

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

<b>In re</b>	)	
	)	
	)	<b>Docket No. 14-CRB-0008-SD (2010-12)</b>
<b>Distribution of 2010, 2011, and 2012</b>	)	
<b>Satellite Royalty Funds</b>	)	
	)	

**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 satellite 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,<sup>1</sup> 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.

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<sup>1</sup> 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 satellite royalty funds. Accordingly, a Phase I controversy exists regarding the distribution of the Music Claimant share of each of the 2010, 2011 and 2012 satellite 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:

<b>Claimant</b>	<b>Claim Year</b>	<b>Claim Number</b>	<b>Claim Type</b>	<b>Program Category</b>
BMI	2010	7	J: Joint claim	7: Musical works carried on broadcast television signals
ASCAP	2010	51	J: Joint claim	7: Musical works carried on broadcast television signals
BMI	2011	16	J: Joint claim	7: Musical works carried on broadcast television signals
ASCAP	2011	94	J: Joint claim	7: Musical works carried on broadcast television signals
BMI	2012	25	J: Joint claim	7: Musical works carried on broadcast television signals
ASCAP	2012	15	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 satellite carriers 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 satellite royalty distribution proceeding since the enactment of the satellite carrier compulsory license in 1988.

## **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 satellite television royalties; confidential settlements similarly exist between BMI and ASCAP for 2010 satellite royalties, as set forth in the September 4, 2012 Comments of BMI and ASCAP on the Existence of Controversies in Docket No. 2012-5 CRB SD 2010, and for 2011 satellite royalties. ASCAP and BMI have also settled with SESAC regarding 2010 and 2011 satellite royalties, but no such settlement exists between BMI and ASCAP, on the one hand, and SESAC, on the other for 2012 satellite 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 satellite 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. §

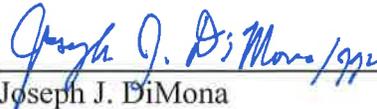
351.1(b)(4), a \$150 filing fee is enclosed with this petition in the form of a check to the Copyright Royalty Board.

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

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

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

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

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

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

Wendell R. Bird  
Jonathan T. McCants  
BIRD, LOECHL, BRITTAIN & 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

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

  
Jennifer T. Criss