

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

<b>In re</b>	)	
	)	
	)	<b>Docket No. 14-CRB-0011-SD (2013)</b>
<b>Distribution of 2013</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 June 1, 2015 notice of the Copyright Royalty Judges (“Judges”) published at 80 Fed. Reg. 32182 (June 5, 2015) (the “Notice”), Broadcast Music, Inc. (“BMI”) and the American Society of Composers, Authors and Publishers (“ASCAP”) submit this joint Petition to Participate in the Phase I and Phase II distribution proceeding for the 2013 satellite royalty funds. BMI and ASCAP intend to participate fully in the proceedings.

BMI and ASCAP 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. BMI and ASCAP are also each affiliated with over 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 about the distribution of any portion of the 2013 satellite royalty funds. Accordingly, a Phase I controversy exists regarding the distribution of the Music Claimants' share of the 2013 satellite royalty funds, and BMI and ASCAP jointly request to participate in the Phase I proceeding to determine the Music Claimants' share of such funds.

As requested in the Notice, BMI and ASCAP set forth their claims to 2013 satellite carrier royalties at issue in this proceeding as follows:

<b>Claimant</b>	<b>Claim Year</b>	<b>Claim Number</b>	<b>Claim Type</b>
Broadcast Music, Inc. (BMI)	2013	22	Joint claim
American Society of Composers, Authors and Publishers (ASCAP)	2013	142	Joint claim

BMI and ASCAP each have a significant interest in this distribution proceeding because each organization represents many thousands of copyright owners of whose musical works were secondarily transmitted by satellite carriers throughout the 2013 time period. BMI and ASCAP (along with SESAC, Inc., the third US PRO) 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.

In the Notice, the Judges indicate that four of the representative parties that filed comments on controversies assert no claim to the 2013 satellite royalty funds, including the Music Claimants. *See* Notice at 32182 n.2. On January 21, 2015, the Music Claimants filed Comments of ASCAP, BMI and SESAC on the Existence of Controversies, asserting that controversies exist with respect to the Music Claimant share of the 2013 satellite royalty funds. This filing appears as entry "CRB8" on the docket sheet in this proceeding. The Music Claimants were also signatories to the Motion of Phase I Claimants for Partial Distribution of

2013 Satellite Royalty Funds filed on January 21, 2015, which the Judges granted on May 28, 2015.

## **PHASE II**

As indicated in the January 21, 2015 Comments of ASCAP, BMI and SESAC on the Existence of Controversies filed in this docket, no Music Claimant Party has reached a settlement with the other Music Claimant Parties or with any other claimant to music royalties about the distribution of the music portion of the 2013 satellite royalty funds. Accordingly, a Phase II controversy regarding the distribution of such funds currently exists between each of BMI, ASCAP, and SESAC. BMI and ASCAP are unaware of any other Phase II controversies in the Music Claimant category. If an unanticipated Phase II claim to 2013 satellite royalty funds 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 each Music Claimant Party's share.

## **CERTIFICATION AND PAYMENT**

BMI and ASCAP 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,

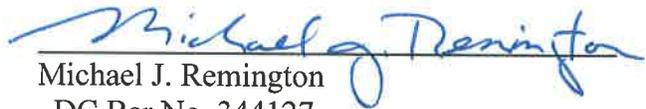
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Dated: July 6, 2015

## CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of July, 2015, a copy of the foregoing Petition to Participate of BMI and ASCAP was sent by FedEx overnight delivery to the following:

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