professional sporting leagues in televising their live sports broadcasts. Unregulated

retransmission of live sports events could also have serious consequences on gate attendance, such as major and minor league baseball games."*/

In addition, a 1976 study prepared by the staff of the Communications Subcommittee of the House Committee on Interstate and Foreign Commerce recognized that the impact on sports should be taken into account in any distribution of cable copyright payments. The study stated that:

"the distribution of the copyright payment [to sports] . . . would have to take into account both the loss to the national or regional sports telecaster and the loss suffered by the local entrepreneur."
Subcomm. on Communications of the House Comm. on Interstate and Foreign Commerce, 94th Cong., 2d Sess., "Cable Television: Promise Versus Regulatory Performance" at 50 n. 46 (1976).

*/ Subcomm. on Patents, Trademarks and Copyrights of the Senate Judiciary Comm., 91st Cong., 1st Sess., "Draft Report to Accompany S. 543" at 29 (1969). The Subcommittee further noted that, in view of Congress' previous action in enacting the Sports Broadcast Act of 1961, "the transmission of organized professional sporting events by cable systems requires special consideration." Id.

The nature of our concerns with respect to the impact of cable retransmission of our clubs' telecasts is fully detailed and documented in comments we filed with the Federal Communications Commission, Docket Nos. 20988 and 21284, of which the Tribunal can take official notice.

9. If they had been permitted to negotiate with cable systems with respect to the retransmission of their telecasts, our clubs would have taken these two severe economic consequences into consideration. And the price that they would have demanded at the bargaining table would have been significantly influenced by their consideration.

10. With respect to the first factor, the impact of cable on home gate revenue, the ability of any sports team to succeed depends largely upon the size of its home gate. For example, Major League Baseball clubs derive about 75 percent of their total revenues from the sale of tickets and concessions at the ball park. It is particularly noteworthy that most clubs schedule their television programming so as not to compete with their home gate. Clubs generally televise away games, knowing that a televised home game can cut into the gate. Indeed, nearly one third of the clubs televised no home games in 1978. The clubs that televise a large number of home games do so only because particular market characteristics permit it. Only those teams in the two largest markets with old and established franchises (Chicago and New York) have authorized the

telecast of a large number of home games, and they have negotiated significant added compensation for these rights.

11. The clubs are well aware that cable importation of distant signal sports have the potential of dramatically upsetting this broadcast pattern and harming home game attendance. The clubs reflected this concern when they negotiated a contract with UA-Columbia Satellite Service, Inc. for cablecasts of a number of baseball telecasts. In order to avoid harming the home gate, no rights were granted in any of the clubs' home territories.

12. The second important factor that a club would have to consider is cable's potential impact on the value of local television contracts for professional sports contests. A club's broadcast rights are critical to its effective operation. Revenues derived from the sale of both the local and national broadcast rights constitute approximately 25 percent of the clubs' total revenues. These broadcast rights are equally significant as a promotional device which has helped bring fans to large stadia over the course of each club's 81 home games.

13. The saturation of a club's home market with additional baseball telecasts, which are sponsored by

competing advertisers, could fractionalize the viewing audience for the baseball telecast of the flagship station. This fractionalization can occur either because the telecasts compete head-on or because oversaturation decreases viewer interest in each telecast. As with other programming, if fewer people watch the flagship station's telecasts, advertisers will pay less for the right to sponsor the local team's games. Perhaps more importantly from the standpoint of sports interests, advertisers also pay less if they no longer have their bargained-for exclusive rights to sponsor baseball in the club's home territory. These are simple facts of the marketplace. The result is that the value of the club's local telecasts over the long run could decrease.

14. Cable importation of distant signal baseball programming could also dilute the rights which may be licensed to those stations in the clubs' regional networks. This problem is much the same as with flagship stations -- the availability of additional telecasts with competing sponsors can render the broadcast rights less valuable.

15. The point is clear. The potential harm that could be caused by CATV carriage of distant signal baseball

programming to our clubs' traditional sources of revenue would significantly influence the price they would demand at the bargaining table for retransmission rights absent compulsory licensing. As the foregoing discussion shows, the margin of success for any club is related generally to the development of hometown fan loyalty, and specifically to the size of the gate which it can attract and the value of the broadcast rights which it can license. Any action which threatens to undercut these assets threatens the club's very existence.

