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ORIGINAL

COPYRIGHT ROYALTY TRIBUNAL

Thursday, September 6, 1979

2000 L Street, N.W.
Suite 500
Washington, D.C.

Whereupon, the Tribunal convened at 10:10 a.m.,
pursuant to notice.

PRESENT:

DOUGLAS E. COULTER, Chairman

THOMAS C. BRENNAN, Commissioner

MARY LOU BURG, Commissioner

CLARENCE L. JAMES, JR., Commissioner

FRANCES GARCIA, Commissioner

P R O C E E D I N G S

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CHAIRMAN COULTER: The meeting will come to order.

The notice and agenda of this meeting were published in the Federal Register on August 13, 1979, which was a Monday, and I direct that the notice and the agenda be inserted at this point in the record.

(THE NOTICE AND THE AGENDA FOLLOW:)

1 On May 23, 1979, we published a supplementary rule
2 that requested claimants to file supplementary filings with us
3 listing what they felt was their share of the royalties
4 deposited with the Copyright Office. We have now received
5 those filings and we have the information. It has proved to be
6 very instructive and helpful to us.

7 The purpose behind that rule was to allow the
8 Tribunal to determine as expeditiously as possible whether or
9 not there was a controversy. It has been the policy of the
10 Tribunal and it is the intent of the statute behind the
11 Tribunal to encourage as much as possible a private agreement
12 among claimants for settlement of the royalty distribution
13 issue. We have kept ourselves abreast privately and informally
14 of the negotiations on this issue and we have tried to encourage
15 it as much as possible.

16 Nevertheless, the statute requires us to determine
17 sometime after the 1st of August whether a controversy exists,
18 and we cannot delay indefinitely before making some kind of
19 official determination.

20 We recognize that during the month of August people
21 are on vacation through Labor Day, and that is why we have
22 waited until now before holding a meeting to determine whether
23 or not we should determine whether there is a controversy or
24 not.

25 If we do find there is a controversy, our rules in

1 the statute require us to complete any proceeding before us
2 within a year's time. As of now, we do not know that there
3 has been any agreement among private parties, so the question
4 before us here is to determine whether we should announce a
5 controversy or not.

6 The agenda lists two halves of the year of 1978, the
7 first half and the second half. I think the arguments con-
8 cerning the issue will be general, in effect that both halves
9 of the year are equal, so we don't require those of you who
10 are going to make arguments before us to make a distinction
11 between the two halves of the year. Although, technically,
12 that is a question that should be observed.

13 I think at this point it is appropriate to hear
14 arguments, but beforehand, I would like to ask if any other
15 Commissioners have remarks they would like to make.

16 (No response.)

17 If not, could the representatives of claimants or
18 claimants themselves who wish to address us begin. Who would
19 like to be first?

20 Could you identify yourself for the record, please.

21 MR. FABER: Mr. Chairman, members of the Tribunal,
22 my name is Michael Faber, representing this morning Broadcast
23 Music, Inc., also Charles Duncan and Joel Winick of our firm
24 Peabody, Rivlin, Lambert & Meyers. Unfortunately, Ted Chapin,
25 also counsel for BMI, could not be with us today. He

1 apparently had some difficulty in La Guardia this morning and
2 therefore couldn't make it, but asked us to convey to the
3 Tribunal his impressions with respect to negotiations that
4 have taken place to date and with respect to the specific
5 question addressed by the Tribunal's agenda, and that is
6 whether or not to declare a controversy.

7 Mr. Chapin and BMI, we understand, have been
8 involved in the negotiations that the Chairman referred to
9 and they have been described in a number of ways to us. We
10 were not actually present, but understand that they were
11 rather lengthy sessions, multi-party sessions, sometimes quite
12 controversial, but I assume looking towards some sort of
13 informal settlement here.

14 It is our understanding, however, that such
15 negotiations have not produced such an agreement among the
16 parties, and it is therefore the position of BMI this
17 morning that this Tribunal should declare a controversy and
18 that the parties should proceed with the preparation of their
19 materials and evidence for whatever proceedings the Tribunal
20 may designate.

21 It is always thought that a possibility exists that
22 some sort of settlement outside of the Tribunal could be
23 reached. We think it possible that such a settlement could be
24 reached even after a controversy is declared. Certainly, it
25 would have to be expeditiously reached, but we would hope that

1 with the prospect of a full blown proceeding ahead of the
2 parties, it could be that the informal negotiations could
3 continue and possibly some agreement could be reached, at
4 which point, presumably the parties could request the
5 Tribunal to reconsider its order and to accept or at least
6 consider the proposals of the parties. But as we stand here
7 this morning, it is our understanding that such an agreement
8 has not been reached and that it is not likely to be reached
9 among all of the parties.

10 It is our further understanding that even BMI and
11 ASCAP and the other music licensing organizations cannot come
12 to an agreement among themselves, let alone the group of
13 claimants as a whole.

14 We therefore suggest to the Tribunal that a
15 controversy should be declared and that the parties should be
16 instructed as to procedures for preparation and for presenta-
17 tion of their respective cases.

18 CHAIRMAN COULTER: Thank you very much.

19 Are there any questions?

20 COMMISSIONER BRENNAN: One question, sir. Do you
21 think it would serve a useful purpose to give the parties an
22 additional short period of time, perhaps 30 days, before we
23 vote to declare a controversy?

24 MR. FABER: BMI's position would be and has been
25 that we are prepared to negotiate and speak informally with

1 any group looking towards a simple resolution of this matter
2 as opposed to a long proceeding. It is our instinct, however,
3 that unless this Tribunal declares a controversy and that the
4 parties recognize what lies ahead that such an agreement could
5 not be reached within the next two weeks or 30 days.

6 In the other hand, if the Tribunal does declare a
7 controversy, we would still hope that maybe something could
8 happen in the relatively short term. Obviously, once we are
9 down the road into a proceeding, it would be hard to reverse
10 that process, but we'd like to think that if the Tribunal
11 declares a controversy, the parties may in any event take one
12 more shot at reaching an accommodation here.

13 CHAIRMAN COULTER: Yes, sir.

14 MR. SHINER: Mr. Chairman, my name is Arthur Shiner
15 from the law firm of Wilner & Shiner, and I appear on behalf
16 of a number of motion picture producers and distributors. For
17 the record, if I may, I would like to note the various
18 companies on whose behalf I appear, and they are as follows:
19 The member companies of the Motion Picture Association of
20 America, including Columbia Pictures Industries, Inc., NCA,
21 Inc., Paramount Pictures, Corp., Twentieth-Century Fox Film
22 Corporation, Warner Brothers, Inc., United Artists Corporation,
23 Metro-Golden Mayer, Disney Productions, Inc.

