

**Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC**

In re)	
)	
)	Docket No. 14-CRB-0007-CD (2010-12)
Distribution of 2010, 2011, and 2012)	
Cable Royalty Funds)	
)	

PETITION TO PARTICIPATE OF BMI AND ASCAP

Pursuant to 37 C.F.R. § 351.1(b)(2)(C)(ii) and in response to the December 9, 2014 notice of the Copyright Royalty Judges (“Judges”) published at 79 Fed. Reg. 76396 (December 22, 2014) (the “Notice”), Broadcast Music, Inc. (“BMI”) and the American Society of Composers, Authors and Publishers (“ASCAP”) (together, the “Settling Music Claimants”) submit this Petition to Participate in the Phase I and Phase II distribution proceedings for the 2010, 2011, and 2012 cable royalty funds. The Settling Music Claimants intend to participate fully in the proceedings.

The Settling Music Claimants are performing rights societies, as defined in Section 101 of the Copyright Act,¹ that represent hundreds of thousands of composer, lyricist, songwriter and publisher members and affiliates with repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI and ASCAP license the public performance rights under section 106(4) of the Copyright Act. The Settling Music Claimants are also affiliated with about 90 foreign performing rights societies around the world and license the repertoires of those societies in the United States.

¹ Customarily, the three U.S. performing rights societies defined in Section 101, BMI, ASCAP and SESAC, Inc. (“SESAC”), together have been known as the “Music Claimants” and individually each a “Music Claimant Party.”

PHASE I

The Music Claimants have not reached a settlement with any other Phase I claimant group regarding the distribution of any portion of the 2010, 2011, or 2012 cable royalty funds. Accordingly, a Phase I controversy exists regarding the distribution of the Music Claimant share of each of the 2010, 2011 and 2012 cable royalty funds, and BMI and ASCAP request to participate in the Phase I proceeding to determine the Music Claimant share of such funds.

The Settling Music Claimants set forth their Phase I claims in this proceeding as follows:

Claimant	Claim Year	Claim Number	Claim Type	Program Category
BMI	2010	10	J: Joint claim	7: Musical works carried on broadcast television signals
ASCAP	2010	116	J: Joint claim	7: Musical works carried on broadcast television signals
BMI	2011	31	J: Joint claim	7: Musical works carried on broadcast television signals
ASCAP	2011	262	J: Joint claim	7: Musical works carried on broadcast television signals
BMI	2012	32	J: Joint claim	7: Musical works carried on broadcast television signals
ASCAP	2012	30	J: Joint claim	7: Musical works carried on broadcast television signals

The electronic Excel spreadsheet provided to the Judges along with this Petition to Participate repeats this information, as requested in the Notice, and comports with the ease of administration that the Notice indicates is the goal of the spreadsheet. Pursuant to the Judges' January 16, 2015 Order Exempting Performing Rights Organizations from Requirement to Identify Individual Claimants, the Music Claimants, as performing rights societies, are exempt from listing the names of each of their hundreds of thousands of songwriter and publisher members and affiliates, and accordingly have omitted such listings from the Excel spreadsheet.

The Settling Music Claimants have a significant interest in this distribution proceeding because they represent many thousands of copyright owners of musical works that were

secondarily transmitted by cable systems throughout the 2010-2012 time period. The Settling Music Claimants, along with SESAC, have participated and received a share of the funds, through settlement or award, in every Phase I cable royalty distribution proceeding since the enactment of the cable compulsory license in 1976, effective January 1, 1978.

PHASE II

As indicated in the October 31, 2014 Comments of BMI and ASCAP on the Existence of Controversies filed in this docket, the Settling Music Claimants have entered into a confidential settlement between themselves with regard to the 2012 cable royalties; confidential settlements similarly exist between BMI and ASCAP for 2010 cable royalties, as set forth in the September 4, 2012 Comments of BMI and ASCAP on the Existence of Controversies in Docket No. 2012-4 CRB CD 2010, and for 2011 cable royalties. ASCAP and BMI have also settled with SESAC regarding 2010 and 2011 cable royalties, but no such settlement exists between BMI and ASCAP, on the one hand, and SESAC, on the other for 2012 cable royalties. Accordingly, a Phase II controversy exists between BMI and ASCAP, on the one hand, and SESAC, on the other, regarding the distribution of 2012 Music Claimant cable royalty funds. The Settling Music Claimants are unaware of any other Phase II controversies in the Music Claimant category. If an unanticipated Phase II claim is made in the Music Claimant category, a Phase II controversy would exist with regards to the claim filed by such party. BMI and ASCAP therefore request to participate in any such Phase II proceeding to determine the distribution of the Music Claimant share.