16. This fact is reflected in the clubs' dealings with local television stations where they negotiate and obtain a fair marketplace price for their product. The clubs, like any other entrepreneur, bargain regarding the amount, distribution and selling price of the product which they have created. In these negotiations, the clubs take into account a variety of considerations, including possible impact on their home attendance and on other teams. As noted above, most teams have steadfastly refused to authorize many telecasts of home games, while several do not telecast any at all.

17. Just as the sports interests would have to assess the harm to the competitive stability of their leagues caused by cable retransmission, and account for that harm in licensing their rights to cable, the Tribunal must also assess and account for that harm. We believe that this marketplace judgment should be a central consideration to the Tribunal in reaching its decision as to the proper distribution of the compulsory licensing fee.

March 24, 1980

Atlanta Braves

Atlanta National League Baseball Club, Inc.
P.O. Box 4064
Atlanta, Georgia 30302

Baltimore Orioles

Baltimore Baseball Club, Inc.
Memorial Stadium
Baltimore, Maryland 21218

Boston Red Sox

The Boston Red Sox Club
Fenway Park, 24 Yawkey Way
Boston, Massachusetts 02215

California Angels

Golden West Baseball Company
2000 S. State College Boulevard
P.O. Box 2000
Anaheim, California 92803

Chicago Cubs

Chicago National League Ball Club, Inc.
1060 West Addison Street
Chicago, Illinois 60613

Chicago White Sox

Chicago White Sox Baseball Club, Inc.
Dan Ryan at 35th Street
Chicago, Illinois 60616

Cincinnati Reds

Cincinnati Reds, Inc.
100 Riverfront Stadium
Cincinnati, Ohio 45202

Cleveland Indians

Cleveland Indians Co.
The Stadium, Gate A
Boudreau Boulevard
Cleveland, Ohio 44114

Detroit Tigers

John E. Fetzer, Inc.
Tiger Stadium
Detroit, Michigan 48216

Houston Astros

Houston Sports Association, Inc.
The Astrodome
P.O. Box 288
Houston, Texas 77001

Kansas City Royals

Kansas City Royals Baseball Corp.
P.O. Box 1969
Kansas City, Missouri 64141

Los Angeles Dodgers

Los Angeles Dodgers, Inc.
Dodger Stadium
1000 Elysian Park Avenue
Los Angeles, California 90012

Milwaukee Brewers

Milwaukee Brewers Baseball Club
Milwaukee County Stadium
Milwaukee, Wisconsin 53214

Minnesota Twins

Minnesota Twins, Inc.
8001 Cedar Avenue South
Bloomington, Minnesota 55420

Montreal Expos

Montreal Baseball Club, Ltd.
P.O. Box 500 -- Station M
Montreal, Quebec H1V 3P2

New York Mets

Metropolitan Baseball Club, Inc.
Shea Stadium
Flushing, New York 11368

New York Yankees

New York Yankees
Yankee Stadium
Bronx, New York 10451

Oakland Athletics

Oakland Athletics
Division of Charles O. Finley
& Co., Inc.
Oakland-Alameda County Coliseum
Oakland, California 94621

Philadelphia Phillies

Philadelphia National League Club
P.O. Box 7575
Philadelphia, Pennsylvania 19101

Pittsburgh Pirates

Pittsburgh Athletic Company, Inc.
Three Rivers Stadium
600 Stadium Circle
Pittsburgh, Pennsylvania 15212

St. Louis Cardinals

St. Louis National Baseball Club, Inc.
250 Stadium Plaze
St. Louis, Missouri 63102

San Diego Padres

San Diego National League Baseball
Club, Inc.
P.O. Box 2000
9449 Friars Road
San Diego, California 92120

San Francisco Giants

San Francisco Baseball Club
Candelstick Park
San Francisco, California 94124

Seattle Mariners

Seattle Baseball Club
P.O. Box 4100
Seattle, Washington 98104

Texas Rangers

The Texas Rangers, Ltd.
Arlington Stadium
P.O. Box 1111
Arlington, Texas 76010

Toronto Blue Jays

Toronto Blue Jays Baseball Club
Box 7777
Adelaide St. P.O. (Exhibition
Stadium)
Toronto, Ontario Canada M8Y IN8

