



# ANNOUNCEMENT

from the Copyright Office, Library of Congress,  
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

ANNOUNCEMENT OF THE SCHEDULE FOR THE PROCEEDING.

## DISTRIBUTION OF 1992, 1993, 1994, AND 1995 SATELLITE ROYALTY FUNDS

The following excerpt is taken from Volume 64, Number 90 of the  
*Federal Register* for Tuesday, May 11, 1999 (pp. 25374-25375)

### LIBRARY OF CONGRESS

#### Copyright Office

[Docket No. 97-1 CARP SD 92-95]

#### Distribution of 1992, 1993, 1994, and 1995 Satellite Royalty Funds

**AGENCY:** Copyright Office, Library of  
Congress

**ACTION:** Announcement of the schedule  
for the proceeding.

**SUMMARY:** The Librarian of Congress is  
announcing the schedule for the 180-day  
arbitration period for the distribution of the  
1992-95 satellite carrier compulsory license  
royalty fees.

**EFFECTIVE DATE:** May 11, 1999.

**ADDRESSES:** All hearings and meetings  
for the 1992-95 satellite distribution  
proceeding shall take place at the Library of  
Congress, James Madison Memorial  
Building, Room LM-414, First and  
Independence Avenue, SE., Washington, DC.  
20540.

#### FOR FURTHER INFORMATION

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#### SUPPLEMENTARY INFORMATION:

##### Background

Section 251.11(b) of 37 CFR provides:

At the beginning of each proceeding, the  
CARP shall develop the original schedule of  
the proceeding which shall be published in  
the **Federal Register** at least seven calendar  
days in advance of the first meeting. Such  
announcement shall state the times, dates, and  
place of the meetings, the testimony to be

heard, whether any of the meetings, or any  
portion of a meeting, is to be closed, and if  
so, which ones, and the name and telephone  
number of the person to contact for further  
information.

This notice fulfills the requirements of Sec.  
251.11(b) for Phase I of the proceeding to  
determine the distribution of satellite carrier  
compulsory license royalty fees for the years  
1992-95.

On January 31, 1997, the Copyright  
Office published a notice in the **Federal  
Register** requesting comment as to the  
existence of Phase I and/or Phase II  
controversies concerning the distribution of  
the 1992, 1993, 1994, and 1995 satellite  
royalty fees, and in the event that a  
controversy exists, whether to consolidate the  
determination of the distribution of the 1992-  
95 royalty fees into a single proceeding, or  
to conduct multiple proceedings. 62 FR 4814  
(January 31, 1997). The notice also requested  
that each interested party file a Notice of  
Intent to Participate, indicating the level of  
participation for each year, i.e., Phase I,  
Phase II, or both, with the Office. In response  
to this notice, the following parties identified  
the existence of controversies for distribution  
of the 1992-95 funds: James Cannings;<sup>1</sup> the  
American Society of Composers, Authors  
and Publishers (ASCAP), Broadcast Music,  
Inc. (BMI), and SESAC, Inc. (collectively the  
Music Claimants); Program Suppliers; CBS,  
Inc.; ABC, Inc.; Public Television Claimants;  
Devotional Claimants; Home Shopping  
Network; Multimedia Entertainment, Inc.;  
National Broadcasting Company, Inc.; Joint  
Sports Claimants; and Broadcaster Claimants.  
All but one party favored consolidating the  
1992-95 satellite funds into a single  
distribution proceeding.

<sup>1</sup> Mr. Cannings identified only a Phase II controversy.

On June 4, 1997, the Office issued an  
Order consolidating the determination of the  
distribution of the 1992-95 satellite royalty  
fees into a single proceeding and announcing  
the precontroversy discovery schedule for a  
Phase I proceeding. See Order in Docket No.  
97-1 CARP SD 92-95 (June 4, 1997). The  
June 4, 1997, Order set September 8, 1997,  
as the beginning of the 45-day recontroversy  
discovery period, with the initiation of the  
arbitration set for December 1, 1997. This  
schedule, however, proved unworkable, so at  
the request of the parties, the Copyright  
Office rescheduled the start of the 45-day  
precontroversy discovery period. See Order  
in Docket No. 97-1 CARP SD 92-95 (August  
20, 1997). In fact, the Office reset the  
schedule three times before establishing a  
schedule which met the needs of all the  
parties. See also Orders in Docket No. 97-1  
CARP SD 92-95 (January 15, 1998, July 20,  
1998, and October 15, 1998).