24 In addition, I would like to note an appearance,
25 a limited appearance, on behalf of other producers and

1 distributors, and they are as follows: Hanna-Barbara
2 Production, Inc., Viacom International, Inc., Filmway
3 Enterprises, Inc., Goodson-Toddman Enterprises, Ltd., and
4 their following associated companies, Price Productions, Inc.,
5 Celebrity Productions, Inc., GT Programs, Inc., Anthony
6 Productions, Inc., and, in addition, Larry Harmon's
7 Productions.

8 Sir, I share the Chairman's view that the interest
9 of the parties as well as the Tribunal and the public interest
10 could well be served by a negotiated settlement. At the same
11 time, I fully subscribe to the views expressed by the
12 representative for BMI. The parties have thus far made a
13 very determined effort at reaching a negotiated settlement,
14 and after some five months of intensive negotiations, they
15 currently remain at an impasse.

16 I think the record should reflect the intensity and
17 extent of the negotiations held thus far, and if I may very
18 briefly, let me recite it for the record.

19 MPAA representatives met with representatives of the
20 following organizations: On April 19th in Washington with
21 NAB; on May 11th in New York City with NAB; on the same date
22 with representatives of professional sports interests; on
23 May 30th again in New York City with NAB; and on the same day
24 with representatives of the sports interests, with BMI and
25 ASCAP; on June 18, 27 and and July 16 in Washington and

1 New York, MPAA met with the Music Rights Society, the
2 professional sports interest and NAB, and as recently as
3 Tuesday and Wednesday of this week further meetings were held
4 with NAB. The fact of the matter is that we have not been
5 able to reach an agreement. The negotiations were held in the
6 greatest good faith. A determined effort was made to arrive
7 at a private settlement, but at the moment the claims of the
8 respective parties are substantially in excess of 100 percent
9 and in the order of perhaps 115 or 118 percent.

10 Now, although great progress was made in whittling
11 down the respective claims, that remaining difference at the
12 moment appears to be insoluble. The differences stem from
13 substantive differences with respect to various legal questions
14 that were presented with respect to the methodology employed
15 by the various parties.

16 I therefore urge that the Tribunal declare the
17 controversy which obviously does exist. It would also be very
18 helpful that the declaration of a controversy would induce us
19 to even greater efforts and hopefully we might settle.

20 I am concerned that if there is any substantial delay
21 in declaring a controversy, we will be back before you at the
22 end of whatever period is set aside by the Tribunal and
23 rearguing the very question that is before you today.

24 So, I respectfully urge that the Tribunal declare
25 a controversy and specify such procedures as are required to

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1 conduct the evidentiary hearing for settling the claims, and
2 if the Tribunal shares that view, I would be happy to go forward
3 and detail such further steps that I think are necessary and
4 appropriate.

5 Thank you.

6 CHAIRMAN COULTER: Thank you, sir.

7 Are there any questions?

8 COMMISSIONER BRENNAN: It is the position then of
9 the copyright claimants that you represent that action today
10 by this body to declare a controversy might in fact make a
11 useful contribution toward a voluntary settlement?

12 MR. SHINER: Precisely so.

13 CHAIRMAN COULTER: I would like to just add a remark.
14 You listed some figures on the amount that the claimants have
15 reached so far. The Tribunal, in adding up its figures for the
16 second half of '78 out of 444 claims, we had
17 \$17 million 604,849, which amounts to approximately
18 293 percent.

19 MR. SHINER: Well, I didn't want to risk any over-
20 statement.

21 CHAIRMAN COULTER: Well, you didn't.

22 Are there other questions?

23 (No response.)

24 I see the sports interests are here.

25 MR. FITZPATRICK: My name is Jim Fitzpatrick of

1 Arnold & Porter. With me are Bob Garrett and Phil Hochberg.
2 We represent together the professional sports claimants.

3 I think we have a somewhat different perspective on
4 exactly where we are and suggestions as to where we go from
5 here.

6 We do represent in professional sports one group
7 here that we think is unified in its position where all the
8 eligible parties have claimed and have claimed in a joint
9 claim, and we, as Arthur's recitation has indicated, have been
10 the active participants in the negotiating process. Our
11 suggestion would be that there would be a value to a short
12 pause here before one determines the existence of a contro-
13 versy. We saw over the course of that five months intensive
14 negotiation a very significant narrowing of the differences
15 among the major claimants. We were arguing when we were
16 negotiating, however, somewhat in the dark. Just as the
17 Tribunal has a problem in terms of making a very, very
18 difficult administrative decision without any statutory
19 guidelines that specified procedures or the criteria for
20 distribution, likewise, the parties were going back and forth
21 at each other on various theories without the benefit of the
22 most recent claims.

23 It seems to us that with the filing of the most
24 recent claims, many of the assertions of the parties can come
25 into much clearer focus, and only now are we able to analyze

1 each of the claims, tot up among each of the major parties
2 how many people actually claimed. In our earlier discussion
3 we were going back and forth about a very significant claim
4 for radio broadcasters. There are 8500 radio broadcasters
5 and we were faced with the question of whether there might be
6 8500 claims for radio broadcasters. Well, in fact, just about
7 100 of those 8500 radio broadcasters filed.

8 We were faced with the question as to whether there
9 would be the claims of 750 television stations who would be
10 asserting their rights from the broadcaster's point of view.
11 In fact, only 40 percent of the broadcasters filed claims.

12 We were faced with theoretical issues of substance
13 dealing with a right being asserted by one of the parties
14 dealing with compilation. Now with the most recent claims
15 we find that only 191 of the 750 broadcasters have made such
16 claim.

17 It is our view that now in light of the claims that
18 have come in, we could find ourselves in a situation where we
19 could profitably try to narrow that final gap in light of
20 what the claims actually have been. When one examines the
21 claims and one attempts to look forward to an administrative
22 proceeding here, it boggles, I think, the minds of those of us
23 at least on this side of the podium.