MAJOR LEAGUE BASEBALL REGULAR SEASON GAMES
TELECAST ON TEAM FLAGSHIP STATIONS -- 1978

<u>Club</u>	<u>Number of Games</u>
Atlanta Braves	100
Baltimore Orioles	52
Boston Red Sox	106
California Angels	30
Chicago Cubs	142
Chicago White Sox	123
Cincinnati Reds	40
Cleveland Indians	40
Detroit Tigers	46
Houston Astros	49
Kansas City Royals	45
Los Angeles Dodgers	32
Milwaukee Brewers	31
Minnesota Twins	50
Montreal Expos	20
New York Mets	120
New York Yankees	95
Oakland A's	25
Philadelphia Phillies	76
Pittsburgh Pirates	44
St. Louis Cardinals	40
San Diego Padres	22
San Francisco Giants	23
Seattle Mariners	18
Texas Rangers	25
Toronto Blue Jays	20
TOTAL	<u>1,414</u>

LOCAL AND REGIONAL TELEVISION STATIONS
MAJOR LEAGUE TEAM GAMES -- 1978

Atlanta Braves	WTCG (now WTBS) WRET	Atlanta GA (Flagship) Charlotte, NC
Baltimore Orioles	WJZ WDCA WBOC WSBA	Baltimore, MD (Flagship) Washington, DC Salisbury, MD York/Lancaster, PA
Boston Red Sox	WSBK WTEV WGAN WEZF WWLP WAGM WVII WTOG WFSB	Boston, MA (Flagship) New Bedford, MA Portland, ME Burlington, VT Springfield, MA Presque Isle, ME Bangor, ME St. Petersburg, FL Hartford, CT
California Angels	KTLA	Los Angeles, CA
Chicago Cubs	WGN WTVO WCIA WMBD WQAD WNDU WLFI WFFT WOI KCRG KDUB	Chicago, IL (Flagship) Rockford, IL Champaign, IL Peoria, IL Moline, IL South Bend, IN Lafayette, IN Ft. Wayne, IN Ames, IA Cedar Rapids, IA Dubuque, IA
Chicago White Sox	WSNS	Chicago, IL
Cincinnati Reds	WLWT WDTN WCMH WTTV WSAZ WLEX WLKY	Cincinnati, OH (Flagship) Dayton, OH Columbus, OH Indianapolis, IN Huntington, WV Lexington, KY Louisville, KY

Cincinnati Reds (Cont'd)	WLIO WKJG WZTV	Lima, OH Ft. Wayne, IN Nashville, KY
Cleveland Indians	WJW (now WJKW) WYTV	Cleveland, OH (Flagship) Youngstown, OH
Detroit Tigers	WWJ (now WDIV) WNEM WWTV WKZO WILX WWUP WTOL	Detroit, MI (Flagship) Bay City/Saginaw/Flint, MI Cadillac, MI Kalamazoo, MI Lansing, MI Saulte Ste. Marie, MI Toledo, OH
Houston Astros	KPRC KHTV KTVV KMOL KZTV KBMT KLTV KTRE KVTV KLAA KTAL KCEN KALB	Houston, TX (Flagship) Houston, TX (Flagship) Austin, TX San Antonio, TX Corpus Christi, TX Beaumont, TX Tyler, TX Lufkin, TX Laredo, TX Monroe, LA Shreveport, LA Waco, TX Alexandria, LA
Kansas City Royals	KBMA KAKE KCBJ WIBW KMTC KAYS KLOE	Kansas City, KS (Flagship) Wichita, KS Columbia, MO Topeka, KS Springfield, MO Hays, KS Goodland, KS
Los Angeles Dodgers	KTTV KVVU KGMB	Los Angeles, CA (Flagship) Los Vegas, NV Honolulu, HI

Milwaukee Brewers	WTMJ WEAU WMTV WSAU WLUK	Milwaukee, WI (Flagship) Eau Claire, WI Madison, WI Wausau, WI Green Bay, WI
Minnesota Twins	WTCN KTTC KCMT KNMT	Minneapolis, MN (Flagship) Rochester, MN Alexandria, MN Alexandria, MN
Montreal Expos	CBC	Canada
New York Mets	WOR	New York, NY
New York Yankees	WPIX WSYR WDAU WBJA WTEN WSYE WCDC	New York, NY (Flagship) Syracuse, NY Scranton, PA Binghamton, NY Albany, NY Elmira, NY Adams, MA
Oakland A's	KPIX KTXL	Oakland, CA (Flagship) Sacramento, CA
Philadelphia Phillies	WPHL WNEP WLYH WGAL	Philadelphia, PA (Flagship) Wilkes-Barre/Scranton, PA Lebanon, PA Lancaster, PA
Pittsburgh Pirates	KDKA WSEE	Pittsburgh, PA (Flagship) Erie, PA
St. Louis Cardinals	KSD (now KSDK) WICD WICS WEEK WGEM KTVP	St. Louis, MO (Flagship) Champaign, IL Springfield, IL Peoria, IL Quincy, IL Fayetteville, AR

