

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
LIBRARY OF CONGRESS
Washington, D.C.

In re

DISTRIBUTION OF SATELLITE
ROYALTY FUNDS

CONSOLIDATED
DOCKET NO. 19-CRB-0011-SD (2018-21)

COMMERCIAL TELEVISION CLAIMANTS' NOTICE OF CONTROVERSY

The Commercial Television Claimants ("CTV"), by its representative the Broadcaster Claimants Group ("BCG"), submits this Notice of Controversy pursuant to the *Order of Consolidation, Notice of Participants, and Order Setting Case Schedule* ("VNP Order") issued by the Copyright Royalty Judges ("Judges") on October 30, 2024, commencing the voluntary negotiation period required under 17 U.S.C. § 803(b)(3) and setting the initial case schedule in the captioned proceeding. CTV hereby notifies the Judges of the following controversies and its proposal for further proceedings.

1. Allocation Among the Satellite Claimant Categories. Notwithstanding good faith negotiations among the participants during the voluntary negotiation period, no agreement has been reached "resolving controversies regarding ultimate distribution of the royalty funds for the years at issue in this proceeding." *See* VNP Order at 1-2; *see also* Joint Notice of Controversy of Participating Allocation Phase Parties (corresponding filing). As such, a controversy exists as to the share CTV should receive from the available satellite royalty funds for 2018-2021, as allocated among the satellite claimant categories (collectively "Categories" and each a "Category") as defined and adopted for the 2014-17 satellite proceeding. *See Order Lifting Stay*

and Adopting Claimant Categories, Nos. 16-CRB-0009 CD (2014-17), 16-CRB-0010 SD (2014-17) (Apr. 5, 2021) at 2.

2. Distribution of Royalties Allocated to the Commercial Television Claimants

Category. BCG is unaware of any dispute or controversy as to the distribution of royalties allocated to the Commercial Television Claimants' Category ("CTV Category"), and no claimant eligible to receive CTV Category royalties has filed notice of such a dispute or controversy.

3. Distribution of Royalties Allocated to Other Categories. BCG represents all U.S. commercial television station claimants with respect to the CTV Category. But some of these stations may also produce programs that are broadcast on other stations, which as a result are categorized as coming within the Program Suppliers Category, rather than the CTV Category. A potential controversy may exist with regard to any such programs with respect to the distribution of 2018-2021 Program Suppliers Category royalties between claimants represented by BCG and those represented by MPA and others. Additional analysis of such programs needs to be completed; however, BCG believes that any such controversy that may exist will likely be resolved without need for involvement by the Judges. In the unlikely event that a settlement cannot be reached, then there may be a distribution phase controversy within the Program Suppliers Category.

4. Proposal for Further Proceedings. BCG proposes that the Judges conduct further proceedings in a manner similar to, and based on a schedule consistent with, the proceedings in the 2014-2017 satellite royalty proceeding, Docket No. 16-CRB-0010 SD (2014-17). BCG proposes that the Judges defer setting any further deadlines in the 2018-2021 satellite royalty proceedings until after the allocation phase of the 2018-2021 cable royalty proceeding is resolved. The purpose for this deferral is to preserve the strong likelihood that the allocation

phase for the 2018-2021 satellite case would be settled without the need for further proceedings, which has been a common result of prior similar sequencing of cable and satellite cases covering the same royalty years including the 2010-2013 and 2014-2017 proceedings.

BCG further proposes that the Judges give significant weight to considerations of efficiency and economy in their further procedural rulings. To that end and following the deferral requested above, treating the allocation phase and distribution phase controversies separately will allow the proceedings to be more focused, more efficient and avoid imposing unwarranted cost and delay on parties involved only in limited discrete controversies. BCG believes that any distribution phase schedule should come after the determination of Category royalty shares from the allocation phase. The allocation determination may, for example, encompass resolutions of disputed issues that could have a material impact on the distribution issues still to be determined within any given Category. Sequencing the resolution of the allocation phase and distribution phase adjudications in this manner within this overall proceeding would result in more focused and efficient distribution phase adjudications.

Dated: February 7, 2025

Respectfully submitted,

**COMMERCIAL TELEVISION
CLAIMANTS**

/s/ David Ervin

David Ervin

DC Bar No. 445013

CROWELL & MORING LLP

1001 Pennsylvania Ave., NW

Washington, DC 20004-2595

Telephone: (202) 624-2685

Fax: (202) 628-5116

dervin@crowell.com

Preetha Chakrabarti
NY Bar No. 5124755
Crowell & Moring LLP
Two Manhattan West
375 Ninth Avenue
New York, NY 10001
Telephone: (212) 895-4327
Fax: (212) 628-5116
pchakrabarti@crowell.com

CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of February, 2025, a copy of the foregoing Notice of Controversy was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel of record who are registered to receive notice by eCRB.

/s/ David Ervin
David Ervin
Crowell & Moring LLP

Proof of Delivery

I hereby certify that on Friday, February 07, 2025, I provided a true and correct copy of the CTV's Notice of Controversy (18-21 Satellite) to the following:

American Society of Composers, Authors and Publishers (ASCAP), represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

Broadcast Music, Inc., represented by Brian A Coleman, served via E-Service at Brian.Coleman@faegredrinker.com

Broadcast Music, Inc., ASCAP, SESAC (joint participants), represented by Jennifer T. Criss, served via E-Service at jennifer.criss@faegredrinker.com

Devotional Claimants, represented by Matthew J MacLean, served via E-Service at matthew.maclean@pillsburylaw.com

Global Music Rights, LLC, represented by Scott A Zebrak, served via E-Service at carly@oandzlaw.com

Joint Sports Claimants, represented by Michael E Kientzle, served via E-Service at michael.kientzle@arnoldporter.com

Major League Soccer, L.L.C., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

Multigroup Claimants, represented by Brian D Boydston, served via E-Service at brianb@ix.netcom.com

National Women's Soccer League, LLC, represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

Powell, David, represented by David Powell, served via E-Service at davidpowell008@yahoo.com

Premier Lacrosse League, Inc., represented by Edward S. Hammerman, served via E-Service at ted@copyrightroyalties.com

Program Suppliers, represented by Lucy H Plovnick, served via E-Service at lhp@msk.com

SESAC Performing Rights LLC, represented by Timothy L Warnock, served via E-Service at twarnock@loeb.com

Signed: /s/ David J Ervin