



# ANNOUNCEMENT

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

FINAL RULE.

## RATE ADJUSTMENT OF THE SATELLITE CARRIER STATUTORY LICENSE

The following excerpt is taken from Volume 64, Number 245 of the *Federal Register* for Wednesday, December 22, 1999 (pp. 71659-71660)

### LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 258

[Docket No. RM 99-8 CARP]

### Rate Adjustment of the Satellite Carrier Statutory License

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

**ACTION:** Final rule.

**SUMMARY:** The Copyright Office of the Library of Congress is announcing the reduction of royalty rates for the section 119 satellite carrier statutory license pursuant to Title I of the Intellectual Property and Communications Omnibus Reform Act. The royalty rates for the section 119 satellite carrier statutory license are reduced from 27 cents per subscriber per month for network and superstations, respectively, to 14.85 cents for network stations and 18.9 cents for superstations.

**EFFECTIVE DATE:** July 1, 1999.

#### FOR FURTHER INFORMATION

**CONTACT:** David O. Carson, General Counsel, or William J. Roberts, Jr., Senior Attorney for Compulsory Licenses, P.O. Box

[[Page 71660]]

70977, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707-8380. Telefax: (202) 252-3423.

#### SUPPLEMENTARY INFORMATION:

On November 29, 1999, the President signed into law the Intellectual Property and Communications Omnibus Reform Act. Title I of that legislation, the "Satellite Home

Viewer Improvement Act of 1999," amends section 119 of the Copyright Act to, among other things, reduce the royalty fees paid under the satellite carrier statutory license.

In October of 1997, pursuant to the Copyright Arbitration Royalty Panel process, the Librarian of Congress adjusted the royalty rates of the satellite license to 27 cents per subscriber per month for the retransmission of a network station and 27 cents per subscriber per month for the retransmission of a superstation. 62 FR 55742 (October 28, 1997). The Satellite Home Viewer Improvement Act reduces these rates by 45 percent for a network station and 30 percent for a superstation. 17 U.S.C. 119(c)(4) (A) and (B). Consequently, the new rates are 14.85 cents per subscriber per month for each network station retransmitted by a satellite carrier and 18.9 cents per subscriber per month for each superstation retransmitted by a satellite carrier.

The Satellite Home Viewer Improvement Act also amends the section 119 satellite license to include retransmissions of the Public Broadcasting Service satellite feed, which is not a television broadcast station. The Public Broadcasting Service satellite feed is treated like a network station for purposes of the royalty fee, and therefore incurs the 14.85-cent fee. The section 119 license for the Public Broadcasting Service satellite feed, however, is in effect only until January 1, 2002.

#### List of Subjects in 37 CFR Part 258

Copyright, Satellite, Television.

#### Final Regulations

For the reasons set out in the preamble, chapter II of title 37 of the Code of Federal Regulations is to be amended as follows:

#### PART 258--ADJUSTMENT OF ROYALTY FEE FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

1. The authority citation for part 258 reads as follows:

**Authority:** 17 U.S.C. 119, 702, 802.

2. In §258.3, add new paragraph (c) to read as follows:

#### §258.3 Royalty fee for secondary transmission of broadcast stations by satellite carriers.

\* \* \* \* \*

(c) Commencing July 1, 1999, the royalty rate for secondary transmission of broadcast stations for private home viewing by satellite carriers shall be as follows:

(1) 18.9 cents per subscriber per month for distant superstations.

(2) 14.85 cents per subscriber per month for distant network stations.

(3) 14.85 cents per subscriber per month for the Public Broadcasting Service satellite feed.

Dated: December 15, 1999.

**Marybeth Peters,**  
*Register of Copyrights.*

Approved by:  
**James H. Billington,**  
*The Librarian of Congress.*

[FR Doc. 99-33196 Filed 12-21-99; 8:45 am]

BILLING CODE 1410-33-P