24 The claims are disparate. You have no consistent
25 threads. One has a radio station, one of the few radio

1 stations that filed, making a claim for \$29,000. You have
2 a television station, whose programming is most widely
3 carried, is making a claim for \$38,000. You have a station
4 in South Dakota that is making a claim for .000836 of the
5 pot, which is \$96. I am authorized to say on behalf of the
6 Commissioner of Baseball that we will waive that claim and
7 gladly pay that.

8 But one has no idea at this point how comprehensive
9 the claims have been, what the guidelines will be, and to
10 think about a full-scale trial on these issues is a staggering
11 and baffling task, and for our part, we think that there is
12 an advantage in the Tribunal making quite clear that there
13 has been progress made and there would be an opportunity for
14 some further discussion in light of the claims that only now
15 have been filed, and with the obligation for a further status
16 report in such short period of time.

17 We have stood ready throughout to meet. We think
18 there are great advantages to the parties and to all concerned.
19 We, for our part, are concerned with the one year time limit
20 that the statute imposes, and the fact that the declaration of
21 a controversy with people who are preoccupied with trial
22 preparation are going to be spending their time necessarily
23 trying to shape this amorphous and formless case into some
24 sort of organized fashion.

25 We think that there is a value on the one hand to a

1 period of time for discussion. We do not feel for our part
2 that the interim effect of the declaration of a controversy
3 has that much greater marginal impetus to the parties to
4 settle. I think there is great desire, at least on the part
5 of many of us, to come to a negotiated settlement, and even if
6 one can't bring everybody in, if there is an opportunity to
7 bring virtually everybody in to a negotiated settlement, that
8 would immensely simplify the task of those of us on both sides
9 of the podium.

10 So, for that reason, speaking only to the procedural
11 questions that are before us and not to any of the merits,
12 we would strongly support the initial suggestion that
13 Commissioner Brennan advanced of a short period of time with a
14 further status report, which we feel would fully accomplish
15 the purposes which we all cherish, which is a negotiated
16 settlement for all or virtually all of the claimants before
17 the Tribunal.

18 COMMISSIONER BURG: Mr. Fitzpatrick, you mentioned
19 a short pause and a short period of time, and then you sort
20 of followed Tom Brennan's suggestion.

21 What do you say is a short pause or a short period
22 of time?

23 MR. FITZPATRICK: I think 30 days would be an
24 appropriate suggestion. We would certainly support Tom's
25 proposal, and a status report in 30 days.

1 Now, I understand that reasonable people can
2 disagree as to what is the best method of applying leverage
3 if there is among ourselves some thought that that is
4 valuable. Our position is that Commissioner Brennan's
5 suggestion is a useful one.

6 COMMISSIONER BURG: Thank you.

7 CHAIRMAN COULTER: Yes.

8 MR. SHINER: Very briefly, it is quite clear that
9 our objectives are exactly the same. Everyone fully
10 recognizes the desirability of a negotiated settlement. The
11 only question is how does one get there.

12 I have expressed the view that we are more likely to
13 get there and quicker if this Tribunal were to declare a
14 controversy. I would respectfully submit that the Tribunal's
15 discretion is rather limited. No one in this room, as I read
16 it, denies the existence of a controversy, and in light of
17 that, the statutory direction is clear. The Tribunal is
18 required to make a determination as to whether or not there is
19 a controversy. As the Chairman recognizes, the statute does
20 not say when such a declaration must be made, but it would
21 appear to me that the sense of the statute and its intent is
22 that when presented with the existence of a controversy, the
23 Tribunal is required to make its determination rather
24 expeditiously.

25 COMMISSIONER BURG: Mr. Shiner, apart from the

1 procedural points of this, if a controversy is declared today
2 or if it's delayed for 30 days, can't the same result be
3 obtained? Regardless of how we go about this, if the
4 interested parties are interested in making a voluntary
5 agreement, and if you think they need some kind of leverage,
6 doesn't that leverage in fact happen if it's a 30-day delay
7 or if a controversy is declared today? I mean, the clock is
8 almost ticking, and you know that there is a time certain
9 when that controversy would be declared, if indeed it wasn't
10 today.

11 MR. SHINER: I would suggest, if we wish to address
12 the procedural questions that flow from the declaration of a
13 controversy that as I envision it, if the Tribunal shares my
14 view, it would issue an appropriate order published in the
15 Federal Register and in the nature of things, the issuance of
16 such an order would not be accomplished today. It would
17 take typically some time to do it. The order, it would appear
18 to me, should then go on to provide a scheduling for a pre-
19 hearing conference to discuss the substantive questions
20 presented, the scheduling for the hearing and argument on such
21 questions. It should afford the parties an opportunity, if
22 they so desire, to submit briefs or memoranda outlining what
23 they deem to be the desirable procedures. That, I think, is
24 the course that this Tribunal should follow.

25 What I am suggesting is that if you adopt my view,

1 there is of necessity built in some very limited period of
2 delay in the issue of drafting, preparation, publication of
3 your order, and, once again, I think that this would provide
4 a substantial prod to the parties to get together.

5 On behalf of the companies that I represent, we are
6 prepared to meet starting this afternoon and every single day
7 thereafter. I think that all the parties need, as Jim put it,
8 an interim effect of an impending hearing.

9 COMMISSIONER BURG: Thank you.

10 CHAIRMAN COULTER: Mr. Popham.

11 MR. POPHAM: Mr. Chairman, I'm Jim Popham. I'm
12 Assistant General Counsel for the National Association of
13 Broadcasters. As is very obvious from what has been said
14 before, NAB has been very active in the negotiating process
15 on behalf of numerous broadcast stations. I appear here today
16 on behalf of NAB and numerous stations which have authorized
17 us to submit a justification on their behalf as well as
18 authorizing us in separate documents to represent their
19 interests before this Tribunal.

20 I am tempted to say at this point I feel very
21 strongly both ways. On balance, however, I reluctantly would
22 come down on the side of declaring a controversy at the
23 present time, Reluctantly, because I think we were all very
24 hopeful at times that an agreement was very much in sight;
25 reluctantly, because a goal of our committee in these

1 negotiations has indeed been to reach a negotiated settlement.
2 However, we are looking at a situation where the claims at
3 this point do exceed 100 percent. We are looking at a
4 situation where negotiations which have been very fruitful to
5 the extent that they have established the issues which divide
6 us and which have been generally very amicable, which have
7 been conducted in good faith by all the parties, which have
8 been conducted in various degrees of comfort and discomfort,
9 large groups and small groups, in person and via the
10 telephone, but which, unfortunately, in the long run have
11 proven unsuccessful in resolving the controversy between us.

