

Before the  
**COPYRIGHT ROYALTY JUDGES**  
Washington, DC

*In re*

**DISTRIBUTION OF CABLE ROYALTY  
FUNDS**

**CONSOLIDATED DOCKET NUMBER  
16-CRB-0009 CD (2014-17)**

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**JOINT PETITION TO PARTICIPATE OF MUSIC CLAIMANTS  
BMI, ASCAP, AND SESAC**

Pursuant to 37 C.F.R. § 351.1(b)(2)(ii) and in response to the January 3, 2019 notice of the Copyright Royalty Judges (the “Judges”) published at 84 Fed. Reg. 2930 (Feb. 8, 2019) (the “Notice”), Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”), and SESAC Performing Rights, LLC<sup>1</sup> (“SESAC” and, together with BMI and ASCAP, “Music Claimants”) hereby submit this Joint Petition to Participate in the Allocation Phase and Distribution Phase of the above-captioned distribution proceeding for the 2014-2017 Cable royalty funds (the “Proceeding”). Music Claimants intend to participate fully in the Proceeding.

Music Claimants are performing rights societies, as defined in Section 101 of the Copyright Act, 17 U.S.C. § 101, that collectively represent hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with combined repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI, ASCAP, and SESAC license the public performance rights granted to their respective members and affiliates as copyright

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<sup>1</sup> Formerly SESAC, Inc.

owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI, ASCAP, and SESAC are also each affiliated with about ninety foreign performing rights societies around the world and license the repertories of those societies in the United States. BMI, ASCAP and SESAC have historically been known as the “Music Claimants” in allocation and distribution proceedings before the Judges and their predecessors.

**ALLOCATION PHASE**

As stated in Music Claimants’ Comments on the Existence of Controversies submitted in the Proceeding on December 10, 2018 (the “Comments”), Music Claimants have not reached a settlement with any other Allocation Phase claimant group regarding the allocation of any portion of the 2014 through 2017 Cable royalty funds. Accordingly, an Allocation Phase controversy exists regarding the allocation of the Music Claimant share of the 2014 through 2017 Cable royalty funds, and Music Claimants jointly request to participate in the Allocation Phase of the Proceeding to determine the Music Claimant share of such funds.

As requested in the Notice, Music Claimants set forth their claims to Section 111 royalties at issue in this Proceeding as follows:

<b>Claimant</b>	<b>Claim Year</b>	<b>Claim Number</b>	<b>Claim Type</b>	<b>Program Category<sup>2</sup></b>
BMI	2014	29	Joint claim	Music Claimants
BMI	2015	55	Joint claim	Music Claimants
BMI	2016	21	Joint claim	Music Claimants
BMI	2017	1	Joint claim	Music Claimants
ASCAP	2014	24	Joint claim	Music Claimants
ASCAP	2015	163	Joint claim	Music Claimants
ASCAP	2016	20	Joint claim	Music Claimants
ASCAP	2017	45	Joint claim	Music Claimants

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<sup>2</sup> The Judges have defined the program category of “Music Claimants” as “Musical works performed during programs that are in the following categories: Program Suppliers, Joint Sports Claimants, Commercial Television Claimants, Public Television Claimants, Devotional Claimants, Canadian Claimants.” See Notice of Participant Groups, Commencement of Voluntary Negotiation Period (Allocation) and Scheduling Order, Consolidated Proceeding No. 14-CRB-0010-CD (2010-13) (Nov. 25, 2015) at Exhibit A.

<b>Claimant</b>	<b>Claim Year</b>	<b>Claim Number</b>	<b>Claim Type</b>	<b>Program Category<sup>2</sup></b>
SESAC	2014	424	Joint claim	Music Claimants
SESAC	2015	1082	Joint claim	Music Claimants
SESAC	2016	250	Joint claim	Music Claimants
SESAC	2017	229	Joint claim	Music Claimants

BMI, ASCAP, and SESAC each have a significant interest in the Allocation Phase of the Proceeding because they collectively represent many thousands of copyright owners of musical works that were secondarily transmitted by cable systems throughout the 2014 through 2017 time period covered by the Proceeding. Music Claimants have participated in and received a share of the funds, through settlement or award, from every Allocation Phase (formerly Phase I) Cable royalty distribution proceeding since the enactment of the Section 111 Cable statutory license in 1976, effective January 1, 1978.

### **DISTRIBUTION PHASE**

As indicated in the Comments, Music Claimants have executed confidential settlement agreements among themselves with regard to the 2014 through 2016 Cable royalties. Additionally, BMI and ASCAP have executed a confidential settlement agreement with regard to the 2017 Cable royalties. Accordingly, a Distribution Phase controversy regarding the distribution of the 2017 Cable royalty funds currently exists between BMI and ASCAP, on the one hand, and SESAC, on the other. Additionally, none of BMI, ASCAP, or SESAC has an agreement with any other party with a Distribution Phase claim to any of the 2014 through 2017 Cable royalty funds in the Music Claimants category; to the extent that any such party files a Petition to Participate in this Proceeding, a Distribution Phase controversy would exist with regard to the claim(s) filed by such party. Music Claimants therefore request to participate in the Distribution Phase of the Proceeding to determine the distribution of 2014 through 2017 Cable royalties within the Music Claimants category where a controversy exists.

**CERTIFICATION AND PAYMENT**

Pursuant to 37 C.F.R. § 351.1(b)(2)(ii)(E), the undersigned hereby certify that they have the authority and consent to represent BMI, ASCAP, and SESAC’s respective members and affiliates in this Proceeding. Music Claimants will seek a distribution of more than one thousand dollars (\$1,000); therefore, in accordance with 37 C.F.R. § 351.1(b)(4), Music Claimants are submitting the filing fee of one hundred fifty dollars (\$150) through the eCRB filing system.

Respectfully submitted,

**AMERICAN SOCIETY OF COMPOSERS, BROADCAST MUSIC, INC.  
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Dated: March 11, 2019

## CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of March, 2019, a copy of the foregoing Joint Petition to Participate of Music Claimants BMI, ASCAP, and SESAC was served through the eCRB system on the parties listed below.

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