

**Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.**

**In the Matter of** )  
 )  
**Distribution of the 2009** ) **Docket No. 2011-7 CRB CD 2009**  
**Cable Royalty Funds** )

**PUBLIC TELEVISION CLAIMANTS' COMMENTS ON  
EXISTENCE OF PHASE I AND PHASE II CONTROVERSIES**

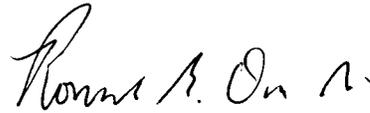
Pursuant to the notice issued by the Copyright Royalty Board (“CRB”) and published at 76 Fed. Reg. 55122 (Sept. 6, 2011), the Public Broadcasting Service (“PBS”) hereby provides comments on behalf of public television stations and copyright owners of programs broadcast by public television stations that are retransmitted by cable operators (the “Public Television Claimants”).

The Copyright Royalty Judges (“Judges”) seek comments relating to the Phase I Claimants’ motion (filed on August 5, 2011) requesting a partial distribution of 50% of the 2009 cable royalty funds. In addition, the Judges have asked the copyright claimant groups to advise as to the existence and extent of any Phase I or Phase II controversies relating to the funds that would remain if the partial distribution is granted.

PBS joins and incorporates the joint Comments of the Phase I Parties filed with the CRB today. As explained in those comments, Phase I controversies exist at the present time among all the Phase I Parties as to the distribution of the 2009 royalty funds (though the Phase I Parties are in the process of negotiating an agreement that they believe will resolve the existing controversies). PBS does not believe that the controversies identified in those comments preclude the partial distribution of royalties requested in the Motion of Phase I Claimants for Partial Distribution. In addition, PBS is not aware of any Phase II controversies with respect to

the Public Television Claimants' share of the 2009 cable royalty funds that would require resolution by the Judges or the withholding of any of those royalties.<sup>1</sup>

Respectfully submitted,



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October 6, 2011

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<sup>1</sup> PBS reserves the right to identify Phase II controversies in response to the outcome of any Phase I proceedings, in response to any filings of other claimants, or as the result of further investigation.

## **CERTIFICATE OF SERVICE**

I, Ronald G. Dove, Jr., hereby certify that on this 6th day of October, 2011, I caused copies of the foregoing "Public Television Claimants' Comments on Existence of Phase I and Phase II Controversies" to be served by first class, postage pre-paid U.S. mail on the following parties:

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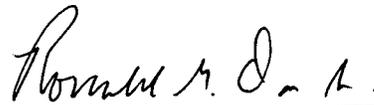
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