12 So, these negotiations really have left in their
13 wake issues which really are crucial to our relative
14 positions, upon which an agreement has not been possible.

15 I would like to add, as Mr. Shiner has said, that
16 there are probably procedures available to you and to us which
17 will avoid a full scale controversy perhaps. Under your
18 auspices, perhaps in the nature of a pre-trial hearing of some
19 sort, it may be possible to look at the issues in such a way
20 or create a climate in which an agreement may be precipitated.
21 We remain hopeful that even if you do declare a controversy
22 that some agreement may yet be reached.

23 CHAIRMAN COULTER: Thank you.

24 COMMISSIONER BRENNAN: Mr. Popham, at the meetings
25 earlier this week, did NAB take part in those discussions?

1 There was an earlier reference to some meetings this week.

2 MR. POPHAM: Yes. I think Mr. Shiner referenced
3 meetings on Tuesday and Wednesday of this week. The substance
4 of those meetings was more directed toward this meeting today
5 rather than resolution of the primary controversy.

6 COMMISSIONER BRENNAN: Without going into details,
7 is the legal position with regard to copyright ownership and
8 compilations, et cetera of your copyright claimants currently
9 the same as reflected in the documents submitted to this
10 body last month?

11 MR. POPHAM: Yes.

12 COMMISSIONER BRENNAN: Thank you.

13 CHAIRMAN COULTER: Is there anyone else who would
14 like to be heard on this issue of whether or not we should
15 declare a controversy?

16 (No response.)

17 I would like to make just a couple of remarks, and
18 this is to reflect, I believe, the observations that
19 Mr. Fitzpatrick made, in that in reviewing all of the claims
20 that we have received and the justifications, we haven't found
21 any intermeshing theories, and it is a little difficult to
22 envisage from all the propounded theories that intermeshing
23 theories to justify opposition are going to be produced, and,
24 therefore, it is impossible to envisage that there isn't
25 ultimately going to have to be just some decision, some cut of

1 the pie. I am saying that in a sense to encourage any
2 private agreement among parties, because it's impossible for
3 me personally to envisage that some decision along those
4 lines isn't ultimately going to be reached.

5 COMMISSIONER BURG: Mr. Chairman, when I looked at
6 the figures that we've come up with, and they're just so far
7 out of the ballpark in terms of 200 percent over the top and
8 what have you, I hope too that a voluntary agreement will be
9 reached. Let me just say that apart from the residue of
10 Hurricane David last night when the heavens opened up, I have
11 not been made aware that those heavens have opened up at any
12 other time and provided us or provided anyone with some kind
13 of Talmudic, esoteric tablet duly inscribed in terms of
14 an appropriate formula for cable television distribution,
15 duly and timely delivered to us, I might add.

16 So, in the absence of that kind of divine manifesta-
17 tion of absolute logic, may I simply say that I can only
18 conclude that the decision by necessity will be an arbitrary
19 decision. I think also that you could impanel several groups
20 of five commissioners and either in a vacuum or not in a
21 vacuum, those commissioners could come up with different
22 and yet reasonable ways to cut that pie.

23 However, if those different bodies of commissioners
24 had the material and the exercise we went through and found
25 that we have 444 total claims, 17 million-some-odd dollars

1 and almost 300 percent in terms of total percentage, then as
2 for me, for one Commissioners, I believe that there is one
3 very obvious solution to the problem, and I believe it to be
4 divisional in nature. I don't know how this Commissioner will
5 vote today. My inclinations are to hurry the thing along, but
6 I suggest that if that's the case or if there is a slight
7 delay that the interested parties better get together and
8 come up with their own obvious solution, because I think in my
9 mind I know how it can be arrived at.

10 Thank you very much, Mr. Chairman.

11 CHAIRMAN COULTER: Thank you, Commissioner Burg.

12 COMMISSIONER JAMES: Mr. Chairman, is a motion in
13 order?

14 CHAIRMAN COULTER: Is there any more discussion?

15 (No response.)

16 Yes, Commissioner, James.

17 COMMISSIONER JAMES: Mr. Chairman, I would like to
18 move that pursuant to Section 17 U.S.C. 111(d)(5)(B) that there
19 exists a controversy concerning the distribution of royalty
20 fees.

21 CHAIRMAN COULTER: Is there a second of the motion?

22 COMMISSIONER BRENNAN: Mr. Chairman, I support
23 Commissioner James' motion.

24 CHAIRMAN COULTER: Is there a discussion on the
25 motion?

1 COMMISSIONER BRENNAN: This body has, in my view,
2 now reached the point, in light of the statements made this
3 morning, where we have no choice other than to declare a
4 controversy. It is to be hoped that this action will in fact
5 make a useful contribution to a voluntary settlement.

6 We are acquainted with the various theories and
7 formulas which have been advanced by the claimants in the
8 private discussions, but I venture to suggest that if this
9 issue proceeds to the stage of a full trial before this body,
10 various Commissioners might wish to inject other factors
11 which they feel have a proper role in the distribution of
12 these royalties.

13 I was reflecting a few minutes ago on what some of
14 these innovations might well be. I am not suggesting that I
15 would be disposed to add any one of these elements, but if a
16 Commissioner were so inclined, I think it would be in
17 accordance with our jurisdiction under the statute. For
18 example, you might well have a Commissioner who feels that it
19 is a proper function of this body to reward creative
20 programming. You might describe this as the paper chase
21 factor, that a Commissioner might feel that we should feed
22 that into the royalty distribution formula.

23 Perhaps another Commissioner might be concerned with
24 sex and violence on television and we should look into the
25 track record of various claimants and see how they are serving

1 the public interest.

2 This body has a firm commitment to affirmative
3 action. Possibly a Commissioner might wish for us to look
4 into the record of various claimants on that subject.

5 This particular Commissioner is a resident of the
6 state of New Jersey. We have the misfortune of not having a
7 commercial television station in New Jersey. Residents of
8 the state feel that the licensees in the New York market have
9 a responsibility to viewers in New Jersey, and there are many
10 members of Congress and citizens of New Jersey who feel that
11 this responsibility has not been met. Possibly this should
12 be injected into determination as to the share of royalties
13 to be accorded to stations in the New York market.

