

**Before the
COPYRIGHT ROYALTY JUDGES
Washington, D.C.**

In the Matter of)	Docket No. 2012-6 CRB CD 2004-2009 (Phase II)
Distribution of the 2004-2009 Cable Royalty Funds)	
)	

In the Matter of)	Docket No. 2012-7 CRB SD 1999-2009 (Phase II)
Distribution of the 1999-2009 Satellite Royalty Funds)	
)	

**ORDER 1 GRANTING JOINT MOTION FOR ORDER ADDRESSING
OVERPAYMENT AND SURPLUS ISSUES**

On September 10, 2021, MPA-represented Program Suppliers (“MPA”) and the Settling Devotional Claimants (“SDC”) filed a joint motion (“joint motion”) (eCRB no. 25653) requesting that the Copyright Royalty Judges (“Judges”) issue an order addressing the overpayment and surplus issues recognized in their January 11, 2021 *Order Clarifying Calculation of Final Distribution Shares and Directing Final Distribution of Royalty Funds* (“January 11, 2021 Order”) in the captioned proceedings. MPA and SDC also requested that the Judges direct the Licensing Division to recoup the funds that were overpaid from the other Allocation Phase Parties so that a final distribution can be made to the Phase II Participants in this proceeding. No response to the joint motion was received.

On September 11, 2023, MPA and SDC filed a renewed joint motion for an order addressing overpayment and surplus issues (“renewed motion”) (eCRB no. 29091). No response to the renewed motion was received. The relief granted herein is that sought by movants in the original motion, which is identical to that sought on the renewed motion. *See* eCRB no. 25654 (proposed order on joint motion) and eCRB no. 29092 (proposed order on renewed motion).

As detailed in the renewed motion, in the January 11, 2021 Order the Judges recognized that there were shortfalls appearing in the Licensing Division’s final distribution calculations for the Phase II Participants in this proceeding, such that the funds that remained on deposit with the Copyright Office were insufficient to satisfy fully the final distribution amounts owed to MPA, SDC, and the Independent Producers Group (“IPG”), and thus funds would need to be recovered from the other Allocation Phase Parties to satisfy their final distributions. Renewed Motion at 2 (citing January 11, 2021 Order at 3). The Judges directed the Licensing Division to distribute the funds that remained on deposit with the Copyright Office to the Phase II Participants, and further indicated that they would address the issue of overpayments and surpluses in the 2004-2009

cable and 1999-2009 satellite funds in a future order. *Id.* (citing January 11, 2021 Order at 3 (“Once the Licensing Division has revised its calculations in accordance with this Order, the Judges will address in a separate order the disposition of any shortfalls (and surpluses) in the 2004-2009 cable royalty funds and 1999-2009 satellite royalty funds that are attributable to other Allocation Phase parties.”)).

Movants argue that, as required by the January 11, 2021 Order, in April 2021 the Licensing Division revised its calculations and proceeded to distribute the portion of the 2004-2009 cable and 1999-2009 satellite royalties due to MPA, SDC, and IPG that remained on deposit with the Copyright Office, yet according to the Licensing Division worksheets that the parties received in April 2021, funds available on deposit at the Copyright Office were insufficient to compensate fully the Phase II Participants as to the 2008 and 2009 cable royalty years and the 1999-2003 and 2005-2007 satellite royalty years, and surplus funds were on deposit with the Copyright Office for the remaining cable and satellite royalty years at issue in this proceeding. *Id.* at 3 (citing Joint Motion Exs. A and B (Licensing Division worksheets)).

Movants argue that according to these worksheets, if all the cable and satellite royalty funds are considered together, a total of more than \$1 million dollars in royalties was overpaid to the other Allocation Phase Parties and must be recouped to allow MPA, SDC, and IPG to receive their final royalty distributions. *Id.* at 3. Movants thus request that the Judges issue the anticipated order addressing overpayment and surplus issues contemplated in their January 11, 2021 Order so that all the Phase II participants, on behalf of the copyright owners they represent, can receive the final distributions to which they were awarded in this proceeding in order to remit those funds to the copyright owners they represent for which those copyright owners have been waiting for many years. *Id.* Movants’ joint motion and renewed motion are unopposed, and indicate that the matter is ripe for disposition.

Accordingly, the Judges **GRANT** the renewed motion and direct the Licensing Division to take immediate steps to recover the royalty funds that were overpaid from the other Allocation Phase Parties, and to notify the Judges when the funds have been recovered so they may order full and final distribution of the royalties at issue in this proceeding to MPA, SDC, and IPG.

SO ORDERED.

Dated: March 18, 2024

David P. Shaw
Chief Copyright Royalty Judge