St. Louis Cardinals (Cont'd)	KFPW KAIT KTHV KOMU KOAM KOLR WFIE WPSD WMC WBAK	Ft. Smith, AR Jonesboro, AR Little Rock, AR Columbia, MO Joplin, MO Springfield, MO Evansville, IN Paducah, KY Memphis, TN Terre Haute, IN
San Diego Padres	XETV	Tijuana, Mexico
San Francisco Giants	KTVU	San Francisco/Oakland, CA
Seattle Mariners	KING	Seattle, WA
Texas Rangers	KXAS KAMR KXII KCEN KDOG KFDX KRBC KMID KCBD KTEW KWTV KTBC KMOL KSLA KGNS	Ft. Worth, TX (Flagship) Amarillo, TX Sherman, TX Temple, TX Houston, TX Wichita Falls, TX Abilene, TX Midland, TX Lubbock, TX Tulsa, OK Oklahoma City, OK Austin, TX San Antonio, TX Shreveport, LA Laredo, TX
Toronto Blue Jays	CBC	Canada

PROFESSIONAL SPORTS CARRIAGE OF THE
TOP TWENTY CONTRIBUTORS TO
THE 1978 ROYALTY POOL

<u>Station</u>	<u>Contribution (%)</u>	<u>Baseball</u>	<u>Basketball</u>	<u>Hockey</u>	<u>Soccer</u>
WTCG (Atlanta)	6.6595	X	X	X	
WOR (New York)	5.6891	X	X	X	X
WPIX (New York)	4.2025	X			
WSBK (Boston)	2.8785	X		X	
KTXL (Sacramento)	2.6074	X			
WGN (Chicago)	2.4898	X	X		X
WTAF (Philadelphia)	2.4458			X	
WNEW (New York)	2.3261				
WUAB (Cleveland)	1.9641			X	
WPHL (Philadelphia)	1.9173	X			X
KTTV (Los Angeles)	1.8427	X			X
KTLA (Los Angeles)	1.8427	X			
KTVT (Fort Worth)	1.7779				
KXTX (Dallas)	1.7745				
KHJ (Los Angeles)	1.6643		X	X	X
WSNS (Chicago)	1.6162	X		X	
KTVU (San Francisco/ Oakland)	1.5331	X	X		
WTG (Washington, DC)	1.3335				X
WKBD (Detroit)	1.2875		X	X	X
KMEX (Los Angeles)	<u>1.2458</u>				
TOTAL	<u>49.0983</u>				

STATEMENT OF GEORGE FAUST,
DIRECTOR OF BROADCASTING AND SCHEDULING,
NATIONAL BASKETBALL ASSOCIATION

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STATEMENT OF GEORGE FAUST

My name is George Faust and I am presently Director of Broadcasting and Scheduling of the National Basketball Association. I have been an employee of the NBA since prior to the 1977-78 season and my responsibilities have always covered the broadcasting field, including liaison with the CBS Television Network (for the NBA's national telecasts) and coordination with the member teams of local telecasting plans.

I have reviewed the records of the National Basketball Association and of the member teams. These records indicate that the following teams televised games during 1978 on the following stations:

<u>TEAM</u>	<u>STATION</u>
Atlanta Hawks Limited a/k/a Atlanta Hawks The Omni 100 Techwood Drive, NW Atlanta, GA 30303	WTCG-TV, Atlanta WRET, Charlotte
Boston Celtics Basketball Club, Inc.; a/k/a Boston Celtics Boston Garden North Station Boston, MA 02114	WBZ-TV
Buffalo Braves, Inc. a/k/a Buffalo Braves Memorial Auditorium Main & Terrace Buffalo, NY 14202	WIVB-TV, Buffalo
Chicago Professional Sports Corp. a/k/a Chicago Bulls 333 North Michigan Avenue Chicago, ILL 60601	WGN-TV, Chicago