14 So, I believe that if the claimants are foolish
15 enough to force this issue into the hands of the Commissioners,
16 they may ultimately regret their responsibility for that
17 action, but as of this moment, I believe we have no choice but
18 to adopt the motion of Commissioner James, with the profound
19 hope that it will in fact aid the prospects for a voluntary
20 settlement.

21 CHAIRMAN COULTER: Is there any other discussion?

22 (No response.)

23 I would just like to emphasize what is obvious,
24 but I'm still going to emphasize it, that we don't want to
25 spend the claimants' money with the cost of a proceeding. We

1 think that equity with a small "e" is served by as rapid a
2 solution to this issue as possible. For those very simple
3 reasons, we hope that a negotiated agreement can be reached
4 as soon as possible.

5 With that, I guess we will proceed to a vote.
6 The question before us is whether or not the Tribunal will
7 declare a controversy concerning the distribution of cable
8 television royalties.

9 Commissioner Brennan?

10 COMMISSIONER BRENNAN: Yes.

11 CHAIRMAN COULTER: Commissioner Burg?

12 COMMISSIONER BURG: Yes.

13 CHAIRMAN COULTER: Commissioner James?

14 COMMISSIONER JAMES: Yes.

15 CHAIRMAN COULTER: Commissioner Garcia?

16 COMMISSIONER GARCIA: Yes.

17 CHAIRMAN COULTER: The Chair votes yes. The motion
18 is carried. A controversy is declared.

19 COMMISSIONER BRENNAN: Mr. Chairman, for clarifica-
20 tion, I believe it was the intent of the Commissioner's motion
21 to declare a controversy with regard to both time periods.

22 COMMISSIONER JAMES: Right.

23 CHAIRMAN COULTER: That clarification is added to
24 the record. There is a controversy concerning both halves of
25 the year of 1978.

1 The second issue on the agenda concerns claims that
2 have been filed late with the Tribunal. The statute, U.S.
3 Code 17, 111(d)(5)(A) states that during the month of July of
4 each year every person claiming to be entitled to compulsory
5 license fees for secondary transmissions shall file a claim
6 with the Copyright Royalty Tribunal in accordance with
7 requirements that the Tribunal shall proscribe by regulation.

8 Currently, we have filed with us what we have
9 categorized as untimely filed claims, 12 claims which were
10 filed late for the first half of 1978. In other words, claims
11 for the first half of 1978 that were filed after July 31, 1978,
12 and eight that have been filed late for the second half of
13 1978, which were filed after July 31st of this year.

14 In addition, we have 33 supplements filed for the
15 first half of '78 for which there was no original claim filed
16 with us. I think that that would have to also be considered
17 in some form or another an untimely filed claim.

18 At this point we will now take up the question of
19 whether the Tribunal can or should accept untimely filed
20 claims.

21 Are there any remarks by Commissioners?

22 COMMISSIONER JAMES: Mr. Chairman, is there anybody
23 in the audience representing anyone who has filed a late
24 claim?

25 CHAIRMAN COULTER: I'm going to ask that. Is there

1 anybody here -- yes, please, sir.

2 MR. GORDON: Thank you, Mr. Chairman, members of
3 the Commission. My name is Al Gordon. I represent WIVB TV,
4 Buffalo, New York. I am here to ask for a reacceptance of a
5 claim for the period January through July of 1978. The claim
6 for the second half of that year was timely filed.

7 The station became aware of its opportunity to file
8 for this claim in the latter part of '78. For reasons that are
9 now not clear, the claim was not filed until on January 31 of
10 1979, the claim acknowledged that it was late and a request
11 was made for acceptance of it. As stated, that was done on
12 January 31, 1979. On February 6, 1979, I had received a
13 letter from you, Mr. Chairman, and after identifying the claim,
14 you stated, among other things, "We shall, however, not
15 exclude its" -- the claim's -- "consideration because the
16 statute and its implementation are new."

17 Subsequent to that, you adopted a rule on May 23,
18 1979, requiring a showing as to dollar value or percentage and
19 justification therefore. We filed the supplemental data in
20 response to that rule.

21 I would like to say that in this situation the
22 orderly process of the Commission will not be interrupted by
23 acceptance of the WIVB TV claim, nor will the rights of any
24 individual claimant be affected by it, but I think that
25 equity indicates that this claim should be accepted and I

1 urgently request that.

2 CHAIRMAN COULTER: Thank you.

3 COMMISSIONER BRENNAN: Sir, I have no problem with
4 your argument if it were directed toward waiving a rule of
5 this body, and it shall be the intention of this Commissioner
6 to be very flexible in voting to waive various requirements of
7 the rule, but the question that is before this body, as I view
8 it, is the clear language of the statute, and how do you get
9 around the wording of the statute which provides that the
10 claimants shall file "during the month of July in each
11 year."

12 MR. GORDON: I think it's difficult, Commissioner.
13 I can only rely on the fact that upon learning of the
14 opportunity to file for the claim, informal discussions were
15 had with staff members and the impression was gained that a
16 late filed claim would be considered. In reliance on that,
17 the claim was filed in the manner described, and we further
18 relied on the letter from the Chairman stating that it would
19 be considered.

20 COMMISSIONER BURG: Sir, when did you learn about the
21 requirement for filing?

22 MR. GORDON: I would think, to the best of my
23 recollection, in the latter part of November 1978, and we filed
24 the claim January 31, '79.

25 COMMISSIONER BURG: How did you learn about it?

1 MR. GORDON: Well, it came to me out of the blue,
2 like those things do. I learned of it from becoming more
3 acquainted with the work of the Tribunal and its activities,
4 to be more specific.

5 COMMISSIONER BURG: Does your station belong to the
6 NAB?

7 MR. GORDON: It does.

8 COMMISSIONER BURG: Did the NAB send out any
9 directives about dates and responsibilities and so forth with
10 regard to this matter?

11 MR. GORDON: I cannot of my own knowledge say that
12 they did. I understand they did, however, but I cannot of my
13 own knowledge state that in fact the communication was
14 received. I office in Washington and NAB does not and need
15 not have notified me of a letter they would be sending forth
16 on that. I know they have done this. I must admit that.

17 COMMISSIONER BURG: Thank you.

18 CHAIRMAN COULTER: Commissioner James.

19 COMMISSIONER JAMES: Mr. Chairman, I agree with
20 Commissioner Brennan. After looking at this statute, I don't
21 see how we have any authority to place a different interpreta-
22 tion on Section (5) (A). I think Congress has clearly intended.
23 I don't think we can apply the principles of equity here. We
24 are mandated by the Act to do a certain thing.

