



ANNOUNCEMENT

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

FINAL SPECIALTY STATION LIST

CABLE COMPULSORY LICENSE: SPECIALTY STATION LIST

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 90-3A]

Cable Compulsory License: Specialty Station List

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Specialty Station List.

SUMMARY: In proceeding Docket No. RM 87-7D the Copyright Office established a revised list of broadcast television stations that qualify as specialty stations under the former distant signal carriage rules of the Federal Communications Commission (FCC) at 47 CFR 76.5(kk)(1981). A final specialty station list was published in 55 FR 40021 on October 1, 1990. The Office opened a new public proceeding, Docket No. RM 90-3, and invited broadcast stations not included in the final list published October 1, 1990, to submit affidavits should they claim specialty station status. The Office now publishes the updated specialty station list that will be used by the Office to check broadcast station status when cable systems file their semi-annual statements of account under the cable compulsory license of 17 U.S.C. 111.

EFFECTIVE DATE: January 1, 1992.

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

SUPPLEMENTARY INFORMATION: Under the cable compulsory license, section 111 of the Copyright Act, title 17 U.S. Code, the specialty station status of a broadcast station permits payment of

copyright royalties based on a lower rate than may otherwise be applicable. Although specialty station status is determined by reference to the former regulations of the Federal Communications Commission at 47 CFR 76.5(kk) 1981), the FCC no longer determines whether a station qualifies as a specialty station or not. The Copyright Office has adopted a procedure for updating the list of specialty stations, since the list remains relevant in connection with the filing of statements of account. On October 1, 1990, the Copyright Office published a final annotated list of specialty stations. following procedure established September 18, 1989, at 54 FR 38461. See also 54 FR 38466. Public proceeding Docket No. RM 87-7, which was initiated to assemble an updated specialty station list, yielded several late requests for addition to the list. As part of its efforts to update comprehensively the specialty station list for purposes of calculating royalties under the cable compulsory license, 17 U.S.C. 111, the Office opened a new public proceeding, Docket No. RM 90-3 and invited broadcast stations not included in the final list published October 1, 1990, to submit affidavits should they claim specialty station status.

The Office listed those stations in 56 FR 26165, along with a request that interested parties present factual information should there be objection to identifying any station listed as a specialty station. One set of comments was received, objecting to identification of two stations on the list as specialty stations.

In comments filed July 8, 1991, the Motion Picture Association of America (MPAA) objected to identifying KTFH, Conroe, Texas, as a specialty station, on the bases of: Doubt about ownership qualifications; omission of program listings for KTFH in "a recent TV Guide"; and advertisement rates listed³ in the 1991 Television & Cable Factbook seemed inconsistent with the rates generally charged by other specialty stations.

In addition, the MPAA stated that its research in the Factbook failed to disclose information verifying that CICA, Toronto, Ontario, listed as an educational station, carried the requisite amount of specialty programming, e.g. foreign language programming, to qualify for specialty station status. Although other Canadian stations desiring specialty station status have listings that specify they are foreign language outlets, there is no clear indication in the Factbook on what basis CICA claims specialty station status.

The Copyright Office contacted representatives of KTFH and CICA, informing them of the filing of the objections.

In its response, KTFH replied that carries the prescribed percentage of specialty programming (see 47 CFR 76.5(kk)(1981)), and that its putative ownership or its advertising rates in no way affects its status as a specialty station under the relevant FCC regulations. KTFH also provided samples from a major Houston newspaper listing showing its program offerings. These listings disclose that KTFH's programming is predominantly Spanish language programming.

¹ Error: line should read:
"76.5(kk) (1981), the FCC no longer"

² "final annotated list of specialty stations,"

³ Error: line should read:
"GUIDE"; and advertisement rates listed"

⁴ "In its response, KTFH replied that it"

Representatives of CICA were contacted by the Office, but no response was received as the date this notice was prepared.⁵

The Copyright Office updates the specialty station list to provide current, accurate reference information relevant to the filing of statements of account by cable television systems, as required by 17 U.S.C. 111. Inclusion on this list is one indication that carriage of the station by a cable system is not subject to the 3.75% rate for distant signal carriage. The annotated list of stations claiming specialty status includes references noting any public objections to a station's claim. With such an annotated list on the public record, cable systems can make an informed decision as to whether the MPAA or any other party might contest the system's carriage of a particular station on a specialty basis. See also 54 FR 38461-38466.

The Office hereby publishes a final list of specialty stations, effective 1,⁶ 1992, for the accounting period 1991/2⁷ and thereafter. Affidavits related to specialty station status received after December 3, 1990 are too late for this proceeding. They will be noted by the Office and placed in a public file for whatever legal significance they may possess. The Office will again consider updating the specialty station list in 1994.

