



the "Buy Insurance" people

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April 23, 1979

Chairman Douglas Coulter
Copyright Royalty Tribunal
4th Floor
1111 20th Street NW
Washington, D. C. 20036

Dear Chairman Coulter:

In response to the notice of proposed rule making, Federal Register, Volumn 44, No. 66, dated Wednesday, April 4, 1979. b i Associates, Inc. wishes to make initial comments concerning the content of the proposed regulation.

b i Associates is a data processing firm which has generated a machine readable computerized data base comprised of all of the Community Antenna Television System supplied information to the U. S. Copyright Office.

We have made available to all owners of copyrighted programs which appeared as "distant signals" on any U. S. Community Antenna Television System a compilation of all relevant data concerning such carriage at extremely modest rates. The reaction of claimants, both large and small, has made this work economically viable.

Frankly, we have yet to receive a turndown of our service based on rate consideration, inasmuch as, the alternative methodology to our technique is the laborious and extremely expensive "hand-search" through all of the tendered documentations.

Regardless of that fact, it appears to us that the only true representation of a specific claim should be based upon, program carriage as a distant signal by each, any, or all Community Antenna Television Systems expressed as a percentage of the total dollar figure distributed by the Copyright Royalty Tribunal, from the monies deposited by each individual Community Antenna Television System.

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We feel that expression of claims in dollar figures would not be apropos inasmuch as both administration fees of the Copyright Office as expressed by John Baumgarten, Senior Legal Council of the Copyright Office, nor administration fees of the Copyright Royalty Tribunal, which by the terms of the Copyright Revision of 1976 are directly to be taken from the monies deposited, nor the interest earned from the deposits to U. S. Treasury, under the terms of the act, could be properly detailed by the claimants in any filing before the Copyright Royalty Tribunal.

We feel that the mandate of the act is sufficiently complicated and precedent making so that only a truly computerized accounting system which we have in place, will be in the economic best interest for the maximum distribution of royalties by the Copyright Royalty Tribunal.

This service was initiated by Copyright Royalty Tribunal claimants in an effort to hold administration and distribution costs to the smallest possible degree; a mission which our subscribers agree has been completed satisfactorily.

Utilizing taxpayer's money to rebuild the original data base and re-creation of currently existing, highly sophisticated computer programs, would not serve any worthwhile purpose, in our estimation.

We have supplied a copy of the form recommended which details the Community Antenna Television System of appearance for each of the distant signal carriage of the claimants copyrighted programs, the number of distant signals of that Community Antenna Television System, the percentage of the claimants carriage vs. any other claimant carriage to arrive at both a percentage and (should the Copyright Royalty Tribunal opt for specific dollar figures based soley on dollars deposited per Community Antenna Television System without modification either for expense, administration or interest earned) a net dollar figure.

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We further feel that any combination of filings for funds disbursement by the Copyright Royalty Tribunal, other than claims made for multiple Copyright ownership by a single claimant, should be detailed by separate entitlement claimant justification.

From every standpoint it is our determination that percentages against a "total pool" of all monies collected, and/or distribution based upon any other criteria such as "ratings", "creativity judgements" or any other non-accounting standards challengeable by degree of ascertainment or challengeable by subjective or statistical validity considerations weighting should not be a part of disbursement considerations.

We respectfully request the opportunity to detail our position with further examples, and/or to make reply comments if in the Copyright Royalty Tribunal's judgement either or both of these actions are desirable.

Cordially,

Cherrie M. French

Cherrie M. French
General Manager

Roger W. Wagner

Roger W. Wagner
President