



ANNOUNCEMENT

from the Copyright Office, Library of Congress, Washington, D.C. 20559

NOTICE OF PRELIMINARY FINDINGS AND REQUEST FOR COMMENTS

CABLE COMPULSORY LICENSE; SPECIALTY STATION DETERMINATION: PRELIMINARY FINDINGS AND REQUEST FOR COMMENTS

The following excerpt is taken from Volume 55, Number 65 of
the Federal Register for Wednesday, April 4, 1990 (pp. 12575-12576)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 87-7C]

Cable Compulsory License; Specialty Station Determination: Preliminary Findings and Request for Comments

AGENCY: Library of Congress, Copyright
Office.

ACTION: Notice of preliminary findings
and request for comments.

SUMMARY: By a policy decision issued
September 18, 1989 (54 FR 38461) and a
Request for Information (54 FR 38466),
the Copyright Office invited all
interested television broadcast stations
claiming to qualify as specialty stations
under the former distant signal carriage
rules of the Federal Communications
Commission at 47 CFR 76.5(kk) (1981) to
submit to the Office sworn affidavits
stating that in the preceding calendar
year the programming of their stations
satisfied the FCC's former requirements
for specialty station status. The request
for information specified the closing
date for receipt of such affidavits as
December 18, 1989.

The Office received 55 affidavits and
hereby moves into the second phase of
the three-part process it announced in
its policy decision for determining
specialty station status. In this second
phase, the Office publishes a list of the
stations that filed affidavits. At the
same time the Office solicits from
interested parties their comments as to
whether any station on the preliminary
list fails to qualify as a specialty station.
The Office welcomes information that is

factual and specific regarding stations
and their alleged specialty station
qualifications.

DATES: Comments should be received on
or before June 4, 1990. Reply comments
will be due July 3, 1990, later.

ADDRESSES: If delivered by mail,
comments should be sent to: Office of
the General Counsel, U.S. Copyright
Office, Library of Congress, Department
17, Washington, DC 20540. If delivered
by hand, the comments should be
brought to: Office of the General
Counsel, U.S. Copyright Office, James
Madison Memorial Building, Room 407,
First and Independence Avenue SE,
Washington, DC.

FOR FURTHER INFORMATION CONTACT:
Dorothy Schrader, General Counsel, U.S.
Copyright Office, Library of Congress,
Department 17, Washington, DC 20540.
Telephone: (202) 707-8380.

SUPPLEMENTARY INFORMATION: On
September 18, 1989, the Copyright Office
published a notice of policy decision in
Docket RM 87-7B (54 FR 38461)
concerning the determination of
specialty station status for purposes of
calculating royalties under the cable
compulsory license at 17 U.S.C. 111. The
Copyright Office determined that a
television broadcast station's current
programming content should dictate
whether the station qualifies as a
specialty station under the cable
compulsory license. Accordingly, the
Office recognizes that the FCC's list of
specialty stations dating back to 1981
should be revised now and periodically
in the future. However, the Office
believes that, for policy reasons, it
should not itself verify the specialty
station status of particular stations.

The Copyright Office decided instead

to collect and note the public's views as
to which station qualify as specialty¹
stations, to list these stations in a notice
in the Federal Register, to collect public
comments on the eligibility of these
stations as specialty stations, and then
to publish a final annotated list of
specialty stations that includes
references to objections to stations'
claims. The effective date of the final
annotated list will coincide with the
beginning of the accounting period that
starts after the final list is published in
the Federal Register. This will allow
cable systems time to modify their
channel line-ups should they discover
that the status of a given station has
changed.

Copyright Office licensing examiners
will refer to the final annotated list in
examining cable systems' claims on
their statements of account that
particular stations are specialty stations.
If a cable system claims specialty
station status for a station not on the
final annotated list because, for
example, the station has just begun
operations, the examiner will look to see
if the station has filed an affidavit since
publication of the list. Affidavits
received in this manner will be accepted
by the Office with the understanding
that those stations will resubmit
affidavits when the Official formally
updates the specialty station list every
three years upon the former request of²
an interested party.