Cleveland Professional Basketball Co. a/k/a Cleveland Cavaliers The Coliseum 2923 Streetsboro Road Richfield, OH 44286	WJKW-TV, Cleveland
Denver Nuggets, Inc. a/k/a Denver Nuggets McNichols Sports Arena 1635 Clay Street Denver, CO 80204	KWGN-TV, Denver
Detroit Pistons Basketball Co. (limited partnership) a/k/a Detroit Pistons Suite 300; Cobo Hall Detroit, MI 48266	WKBD-TV, Detroit
San Francisco Warriors (limited partnership) a/k/a Golden State Warriors Oakland Coliseum Arena Nimitz Freeway & Hegenberger Road Oakland, CA 94621	KTVU, Oakland
Houston Rockets, Inc. a/k/a Houston Rockets The Summit Ten Greenway Plaza - East Houston, TX 77046	KHTV, Houston
Indiana Pacers, L.P. a/k/a Indiana Pacers Market Square Center Indianapolis, IN 46204	WTTV, Indianapolis
Kings Professional Sports & Services, Inc. a/k/a Kansas City Kings Kemper Arena 1800 Genessee - Suite 102 Kansas City, MO 64102	KBMA-TV, Kansas City

California Sports Inc. a/k/a Los Angeles Lakers The Forum 3900 Manchester Blvd. Inglewood, CA 90306	KHJ-TV, Los Angeles
Milwaukee Professional Sports and Services, Inc. a/k/a Milwaukee Bucks 901 North Fourth Street Milwaukee, Wisconsin 53202	WVTV, Milwaukee
Long Island Sports, A Limited Partnership a/k/a New Jersey Nets 30 Park Avenue Rutherford, NJ 07070	WOR-TV, New York
New Orleans Basketball Club, A Limited Partnership a/k/a New Orleans Jazz Louisiana Superdome P.O. Box 53212 New Orleans, LA 70153	WGNO-TV, New Orleans
Madison Square Garden Center, Inc. a/k/a New York Knickerbockers Four Pennsylvania Plaza New York, NY 10001	WOR-TV, New York
The Philadelphia '76ers Basketball Club, Inc. a/k/a Philadelphia 76ers Veterans Stadium Post Office Box 25040 Philadelphia, PA 19147	WKBS-TV, Philadelphia
Phoenix Professional Basketball Club A Limited Partnership a/k/a Phoenix Suns Post Office Box 1369 Phoenix, AZ 85001	KPHO-TV, Phoenix KZAZ-TV, Tuscon

Pro Basketball, Inc.
a/k/a Portland Trail Blazers
Suite 380
Lloyd Building
700 N.E. Multnomah Street
Portland, OR 97232

KPTV, Portland

Spurs Professional Basketball
Club, Inc.
HemisFair Arena
Post Office Box 530
San Antonio, TX 78292

KMOL-TV, San Antonio

San Diego NBA Basketball Club, Inc.
a/k/a San Diego Clippers
3500 Sports Arena Boulevard
San Diego, CA 92110

KFMB-TV, San Diego

First Northwest Industries of
America, Inc. (Parent Company
of Seattle SuperSonics Corp.)
a/k/a Seattle SuperSonics
221 West Harrison Street
Seattle, WA 98119

KIRO-TV, Seattle

Capital Bullets Basketball Club, Inc.
a/k/a Washington Bullets
Capital Centre
Landover, Maryland 20786

WDCA-TV, Washington

In my broadcasting capacity, I fully associate myself
with the statement of the Commissioner of Baseball on the value of
sports to cable television.

STATEMENT OF JOEL NIXON,
DIRECTOR OF BROADCASTING,
NATIONAL HOCKEY LEAGUE

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STATEMENT OF JOEL NIXON

My name is Joel Nixon and I am Director of Broadcasting for the National Hockey League. In my capacity as Director of Broadcasting, I am responsible for all broadcasting and cable television policy, including matters dealing with sales to cable and pay-cable and policy dealing with distant signals. In this regard, I agree with the views expressed by Bowie K. Kuhn, the Commissioner of Baseball, as set forth in his statement in these proceedings.

Since joining the National Hockey League, I have reviewed our records and the records of the teams which were in play during the 1977-78 and 1978-79 seasons, covering calendar year 1978.