25 CHAIRMAN COULTER: Yes, Mr. Henry.

1 MR. HENRY: May I speak to this?

2 CHAIRMAN COULTER: Sure.

3 MR. HENRY: Mr. Chairman, members of the Commission,
4 my name is William Henry. I appear today on behalf of World
5 Vision Enterprises, Incorporated, which is a New York based
6 distributor of television programs. We too filed a late-
7 filed claim for the first half of 1978. We made a timely
8 filing of a claim for the second half of 1978.

9 We filed both claims together on July 30 of this
10 year, 1979, and accompanying the late-filed claim we asked for
11 a waiver of the Commission's rule that required the first half
12 of '78 claims to be filed by the end of July 1978.

13 World Vision, like many of its many similar
14 companies, is New York based. It does not retain Washington
15 counsel on a regular basis, that is, on a retainer to keep it
16 posted with respect to what's going on, et cetera. When it
17 obtains Washington counsel, it obtains it on an ad hoc basis
18 for various matters before the FCC and other instances in
19 which its interest may be affected. That was the case here.

20 My client learned about the need to have filed for
21 the first half of '78 only, I would say, around May or June
22 of -- I think April of 1979, and we decided to file that
23 claim together with the claim for the second half of 1978 at
24 the same time and request a waiver.

25 Certainly, I think fairness and equity would call

1 for the acceptance of that claim and all others filed at least
2 on or before July 31, 1979.

3 With respect to the question of whether or not you
4 have the power to do that under the statute, I have not
5 researched that, nor briefed it, and perhaps if the Commission
6 would permit it, it might be useful for me to do so and
7 perhaps for anyone else who is similarly situated.

8 It seems to me, however, that a good argument
9 could be made for the position that although the law
10 specifically specifies that they be filed in July, it doesn't
11 say that you have to split the two halves of 1978 and to
12 require that the one be filed in July of '78 and one in '79.
13 Again, as I say, I have not researched that extensively, but
14 I think an argument could be made to that effect, and I would
15 urge that the Commission allow whatever it needs to to address
16 that question fairly.

17 Thank you.

18 CHAIRMAN COULTER: Thank you very much.

19 Do the Commissioners have other questions?

20 (No response.)

21 Is there anybody else who would like to address
22 this issue?

23 MR. POPHAM: Again, there's not much I can add to
24 what has been said, other than to say I think unfortunately,
25 perhaps, the law is rather specific about stating that claims

1 should be filed in July. I would like to urge, consistent
2 with Mr. Brennan's remarks, that you be as flexible as
3 possible in terms of waiving your rules for claims or
4 supplements which have been filed in fact in the month of
5 July to prevent any serious inequities. We are dealing with a
6 process which is very new. We are dealing with a process
7 where we tried very hard to get the word out to broadcasters.
8 Whenever you're dealing with thousands of pieces of mail,
9 some get lost, some go to the wrong person. So, undoubtedly
10 there have been a few cases of failure to communicate for one
11 reason or another. But, again, I think the key word in this
12 whole process within the bounds of the statute should be
13 flexibility.

14 COMMISSIONER BRENNAN: Mr. Popham, I have no problem
15 at all in making allowance for a delay in receiving the
16 supplement. So that where there has been a timely filing in
17 July of 1979, this Commissioner is prepared to vote to waive
18 the requirement and accept the supplement, even if it's late.
19 But when a copyright owner has failed to file any claim
20 during the month of July, then I believe we have no discretion
21 under the statute, and I shall vote to disallow those claims.

22 CHAIRMAN COULTER: Yes.

23 MR. SHINER: On behalf of the companies which I
24 represent, I too would urge the Tribunal to follow a flexible
25 and liberal policy to the extent that the statute permits it

1 to do so, particularly in view of the fact that this is the
2 very first filing. Many parties were understandably unaware
3 of their obligations and requirements for giving valid claims.

4 On the merits, I would suggest that as a matter of
5 interpretation and possibly waiver and consistent with the
6 statute, this Tribunal could permit late-filed claims,
7 provided that they were filed not later than the end of
8 July of this year for the year 1978. In that regard, I would
9 respectfully refer the Tribunal's attention to comments
10 filed by the Motion Picture Association in response to the
11 original notice.

12 CHAIRMAN COULTER: Thank you.

13 MR. FITZPATRICK: On behalf of the sports people,
14 I think we see some serious problems in starting as one's
15 first act of formally facing up to the question of the
16 controversy starting to waive claims. We think the statute is
17 absolutely clear. We think the House report says that claims
18 must be filed in the month of July. We think that this would
19 set an incredibly bad precedent now to start to waive, start
20 to eliminate the one piece of certainty that we have in this
21 entire crazy mess, and that's who the claimants are. We think
22 the statute makes it quite clear that you've got to file in
23 the month of July, and we think that should be the rule that's
24 followed.

25 CHAIRMAN COULTER: Do you feel that the argument --

1 I mean, this has been offered here and in some remarks we
2 have received that the which July question is perhaps a little
3 more flexible than July period for '78.

4 MR. FITZPATRICK: The statute says, "File in July
5 in accordance with the requirements that the Tribunal shall
6 proscribe by regulations," and the Tribunal specifically
7 proscribed by regulation what the filing period is for the
8 first half year of your existence.

9 It seems to us that the possibility of tainting
10 the procedure with improper claimants is a significant
11 consideration and one need not be that concerned about
12 businesses that were not alert to their rights in this first
13 period. It's virtually the same as a notice of appeal in the
14 law. There are certain steps that one takes that are
15 jurisdictional. There are certain steps and procedures that
16 are waivable. As we look at the statute, we think that this
17 is jurisdictional.

18 MR. HOCHBERG: My name is Philip Hochberg and I'm
19 counsel for a number of the sports interests appearing here
20 today.

21 However, in this particular case I would like to
22 wear my basketball hat or my basketball shirt, as the case
23 may be.

24 Let me just address one particular point, and not to
25 be hard-nosed about this. Mr. Gordon takes the position that

1 to allow WIVB to come in now and file its late-filed claim
2 to make its claim for the first half of 1978 will prejudice
3 no one. Well, I suggest to you, sir, that indeed it might
4 prejudice parties and parties who might have a conflicting
5 claim with that of WIVB.

