

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

In the Matter of

**Distribution of the
2008 Cable Royalty Funds**

Docket No. 2010-6 CRB CD 2008

**COMMENTS OF PROGRAM SUPPLIERS
ON THE EXISTENCE OF A CONTROVERSY**

The Motion Picture Association of America, Inc. (“MPAA”), on behalf of its represented member companies and other MPAA-represented producers and distributors of syndicated series, including non-team sports, movies, and specials broadcast by television stations whose signals are carried as distant signals by cable systems (“Program Suppliers”), hereby submits its comments in response to the request for comments published by the Copyright Royalty Judges (“Judges”) on October 29, 2010. *See Distribution of the 2008 Cable Royalty Funds*, 75 Fed. Reg. 66798 (October 29, 2010) (“*Notice*”). The *Notice* requests comments regarding: (1) whether there are any reasonable objections to Phase I Parties’ Motion for Further Partial Distribution, (“*Motion*”), concerning the 2008 cable royalty fund (“2008 Fund”), and (2) the existence of outstanding Phase I and Phase II controversies for the 2008 Fund.

Program Suppliers and the other Phase I Parties addressed the first issue identified in the *Notice* through joint Comments supporting the *Motion*. *See Comments of the Phase I Parties* (filed on November 24, 2010). As the Phase I Parties noted in the *Motion* and in their Comments, sound policy considerations favor early partial distribution of royalties. Because there is often a substantial delay between the time that royalties are collected and the conclusion of distribution

proceedings, both Congress and the Copyright Office (“Office”) have recognized the importance of distributing the maximum amount of copyright royalties to copyright owners at the earliest possible date. *See* Motion at 3-4. These same policy considerations favor an initial distribution of the 2008 Fund at this time, and should be given considerable weight by the Judges in addressing the Motion.

Program Suppliers address the second issue identified in the *Notice* below.

I. Controversies With Respect to the 2008 Cable Royalty Funds

A. Phase I Controversies

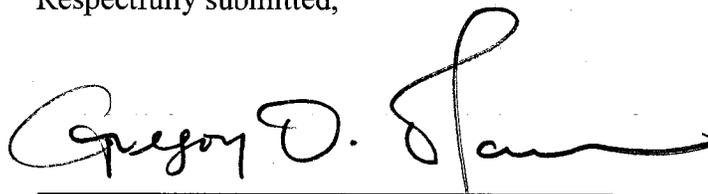
Phase I controversies exist as to the 2008 Funds. Although Phase I parties in the past have negotiated settlement agreements regarding the distribution of cable royalties, they have reached no settlement regarding the distribution of the 2008 Funds. Program Suppliers anticipate that a hearing will be necessary resolve the Phase I controversies, and intend to participate fully in those proceedings. Program Suppliers will represent the interests of those Program Suppliers whose programs were broadcast on television stations whose signals were carried as distant signals on cable systems during 2008.

B. Phase II Controversies

MPAA-represented Program Suppliers have claims to royalties awarded for movies and syndicated programming, including non-team sports programming, as to the 2008 Funds. To the extent a claimant not represented by MPAA makes a claim that could impact the claims of the MPAA-represented Program Suppliers in the course of these comments, a Phase II controversy would exist against the MPAA-represented Program Suppliers. If there is a controversy, hearings likely will be necessary to resolve that controversy. If hearings are held, MPAA intends to participate fully in those hearings. MPAA will represent the producers and/or distributors of

syndicated series, including non-team sports, movies, and specials who have agreed to representation by MPAA.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory O. Olaniran". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

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Dated: November 29, 2010

CERTIFICATE OF SERVICE

I hereby certify that on this 29th day of November, 2010, a copy of the foregoing Comments of Program Suppliers on the Existence of Controversies was sent by Federal Express to the individuals listed below:


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