During that year, the broadcasting aspect of the NHL which was affected by distant signal importation was three-fold:

- (A) Local telecasts of U.S. teams;
- (B) Non-national network distribution of U.S. teams; and
- (C) Telecasts of Canadian teams.

(a) The fifteen U.S. teams which played during 1978 were broadcast on the following stations:

Atlanta Hockey, Inc.
a/k/a Atlanta Flames
The Omni
100 Techwood Drive, N.W.
Atlanta, GA 30303

WTCG-TV, Atlanta

Boston Professional Hockey
Association, Inc.
a/k/a Boston Bruins
Boston Garden
150 Causeway Street
Boston, MA 02114

WSBK-TV, Boston

Niagara Frontier Hockey Corp.
a/k/a Buffalo Sabres
Memorial Auditorium
Buffalo, NY 14202

WUTV, Buffalo
WGR-TV, Buffalo

Chicago Blackhawk Hockey
Team, Inc.
a/k/a Chicago Blackhawks
Chicago Stadium
1800 West Madison Street
Chicago, ILL 60612

WFLD-TV, Chicago
WSNS-TV, Chicago

Ohio Barons, Inc.
a/k/a Cleveland Barons
The Coliseum
2923 Streetsboro Road
Richfield, OH 44286

WUAB-TV, Cleveland

Colorado Rockies, A General
Partnership
a/k/a Colorado Rockies
McNichols Sports Arena
One McNichols Plaza
Denver, CO 80204

KWGN-TV, Denver

Detroit Hockey Club, Inc.
a/k/a Detroit Red Wings
Olympia Stadium
5290 Grand River at McGraw
Detroit, MI 48208

WXON-TV, Detroit
WKBD-TV, Detroit

California Sports Incorporated
a/k/a Los Angeles Kings
The Forum
3900 West Manchester Boulevard
Inglewood, CA 90306

KHJ-TV, Los Angeles
KVVU-TV, Henderson
KMPH-TV, Tulare

Northstar Hockey Partnership
a/k/a Minnesota North Stars
Met Center
7901 Cedar Avenue South
Bloomington, MN 55420

WTCN-TV, Minneapolis

Nassau Sports Limited
a/k/a New York Islanders
1155 Conklin Street
Farmingdale, NY 11735

WOR-TV, New York

Madison Square Garden Center, Inc.
a/k/a New York Rangers
Four Pennsylvania Plaza
New York, NY 10001

WOR-TV, New York

Philadelphia Hockey Club, Inc.
a/k/a Philadelphia Flyers
The Spectrum
Pattison Place
Philadelphia, PA 19103

WTAF-TV, Philadelphia

Pittsburgh Penguins, Inc.
a/k/a Pittsburgh Penguins
Civic Arena
Pittsburgh, PA 15219

WPGH-TV, Pittsburgh

St. Louis Blues Hockey Club, Inc.
a/k/a St. Louis Blues
5700 Oakland Avenue
St. Louis, MO 63110

KDNL-TV, St. Louis

Washington Hockey Limited
Partnership
a/k/a Washington Capitals
Capital Centre
Landover, Maryland 20786

WDCA-TV, Washington

(b) NHL Services, Inc. in 1978 televised games over various U.S. stations. The stations included the following:

WOR-TV
New York

WGR-TV
Buffalo

WPGH-TV
Pittsburgh

WSNS-TV
Chicago

WFFT-TV
Ft. Wayne

WTOG-TV
Tampa

WSBK-TV
Boston

WDCA-TV
Washington

WUAB-TV
Cleveland

WTMJ-TV
Milwaukee

WETA-TV
Washington

WTCG
Atlanta

WUTV
Buffalo

KSTW-TV
Seattle

WATL-TV
Atlanta

WTAF-TV
Philadelphia

WPBT-TV
Miami

WNUM-TV
Marquette

KDNL-TV
St. Louis

WXON-TV
Detroit

KXTX-TV
Dallas

WHMB-TV
Indianapolis

WHME-TV
South Bend

KWGN-TV
Denver

XETV
San Diego

WGNO-TV
New Orleans

WAST-TV
Albany

WLYH-TV
Lancaster

WJNL-TV
Johnstown

WCSH-TV
Portland

WWLP-TV
Springfield

WRLP-TV
Greenfield

KXJB-TV
Fargo

KBJR-TV
Duluth

KMEG-TV
Sioux City

WSAU-TV
Wausau

WLBZ-TV
Bangor

KCOP-TV
Los Angeles

KWHY-TV
Los Angeles

WBFF-TV
Baltimore

KHGI-TV
Kearney

KWNB-TV
Hayes Center

KCNA-TV
Albion

KSNB-TV
Superior

WZTV
Nashville

KQED-TV
San Francisco

WCVE-TV
Richmond

WXXI-TV
Rochester

WCNY-TV
Syracuse

WMHT-TV
Birmingham

WSKG-TV
Schnectady

(c) In 1978, the three Canadian NHL teams televised over various Canadian network configurations. The teams and the stations included were as follows:

Teams

Club de Hockey Canadien
a/k/a Montreal Canadiens
2312 St. Catherine Street, West
Montreal, Quebec, Canada H3H 1N2

Maple Leaf Gardens, Limited
a/k/a Toronto Maple Leafs
Maple Leaf Gardens
60 Carlton Street
Toronto, Ontario, Canada M5B 1L1

Vancouver Hockey Club, Ltd.
a/k/a Vancouver Canucks
Pacific Coliseum
100 North Renfrew Street
Vancouver, British Columbia, Canada V5K 2N7

Stations

CITV, Edmonton, Alberta
CFAC-TV, Calgary, Alberta
CHC-TV, Hamilton, Ontario
CBNT, St. John's Nfld.
CBCT, Charlottetown, P.E.I.
CBHT, Halifax, N.S.
CBIT, Sydney, N.S.
CHSJ-TV, Sto. John-Moncton, N.B.
CKCK-TV, Campbellton, N.B.
CBLT, Toronto, Ont.
CHEX-TV, Peterborough, Ont.
CKWS-TV, Kingston, Ont.
CBOT, Ottawa, Ont.
CHOV-TV, Pembroke, Ont.
CBMT, Montreal, P.Q.
CFPL-TV, London, Ont.
CKNX-TV, Wingham, Ont.
CBET, Windsor, Ont.
CKVR-TV, Barrie, Ont.
CKMI-TV, Quebec, P.Q.

Stations (con't)

CHNB-TV, Norfth Bay, Ont.
CKNC-TV, Sudbury, Ont.
CFCL-TV, Timmins, Ont.
CJIC-TV, Sault Ste. Marie, Ont.
CKPR-TV, Thunder Bay, Ont.
CBWT, Winnipeg, Man.
CKX-TV, Brandon, Man.
CKBI-TV, Prince Albert, Sask.
CBKRT, Regina, Sask.
CBKST, Saskatoon, Sask.
CKOS-TV, Yorktown, Sask.
CJFB-TV, Swift Current, Sask.
CKSA-TV, Lloydminster, Sask.
CHAT-TV, Medicine Hat, Alta.
CBRT, Calgary, Alta.
CKRD-TV, Red Deer, Alta.
CBXT, Edmonton, Alta.
CHBC-TV, Kelowna, B.C.
CFJC-TV, Kamloops, B.C.
CKPG-TV, Prince George, B.C.
CJDC-TV, Dawson Creek, B.C.
CFTK-TV, Terrace, B.C.
CBUT, Vancouver, B.C.
CHEK-TV, Victoria, B.C.
CBFT, Montreal, P.Q.
CBOFT, Ottawa, Ont.
CBVT, Quebec, P.Q.
CBGAT, Matane, P.Q.
CKSH-TV, Sherbrooke, Que.
CKTM-TV, Trois-Rivieres, Que.
CKRT-TV, Riviere-Du-Loup, Que.
CKRS-TV, Jonquiere, Que.
CJBR-TV, Rimouski, Que.
CKRN-TV, Rouyn, Que.
CHAU-TV, Carleton, Que.

STATEMENT OF RON BAIN,
DIRECTOR OF BROADCASTING,
NORTH AMERICAN SOCCER LEAGUE

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

In the Matter of)
)
Distribution of Cable)
Television Royalty Fees)

STATEMENT OF RON BAIN

My name is Ron Bain and I have been Director of Broadcasting for the North American Soccer League since 1978. I have had an extensive background in television and sports, going back almost a decade; in 1971, I was appointed director of sports for CBS and three years later became director of planning and administration for CBS Sports. In 1975 I took the position of director of development and planning for NBC Sports. Given my background in the broadcasting and sports field, I agree with the position of the Commissioner of Baseball in his statement on the value of sports to cable television.