6 I notice that during the first half of 1978 WIVB
7 was the carrier of the Buffalo Braves basketball games. The
8 Braves did file as part of the NBA's filing. WIVB did not.
9 I don't see why the Braves should be penalized for whatever
10 should be their share of the compulsory license pool because
11 Mr. Gordon and Mr. Gordon's clients were not aware of their
12 obligations under the law, either under the statute or under
13 your regulation, and I would therefore respectfully urge you
14 to, as my brother Fitzpatrick would say, adopt some consistency
15 today in what is going to be a rather long and drawn out
16 proceeding.

17 CHAIRMAN COULTER: Thank you.

18 MR. GORDON: Mr. Chairman, a minute to reply.

19 CHAIRMAN COULTER: Certainly. Are there any
20 questions first?

21 (No response.)

22 Go right ahead, please.

23 MR. GORDON: Thank you. I would like to call
24 Mr. Hochberg's attention to the case of Crothwait v. FCC
25 decided by the D.C. Circuit in 1978. I have the citation.

1 The thrust of that case is that there is an administrative
2 principle of law which says that one applicant doesn't gain
3 any vested interest in the disqualification of another
4 applicant. I just think that I can't go along with
5 Mr. Hochberg's comments on that at all.

6 CHAIRMAN COULTER: Thank you.

7 Mr. Henry.

8 MR. HENRY: A quick moment of reply, if I may,
9 Mr. Chairman. Again, I think in the interest of consistency,
10 I would urge the Commission to consider July 31, 1979, as the
11 cutoff date for all claims, either for the first half of 1978
12 or for the second half, and in that way there is no ongoing
13 question of how much more you have to admit, and this would
14 keep you from injecting the uncertainty that Mr. Fitzpatrick
15 thought about.

16 I think, again, the law is clear. If I may quote
17 from a United States Supreme Court, 1970, American Farm Lines
18 v. Blackball Freight Service, which merely states, "The general
19 rule is that it is always within the discretion of an
20 administrative agency to relax or modify its procedural rules
21 adopted for the orderly transaction of business before it
22 when in a given case the ends of justice require it. The
23 action of either in such a case is not reviewable, except
24 upon the showing of substantial prejudice to a complaining
25 party."

1 I really don't think when you waive the justice,
2 fairness and equity that would be achieved by allowing clearly
3 valid claims to come in but simply were not timely filed
4 because they didn't know about it -- I don't believe any of
5 the parties could complain of substantial injustice. They
6 would lose a tiny fraction of dollars that they might other-
7 wise be entitled to, but that's all.

8 I think the other case which has been cited supports
9 that rule as well.

10 In the case of my client, World Vision, it is not
11 a regulated company. It does not have ongoing advice with
12 respect to Commission requirements, and it simply filed as
13 soon as it knew about it, and it did file before a July date,
14 and I believe that you can interpret the statute to allow a
15 July filing. If that's true, then clearly the agency may
16 relax or waive the procedural ruling which requires the
17 July '78 filing for the first half of '78 and the July '79
18 filing for the second half of '78. I mean, you clearly have
19 that power, I submit. The only question is whether or not
20 under the law you can interpret the Section 111 which refers
21 to July but which does not refer to a particular July, to
22 mean July of '79 for the full year of '78, and I respectfully
23 submit that you can so interpret the law.

24 CHAIRMAN COULTER: Thank you very much.

25 COMMISSIONER BURG: Mr. Henry, when you were at the

1 FCC, did you have problems like this and were you flexible
2 then?

3 MR. HENRY: Well, we didn't have this problem.
4 This is unique, but we tried to be flexible when it was
5 called for. Self-serving answer.

6 CHAIRMAN COULTER: I would like to just ask, if I
7 may, my colleague, Commissioner Brennan, a couple of
8 questions.

9 Given the fact that this is the first year of the
10 statute, and given the fact that --

11 COMMISSIONER JAMES: Mr. Chairman, can we take a
12 recess?

13 CHAIRMAN COULTER: I have had a request for a
14 brief recess. So, we will have a five minute recess and I
15 will address my questions afterwards then.

16 (A short recess was taken.)

17 CHAIRMAN COULTER: The hearing will resume.

18 I think given the diversion of views of this
19 matter, and given the difference of legal interpretations, we
20 would like to give the parties concerned or any interested
21 party until October 1st to submit briefs or material with us
22 on the issue of the acceptance by the Tribunal of untimely
23 filed claims.

24 Are there any additional comments to be made by
25 parties on this issue?

1 (No response.)

2 All right. I think there is one last item we would
3 like to put on the end of the agenda, and I will give the
4 floor to Commissioner James.

5 COMMISSIONER JAMES: Mr. Chairman, I would like to
6 make a recommendation that we amend Section 30122(C) dealing
7 with our charge for copying. The new section will read,
8 "Fees for copies of Tribunal records are fifteen cents per
9 page, ten dollars for each hour or fraction thereof spent
10 searching for records, four dollars for certification of
11 each document, and the actual cost to the Tribunal for any
12 other costs incurred."

13 COMMISSIONER BURG: That applies to our rules?

14 COMMISSIONER JAMES: Right.

15 CHAIRMAN COULTER: It doesn't apply to the statute.
16 Is there any discussion or any objection?

17 (No response.)

18 All in favor say aye.

19 (Chorus of ayes.)

20 The amendment is passed.

21 MR. FITZPATRICK: Mr. Chairman, there were two
22 procedural questions that we had. I had one and Mr. Shiner
23 had one. May I ask this question?

24 As a matter of the tolling of the one year statute,
25 will that period commence when notice of the Commission's

1 decision appears in the Federal Register?

2 CHAIRMAN COULTER: I get a nod from the lawyers on
3 the Tribunal. Yes.

4 MR. FITZPATRICK: So it will commence when this
5 appears in the Register, fine.

6 I think Mr. Shiner had a point.

7 MR. SHINER: Sir, one other point that we would
8 like to raise for your consideration. With a view towards
9 implementing your declaration of a controversy and the
10 conduct of the proceedings to be held, we think it would be
11 highly desirable if the Tribunal were to schedule a prehearing
12 conference, and I would suggest, if appropriate, that such a
13 scheduling be provided in an order to be adopted by the
14 Tribunal declaring the controversy.