During this time, the parties continued to  
negotiate among themselves. As a result, all  
of the Phase I parties, with the exception of  
Joint Sports Claimants and Program  
Suppliers, settled their Phase I claims for  
15.5% of the total aggregate amount of the  
satellite royalty fees for the years 1992-1995.  
See Order in Docket No. 97-1 CARP SD 92-  
95 (December 21, 1998).

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Thus, the only parties who will appear  
before the CARP in the current Phase I  
proceeding are the Joint Sports Claimants  
and the Program Suppliers. The 45-day  
precontroversy discovery period for these  
parties began on January 8, 1999, and  
proceeded according to the schedule  
announced in the October 15, 1998, Order.  
However, the April 5 initiation date set in that  
schedule has been rescheduled for May 18,  
1999, in order to accommodate conflicts in

both the arbitrators' and the parties' schedules. The Office will publish the initiation of the arbitration in the **Federal Register** on May 18, 1999.

The Honorable John W. Cooley  
(Chairperson)  
The Honorable Jeffrey Gulin  
The Honorable Curtis E. von Kann.

#### Selection of Arbitrators

In accordance with Sec. 251.6 of the CARP rules, the arbitrators have been selected for this proceeding. They are:

#### Schedule for the Proceeding

On April 20, 1999, the parties to this proceeding met with the arbitrators for the purpose of setting a schedule for this proceeding. At that meeting, the parties and the arbitrators agreed to the following schedule:

#### Presentation of Direct Cases:

Opening statement: Joint Sports Claimants (JSC) ..... May 18, 1999.  
Testimony for JSC<sup>2</sup>:  
Witnesses: (week 1)  
Paul Beeston, Paul Bortz, James Trautman,  
Gilbert Korta, Kimberly Gordon ..... May 18-22, 1999.  
Witnesses: (week 2)  
Glen Friedman, Jeffrey Treeman, Jody Kaveney,  
Scott Shultz, John Hartman, Edwin Desser ..... June 1-5, 1999.  
Opening Statement: Program Suppliers ..... June 7, 1999.  
Testimony for Program Suppliers:  
Marsha Kessler ..... June 7, 1999.  
Marsha Kessler, Sandra Pope ..... June 9, 1999.  
Linda McLaughlin ..... June 14, 1999.  
Alan Wurtzel, Leonard Kalcheim ..... June 15, 1999.  
Paul Lindstrom ..... June 16, 1999.  
James Von Schilling ..... June 17, 1999.  
Additional Hearing Days (if necessary) ..... June 22-25, 1999.  
Filing Deadline for Written Rebuttal Cases ..... June 28, 1999.  
Presentation of Rebuttal Cases ..... July 26-27, 1999; August 11-20, 1999.  
Filing Deadline for Proposed Findings of Fact  
and Conclusions of Law ..... September 13, 1999.  
Filing Deadline for Reply Findings of Fact  
and Conclusions of Law ..... September 27, 1999.  
Closing Arguments ..... October 14, 1999.  
Closing of the 180-day period ..... November 15, 1999.

<sup>2</sup> JSC did not designate specific dates for the presentation of testimony by its witnesses.

All hearings will begin at 9:30 a.m. and end at 4:30 p.m.

At this time, the parties have not moved to close any portion of the proceeding to the public. Further refinements to the schedule will be announced in open meetings and issued as orders to the parties participating in the proceeding. All changes will be noted in the docket file of the proceeding, as required by the Copyright Office regulations governing the administration of CARP proceedings. 37 CFR 251.11(c).

Dated: May 6, 1999.  
**David O. Carson,**  
General Counsel.

[FR Doc. 99-11884 Filed 5-10-99; 9:47 am]

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