

Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, DC

FILED

NOV 9 9 2010

Copyright

\_\_\_\_\_  
In the Matter of )

Distribution of the )  
2008 Satellite Royalty Funds )  
\_\_\_\_\_ )

Docket No. 2010-7 CRB SD 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 satellite 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 Satellite Royalty Funds*, 75 Fed. Reg. 66799 (October 29, 2010) (“Notice”). The Notice requests comments regarding: (1) whether there are any reasonable objections to Phase I Claimants’ Motion for Further Partial Distribution, (“Motion”), concerning the 2008 satellite 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 Satellite Royalty Funds**

**A. Phase I Controversies**

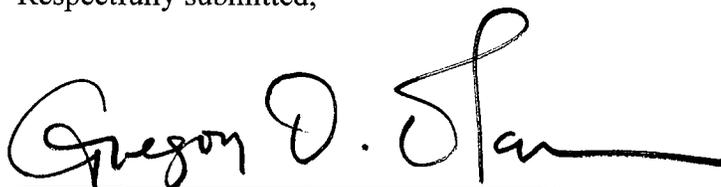
Phase I controversies exist as to the 2008 Funds. Although Phase I parties in the past have negotiated settlement agreements regarding the distribution of satellite royalties, they have reached no settlement regarding the distribution of the 2008 Funds. Program Suppliers anticipate that a hearing will 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 satellite 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 that reads "Gregory O. Olaniran". The signature is written in a cursive style with a long horizontal line extending from the end of the name.

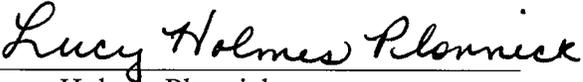
---

Gregory O. Olaniran  
D.C. Bar No. 455784  
Lucy Holmes Plovnick  
D.C. Bar No. 488752  
MITCHELL SILBERBERG & KNUPP LLP  
1818 N Street NW, 8th Floor  
Washington, D.C. 20036  
Telephone: (202) 355-7917  
Facsimile: (202) 355-7887  
goo@msk.com  
lhp@msk.com

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:

  
Lucy Holmes Plovnick

**JOINT SPORTS CLAIMANTS**

Robert Alan Garrett  
Stephen K. Marsh  
Marco A. Palmieri  
ARNOLD & PORTER LLP  
555 Twelfth Street, NW  
Washington, DC 20004-1206

**BROADCASTER CLAIMANTS GROUP**

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

**INDEPENDENT PRODUCERS GROUP**

Brian D. Boydston  
PICK & BOYDSTON LLP  
617 S. Olive Street, Suite 400  
Los Angeles, CA 90014

**MUSIC CLAIMANTS**

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

Joan M. McGivern  
Samuel Mosenkis  
ASCAP  
One Lincoln Plaza  
New York, NY 10023

Marvin L. Berenson  
Joseph J. DiMona  
BROADCAST MUSIC, INC.  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007-0030

Michael J. Remington  
Jeffrey J. Lopez  
Philip J. Cardinale  
DRINKER BIDDLE & REATH LLP  
1500 K Street, NW – Suite 1100  
Washington, DC 20005

**SESAC, INC.**

John C. Beiter  
ZUMWALT, ALMON & HAYES PLLC  
1014 16th Avenue South  
Nashville, TN 37212

## DEVOTIONAL CLAIMANTS

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

Arnold P. Lutzker  
Allison L. Rapp  
Jeannette M. Carmadella  
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

W. Thad Adams III  
ADAMS EVANS PA  
Suite 2350 Charlotte Plaza  
201 South College Street  
Charlotte, NC 28244

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