Based upon a review of the league's and club's files, it appears that during the 1978 season, 22 of the 24 NASL teams telecast games over various stations, as follows:

<u>Team</u>	<u>Station</u>
Orange County Pro Soccer (limited partnership) a/k/a California Surf Anaheim Stadium Post Office Box 4449 Anaheim, CA 92803	KHJ-TV, Los Angeles
Chicago World Soccer, Inc. a/k/a Chicago Sting Suite 1525 333 North Michigan Avenue Chicago, ILL 60601	WGN-TV, Chicago
Caribous of Colorado, Inc. a/k/a Caribous of Colorado 2640 W. 26th Avenue Suite 170-C Denver, CO 80211	KOA-TV, Denver

Dallas Tornado Soccer Club, Inc. a/k/a Dallas Tornado 6116 North Central Expressway Suite 333 Dallas, TX 75206	WFAA-TV, Dallas
Michigan Soccer Limited a/k/a Detroit Express Pontiac Silverdome 1200 Featherstone Road Pontiac, MI 48057	WKBD-TV, Detroit WXON-TV, Detroit
Miami Professional Sports, Ltd. a/k/a Ft. Lauderdale Strikers 5100 North Federal Highway Suite 405 Ft. Lauderdale, FLA 33308	WPBT-TV, Miami WTVJ-TV, Miami WPLG-TV, Miami
Houston Professional Soccer Club, Limited (a limited partnership) a/k/a Houston Hurricane Post Office Box 42999 Suite #569 Houston, TX 77042	KRIV-TV, Houston
Aztec Professional Soccer Club (limited partnership) a/k/a Los Angeles Aztecs 9171 Wilshire Boulevard Los Angeles, CA 90210	KTTV, Los Angeles
Memphis Soccer Club, Inc. a/k/a Memphis Rogues 2200 Union Avenue Memphis, TN 38104	WMC-TV, Memphis
Minnesota Soccer, Inc. a/k/a Minnesota Kicks 7200 France Avenue, South Suite 128 Minneapolis, MN 55435	KSTP-TV, St. Paul
Lipton Professional Soccer, Inc. a/k/a New England Tea Men 34 Mechanic Street Foxboro, MA 02035	WBZ-TV, Boston

Cosmo Soccer Club, Inc.
a/k/a New York Cosmos
75 Rockefeller Plaza
New York, NY 10019

WNEW-TV, New York
WOR-TV, New York

Philadelphia Soccer Associates
(limited partnership)
Veterans Stadium
Broad Street at Pattison Place
Philadelphia, PA 19148

WPHL-TV, Philadelphia

Oregon Soccer, Inc.
a/k/a Portland Timber
10151 S.W. Barbur Blvd.
Suite 101-D
Portland, OR 97219

KPTV, Portland

Blue & Gold Limited
(limited partnership)
a/k/a Rochester Lancers
812 Wilder Building
Rochester, NY 14614

WOKR-TV, Rochester

San Diego Professional Soccer Club
(limited partnership)
a/k/a San Diego Sockers
San Diego Stadium
9449 Friars Road
San Diego, CA 92108

KTTV, Los Angeles
XETV, Tijuana

San Jose Earthquakes, Limited
a/k/a San Jose Earthquakes
Suite 272
2025 Gateway Place
San Jose, CA 95110

KGO-TV, San Francisco

Seattle Professional Soccer Club, Inc.
a/k/a Seattle Sounders
300 Metropole Building
Seattle, WA 98104

KSTW-TV, Seattle

Tampa Bay Soccer Club, Inc.
a/k/a Tampa Bay Rowdies
1311 N. Westshore Boulevard
Suite 109
Tampa, FLA 33607

WTOG-TV, St. Petersburg

Tulsa Roughnecks, Limited
(limited partnership)
a/k/a Tulsa Roughnecks
P.O. Box 35190
Tulsa, OK 74135

KTUL-TV, Tulsa

Vancouver Professional Soccer
Club, Limited
(limited partnership)
a/k/a Vancouver Whitecaps
Suite 110
885 Dunsmuir Street
Vancouver, B.C. Canada V6C 1N5

CHAN-TV, Vancouver

Washington Diplomats Soccer Club, Inc.
a/k/a Washington Diplomats
RFK Memorial Stadium
22d & E Street, N.E.
Washington, DC 20003

WTTG-TV, Washington