Final Annotated List of Specialty Stations: Call Letters and Cities of License

CIVA Abitibi, Quebec
 KLUZ Albuquerque, New Mexico
 KNAT Albuquerque, New Mexico
 K48AM Albuquerque, New Mexico
 WKBS Altoona, Pennsylvania
 K39AB Bakersfield, California
 KDOR Bartlesville, Oklahoma
 KITU Beaumont, Texas
 WCLJ Bloomington, Indiana
 WNYB Buffalo, New York
 WRDG Burlington, North Carolina
 WDLI Canton, Ohio
 CHAU Carlton, Quebec
 KWHD Castle Rock, Colorado
 WCFC Chicago, Illinois
 WSNS Chicago, Illinois
 CIVV Chicoutimi, Quebec
 CJPM Chicoutimi, Quebec

WCLF Clearwater, Florida
 WTGL Cocoa, Florida
 *KTFH Conroe, Texas
 KVEA Corona, California
 KORO Corpus Christi, Texas
 KDTX Dallas, Texas
 CBXFT Edmonton, Alberta
 KINT El Paso, Texas
 WSCV Ft. Lauderdale, Florida
 WTJP Gadsden, Alabama
 KTMD Galveston, Texas
 KUVN Garland, Texas
 WLXI Greensboro, North Carolina
 WPCB Greensburg/Pittsburgh, Pennsylvania
 KFTV Hanford/Fresno, California
 KLUJ Harlingen, Texas
 W13BF Hartford, Connecticut
 W47AAD Hartford, Connecticut⁸
 KWHH Hilo, Hawaii
 KHAI Honolulu, Hawaii
 KWHE Honolulu, Hawaii
 KETH Houston, Texas
 CHOT Hull, Quebec
 WHMB Indianapolis, Indiana
 CKRS Jonquiere, Quebec
 WHKE Kenosha, Wisconsin
 WWTO LaSalle, Illinois
 WACX Leesburg, Florida
 WEJC Lexington, North Carolina
 WNJU Linden, New Jersey
 KMEX Los Angeles, California
 KWHY Los Angeles, California
 WTKK Manassas, Virginia
 CBGAT Mantane, Quebec
 WTCT Marion, Illinois
 WHFT Miami, Florida
 WLTV Miami, Florida
 WMPV Mobile, Alabama
 KCSS Modesto, California
 CBAFT Moncton, New Brunswick
 KSMS Monterey, California
 WMCF Montgomery, Alabama
 CBFT Montreal, Quebec
 CFTM Montreal, Quebec
 CFJP Montreal, Quebec
 CFTU Montreal, Quebec
 CIVM Montreal, Quebec
 WHTN Nashville, Tennessee
 WSFJ Newark, Ohio
 CKRN Noranda-Rouyn, Quebec
 KMLM Odessa, Texas
 KSBI Oklahoma City, Oklahoma
 KTBO Oklahoma City, Oklahoma
 WSWO Opelika, Alabama
 CBOFT Ottawa, Ontario
 WXTV Patterson, New Jersey

WHBR Pensacola, Florida/Mobile, Alabama
 W35AB Philadelphia, Pennsylvania
 KPAZ Phoenix, Arizona
 KTVW Phoenix, Arizona
 KVTN Pine Bluff, Arkansas
 KNMT Portland, Oregon
 WTBY Poughkeepsie, New York
 CBVT Quebec City, Quebec
 CFCM Quebec City, Quebec
 CBKFT Regina, Saskatchewan
 KREN Reno, Nevada
 WKOI Richmond, Indiana
 CJBR Rimouski, Quebec
 CFER Rimouski, Quebec
 CIVB Rimouski, Quebec
 CIMT Riviere-du-Loup, Quebec
 CKRT Riviere-du-Loup, Quebec
 CFEM Rouyn-Noranda, Quebec
 WAQP Saginaw, Michigan
 KWEX San Antonio, Texas
 KSCI San Bernardino, California
 KDTV San Francisco, California
 KTSF San Francisco, California
 WKAQ San Juan, Puerto Rico
 KSTS San Jose, California
 KBTN Santa Ana, California
 CBST Sept-iles, Quebec
 CKSH Sherbrooke, Quebec
 CHLT Sherbrooke, Quebec
 WHME South Bend, Indiana
 CHOY St. Jerome, Quebec
 KTAJ St. Joseph, Missouri
 KTBW Tacoma, Washington
 CBLFT Toronto, Ontario
 *CICA Toronto, Ontario
 CHEM Trois Rivieres, Quebec
 CKTM Trois Rivieres, Quebec
 K52AO Tucson, Arizona
 KWHB Tulsa, Oklahoma
 CBUFT Vancouver, British Columbia
 CBEFT Windsor, Ontario
 CBWFT Winnipeg, Manitoba

* Designates that a party objected to the station's characterizing itself as a specialty station.

Dated: November 20, 1991.

Ralph Oman,

Register of Copyrights.

[FR Doc. 91-28566 Filed 11-27-91; 8:45 am]

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⁵ Error; line should read: "was received as of the date this notice was"

⁶ "list of specialty stations, effective Jan. 1,"

⁷ "1992, for the accounting period 1991/2"

⁸ "W47AD Hartford, Connecticut"