15 Second, based upon discussions with Mr. Fitzpatrick
16 during the recess, he and I, and I would trust others, would
17 be prepared to undertake the preparation on a joint basis of
18 recommended procedures which we would offer up to the
19 Tribunal for its consideration, hopefully prior to the pre-
20 hearing conference but certainly no later than the scheduled
21 date of the conference. We would there address questions
22 concerning the order of appearance, the possibility of
23 stipulations, discovery, if any, and a variety of matters.
24 That hopefully would assist in the more efficient conduct of
25 the proceedings, if one is to be held.

1 CHAIRMAN COULTER: We will certainly take any
2 proposals of that nature, starting from now, and there is
3 certainly no problem in announcing a pre-trial hearing in
4 our order. We will publish the date then.

5 If there is no other business before the Tribunal,
6 the meeting is adjourned at the call of the Chairm.

7 (Whereupon, at 11:38 a.m., the Tribunal
8 adjourned, subject to the call of the Chair.)

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Sunshine Act Meetings

Called accurate copy
Confirmed date
Called accurate 8/31
Mrs. Pierre
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Federal Register
Vol. 44, No. 157
Monday, August 13, 1979

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONTENTS

	Items
Copyright Royalty Tribunal.....	1
Federal Communications Commission.....	2
Federal Energy Regulatory Commission.....	3
Federal Home Loan Bank Board.....	4, 5
Nuclear Regulatory Commission.....	6
Postal Rate Commission.....	7
Railroad Retirement Board.....	8
Tennessee Valley Authority.....	9

COPYRIGHT ROYALTY TRIBUNAL

TIME AND DATE: 10 a.m., Thursday, September 6, 1979.

PLACE: Vanguard Building, 1111 20th Street NW., room 460, Washington, D.C.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Whether, after giving claimants the opportunity to appear and present arguments, the Copyright Royalty Tribunal should declare a controversy concerning the distribution of cable royalty fees:

(a) For the period from January 1 through June 30, 1978.

(b) For the period from July 1 through December 31, 1978.

This is pursuant to 17 U.S.C. 111(d)(5)(B), which requires that after the first day of August the Copyright Royalty Tribunal shall determine whether there exists a controversy concerning the distribution of cable royalty fees.

2. Whether the Copyright Royalty Tribunal may accept cable claims not timely filed during the month of July as required by 17 U.S.C. 111(d)(5)(A).

FOR MORE INFORMATION CONTACT:

Douglas Coulter, Chairman, Copyright Royalty Tribunal (202) 653-5175.

Douglas Coulter,

Chairman, Copyright Royalty Tribunal.

[S-1601-79 Filed 8-9-79; 11:13 am]

BILLING CODE 1410-01-M

PLACE: Room 856, 1919 M Street, NW., Washington, D.C.

STATUS: Special Closed Commission Meeting.

MATTER TO BE CONSIDERED:

Agenda, Item Number, and Subject

Hearing—1—Request for Immediate Grant or for Interim Operating Authority in the Las Vegas, Nevada, television proceeding (Docket Nos. 19519, 19581).

The prompt and orderly conduct of Commission business requires that less than 7-days notice be given consideration of this item.

Additional information concerning this matter may be obtained from the FCC Public Affairs Office, telephone number (202) 632-7260.

Issued: August 7, 1979.

[S-1606-79 Filed 8-9-79; 3:28 pm]

BILLING CODE 6712-01-M

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FEDERAL ENERGY REGULATORY COMMISSION.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Published August 6, 1979; 44 F.R. 46096.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 10 a.m., August 8, 1979.

CHANGE IN MEETING: Addition to the agenda meeting of August 8, 1979.

Item Number, Docket Number and Company.

CP-6(A). RP72-6 and RP76-38 (Storage), et al., El Paso Natural Gas Co. and CP76-87, CP77-289 and CP78-172, El Paso Natural Gas Co.

CP-6(B). RP72-6 and RP76-38 (Storage), El Paso Natural Gas Co. and CP76-87, CP77-289 and CP78-172 (J&R Issues), El Paso Natural Gas Co.

CP-7. CP78-256, Algonquin LNG, Inc., Algonquin Gas Transmission Co.

CP-8. CP75-140, et al., Pacific Alaska LNG Co., et al.

M-15. RM79- Final Rule Amending Subpart H of Part 271 on Stripper Well Natural Gas and Amendments to Section 274.206 of the Interim Regulations.

[S-1605-79 Filed 8-6-79; 2:45 pm]

BILLING CODE 6450-01-M

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FEDERAL HOME LOAN BANK BOARD.

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: Vol. 44, FR page 45818, August 3, 1979.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 9:30 a.m., August 9, 1979.

PLACE: 1700 G Street, NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin D. Bolling (202-377-6677).

CHANGES IN THE MEETING: The following item has been added to the agenda for the open meeting:

Request for Permission to Incur Debt—Financial Corporation of America, Budget Capital Corporation, Los Angeles, Calif.

The following item has been withdrawn from the agenda for the open meeting:

Insurance of Accounts—Southside Savings & Loan Association, Austin, Tex.

No. 263, August 9, 1979.

[S-1607-79 Filed 8-9-79; 3:48 pm]

BILLING CODE 6720-01-M

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FEDERAL HOME LOAN BANK BOARD.

TIME AND DATE: 9:30 a.m., August 16, 1979.

PLACE: 1700 G Street NW., sixth floor, Washington, D.C.

STATUS: Open meeting.

CONTACT PERSON FOR MORE INFORMATION: Franklin O. Bolling (202-377-6677).

MATTERS TO BE CONSIDERED:

Branch Office Application—Olmsted Federal Savings & Loan Association, Rochester, Minn.

Branch Office Application—First Federal Savings & Loan Association of Eau Claire, Eau Claire, Wis.

Application for Bank Membership—Attleborough Savings Bank, Attleboro, Mass.

Applications for Bank Membership and Insurance of Accounts—County Savings & Loan Association, Santa Barbara, Calif.

Application for Insurance of Accounts—Balcones Savings Association, San Marcos, Tex.

Application for Amendment to Resolution—Heritage Savings & Loan Association of Elk City, Elk City, Okla.

Application for Preliminary Conversion to a Federal—Piedmont Savings & Loan Association, High Point, N.C.

Application for Permission to Organize a New Federal Association—Robert E. Cassagne, et al., Kenner, La.

Application to Increase Accounts of an Insurable Type Merger—Telford Savings &

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FEDERAL COMMUNICATIONS COMMISSION.

TIME AND DATE: 9:30 a.m., Friday, August 10, 1979.