

Before the
LIBRARY OF CONGRESS
COPYRIGHT OFFICE
Washington, D.C. 20540

GENERAL COUNSEL
OF COPYRIGHT

DEC 29 1995

RECEIVED

In re:)
))
Adjustment of Cable Royalty)
Rates))
)

**NCTA PETITION TO INITIATE PROCEEDINGS
TO ADJUST THE CABLE COPYRIGHT ROYALTY RATES**

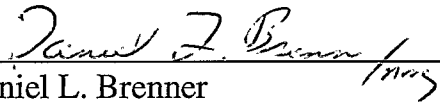
Pursuant to 17 U.S.C. §§ 801(b)(2) and 803(a) and (b), the National Cable Television Association, Inc. ("NCTA") on behalf of its member cable television companies, petitions the Librarian of Congress to commence proceedings to adopt the following adjustments to the cable copyright royalty rates and gross receipts limitations:

1. Pursuant to 17 U.S.C. §§ 801(b)(2)(D) and 803(a)(2), NCTA petitions the Librarian of Congress to commence a proceeding to adjust upward the gross receipts limitations currently specified in 37 C.F.R. §256.2(b) to reflect national monetary inflation.
2. Pursuant to 17 U.S.C. § 803(b), NCTA petitions the Librarian of Congress to commence a proceeding to reconsider and to adjust downward the rates currently specified in 37 C.F.R. §§256.2(c) and (d) (the "3.75 percent" rate and the "syndex surcharge").

NCTA has the requisite "significant interest" in the rates for which adjustments are hereby sought. See 37 C.F.R. §251.62; 17 U.S.C. §§ 803 (a)(1) and (b). NCTA is the principal trade association of the cable television industry in the United States. NCTA

represents the owners and operators of cable systems serving more than 80 percent of the nation's approximately 60 million cable television households. Each of NCTA's member cable systems is a "user of a copyrighted work whose royalty rates are specified by" Section 111, as required by 17 U.S.C. Section 803(a)(1) and (b). NCTA's standing to file petitions for rate adjustments has been recognized by the Copyright Royalty Tribunal in previous proceedings.¹

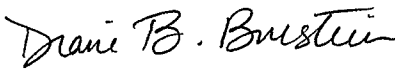
Respectfully submitted,



Daniel L. Brenner

Of Counsel:

Seth A. Davidson
Fleischman & Walsh
1400 Sixteenth Street, NW
Washington, D.C. 20036
(202) 939-7900



Diane B. Burstein
1724 Massachusetts Avenue, NW
Washington, D.C. 20036
(202) 775-3664

Counsel for the National Cable
Television Association, Inc.

December 29, 1995

¹ See e.g., 1985 Cable Royalty Adjustment Proceeding, 50 Fed. Reg. 10989 (March 19, 1985).