CERTIFICATION AND PAYMENT

The Settling Music Claimants hereby certify that they have the authority and consent to represent their members and affiliates in this distribution proceeding. Pursuant to 37 C.F.R. §

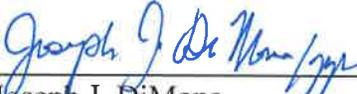
351.1(b)(4), a \$150 filing fee is enclosed with this petition in the form of a check to the Copyright Royalty Board.

Respectfully submitted,

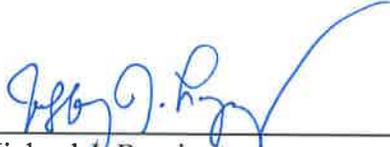
**AMERICAN SOCIETY OF COMPOSERS, BROADCAST MUSIC, INC.
AUTHORS AND PUBLISHERS**



Samuel Mosenkis
N.Y. # 2628915
Jackson Wagener
N.Y. # 4555819
ASCAP
One Lincoln Plaza
New York, NY 10023
Telephone: (212) 621-6450
Fax: (212) 787-1381
smosenkis@ascap.com



Joseph J. DiMona
DC Bar No. 413159
BROADCAST MUSIC, INC.
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0030
Telephone: (212) 220-3149
Fax: (212) 220-4456
jdimona@bmi.com



Michael J. Remington
DC Bar No. 344127
Jeffrey J. Lopez
DC Bar No. 453052
Jennifer T. Criss
DC Bar No. 981982
DRINKER BIDDLE & REATH LLP
1500 K Street, NW, Suite 1100
Washington, DC 20005
Telephone: (202) 842-8800
Fax: (202) 842-8465
michael.remington@dbr.com
jeffrey.lopez@dbr.com
jennifer.criss@dbr.com

Dated: January 21, 2015

CERTIFICATE OF SERVICE

I hereby certify that on this 21st day of January, 2015, a copy of the foregoing Petition to Participate of BMI and ASCAP was sent by FedEx overnight delivery to the following:

Brian D. Boydston
PICK & BOYDSTON LLP
10786 Le Conte Avenue
Los Angeles, CA 90024

John C. Beiter
SHACKELFORD, BOWEN, ZUMWALT &
HAYES, LLP
1014 16th Avenue South
Nashville, TN 37212

Ronald G. Dove, Jr.
Lindsey Tonsager
COVINGTON & BURLING LLP
1201 Pennsylvania Ave., NW
Washington, DC 20004-2401

Gregory O. Olaniran
Lucy Holmes Plovnick
MITCHELL SILBERBERG & KNUPP LLP
1818 N Street, NW, 8th Floor
Washington, DC 20036

John I. Stewart, Jr.
Jennifer H. Burdman
Ann Mace
CROWELL & MORING LLP
1001 Pennsylvania Ave., NW
Washington, DC 20004-2595

Robert Alan Garrett
Charles G. Curtis, Jr.
Michael Kientzle
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-1206

L. Kendall Satterfield
FINKELSTEIN THOMPSON LLP
1077 30th Street, NW, Suite 150
Washington, DC 20007

Gregory A. Lewis
NATIONAL PUBLIC RADIO
635 Massachusetts Avenue, NW
Washington, DC 20001-3753

Arnold P. Lutzker
LUTZKER & LUTZKER LLP
1233 20th Street, NW, Suite 703
Washington, DC 20036

Clifford M. Harrington
PILLSBURY WINTHROP SHAW PITTMAN LLP
2300 N Street, NW
Washington, DC 20037

Edward S. Hammerman
HAMMERMAN, PLLC
5335 Wisconsin Avenue, NW, Suite 440
Washington, DC 20015-2052

Gregory H. Guillot
GREGORY H. GUILLOT, PC
13455 Noel Road, Suite 1000
Dallas, TX 75240

Wendell R. Bird
Jonathan T. McCants
BIRD, LOECHL, BRITAIN & McCANTS, LLC
1150 Monarch Plaza
3414 Peachtree Road, N.E.
Atlanta, GA 30326

W. Thad Adams III
SHUMAKER, LOOP & KENDRICK, LLP
First Citizens Bank Plaza
128 South Tryon Street, Suite 1800
Charlotte, NC 28202-5013

George R. Grange, II
Kenneth E. Liu
GAMMON & GRANGE, P.C.
8280 Greensboro Drive, 7th Floor
McLean, VA 22102



Jennifer T. Criss