The stations claiming specialty station
status under 47 CFR 76.5(kk)(1981) are
listed below. The Office notes that
among the stations claiming specialty
station status are several translator
stations. According to 37 CFR
201.17(b)(7), "[a] translator station is,
with respect to programs both originally

¹Error; line should read:
"to which stations qualify as specialty"

²Error; line should read:
"three years upon the formal request of"

transmitted and retransmitted by it, a primary transmitter for the purpose of this section." A translator station retransmitting the programming of a specialty station holds the same status as the primary transmitter. Comments are welcome as to whether translator stations retransmitting specialty programming of primary stations need be listed on the specialty station list.

Interested parties are invited to present information formally and specifically should there be valid objection to identifying any station listed below as a "specialty station" for purposes of computing royalties under the cable compulsory license at station⁴ 111 of the Copyright Act of 1976.

Specialty Station List: Call Letters and Cities of License

KLUZ Albuquerque, New Mexico⁵
KNAT Albuquerque, New Mexico⁶
K48AM Albuquerque, New Mexico⁷
WKBS Altoona, Pennsylvania
K39AB Bakersfield, California
KDOR Bartlesville, Oklahoma
KTU Beaumont, Texas
WCLJ Bloomington, Indiana
WRDG Burlington, North Carolina
WDLI Canton, Ohio
WCFC Chicago, Illinois
WSNS Chicago, Illinois

WCLF Clearwater, Florida
WTGL Cocoa, Florida
KDTX Dallas, Texas
WTJP Gadsden, Alabama
KUVN Garland, Texas
WLXI Greensboro, North Carolina
WPCB Greensburg/Pittsburgh, Pennsylvania
KFTV Hanford-Fresno, California
KLUJ Harlingen, Texas
W47AD Hartford, Connecticut
KWHH Hilo, Hawaii
KHAI Honolulu, Hawaii
KWEH Honolulu, Hawaii
KETH Houston, Texas
WHMB Indianapolis, Indiana
WHKE Kenosha, Wisconsin
WWTO LaSalle, Illinois
WACX Leesburg, Florida
WEJC Lexington, North Carolina
KMEX Los Angeles, California
KWHY Los Angeles, California
WTKK Manassas, Virginia
WTCT Marion, Illinois
WHFT Miami, Florida
WLTV Miami, Florida
WMPV Mobile, Alabama
KCSO Modesto, California
WMCF Montgomery, Alabama
WHTN Nashville, Tennessee
WSFJ Newark, Ohio
KMLM Odessa, Texas
KSBI Oklahoma City, Oklahoma

KTBO Oklahoma City, Oklahoma
WSWS Opelika, Alabama
WXTV Patterson, New Jersey
WHBR Pensacola, Florida/Mobile, Alabama
W35AB Philadelphia, Pennsylvania
KPAZ Phoenix, Arizona⁸
KTVW Phoenix, Arizona
KVTN Pine Bluff, Arkansas
KTDZ Portland, Oregon
KTBY Poughkeepsie, New York
KREN Reno, Nevada
WKOI Richmond, Indiana
WAQP Saginaw, Michigan
KWEX San Antonio, Texas
KSCI San Bernadino, California
KDTV San Francisco, California
KTSF San Francisco, California
KTBN Santa Anna, California
CKSH Sherbrooke, Quebec (Canada)
WHME South Bend, Indiana
KTAJ St. Joseph, Missouri
KTBW Tacoma, Washington
K52AO Tucson, Arizona
KWHB Tulsa, Oklahoma

Dated: March 29, 1990.

Ralph Oman,

Register of Copyrights.

[FR Doc. 90-7666 Filed 4-3-90; 8:45 am]

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³Error; line should read:
"primary transmitter for the purposes of"

⁴Error; line should read:
"the cable compulsory license at section"

⁵Error; line should read:
"KLUZ Albuquerque, New Mexico"

⁶Error; line should read:
"KNAT Albuquerque, New Mexico"

⁷Error; line should read:
"K48AM Albuquerque, New Mexico"

⁸Error; line should read:
"KPAZ Phoenix, Arizona"