

**Before the  
COPYRIGHT ROYALTY JUDGES  
Washington, D.C.**

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<b>In the Matter of</b>	)	
	)	
<b>Distribution of the</b>	)	<b>Docket No. 2008-2 CRB CD 2000-2003</b>
<b>2000, 2001, 2002, and 2003</b>	)	
<b>Cable Royalty Funds</b>	)	
	)	

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**WRITTEN REBUTTAL STATEMENT OF THE SETTLING PARTIES**  
*[CORRECTED AUGUST 25, 2009]*

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**July 24, 2009**

**[Corrected August 25, 2009]**

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<b>Distribution of the</b>	)	<b>Docket No. 2008-2 CRB CD 2000-2003</b>	
<b>2000, 2001, 2002, and 2003</b>	)		
<b>Cable Royalty Funds</b>	)		
	)		

**INTRODUCTION TO THE WRITTEN REBUTTAL STATEMENT  
OF THE SETTLING PARTIES**

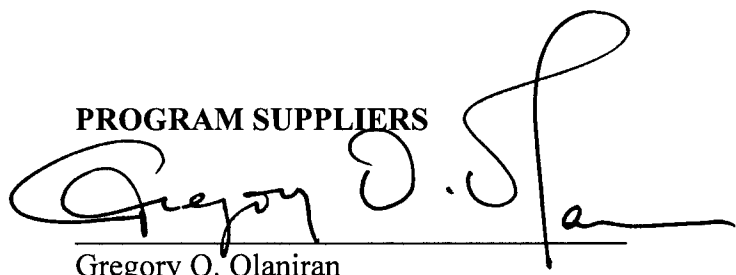
Pursuant to Section 351.11 of the rules of the Copyright Royalty Judges (“Judges”), 37 C.F.R. § 351.11, and the Order dated June 30, 2009, the Program Suppliers, Joint Sports Claimants, Commercial Television Claimants, Public Television Claimants, Music Claimants and Devotional Claimants (collectively, “the Settling Parties”) submit the attached written rebuttal testimony of Linda McLaughlin in connection with the above-referenced proceeding to distribute the 2000, 2001, 2002, and 2003 cable royalty funds (“2000-03 Funds”).

Ms. McLaughlin's testimony is sponsored by the National Association of Broadcasters on behalf of Commercial Television Claimants and by the Public Broadcasting Service on behalf of Public Television Claimants.

Ms. McLaughlin is an economist and Senior Vice President of National Economic Research Associates, Inc. She will respond to testimony and exhibits presented by Janice de Freitas on behalf of the Canadian Claimants showing an increase in Canadian station subscriber

instances between 1998 and 2003. Ms. McLaughlin will explain how this change -- relied upon by the Canadian Claimants in support of their claim for an increased share -- does not necessarily reflect an increase or common change in demand for Canadian programming between 1998-99 and 2000-03. She will show how factors such as data errors and subscriber increases due to mergers account for the bulk of the trend of apparent increases in Canadian distant subscriber instances during this time period.

Respectfully submitted,



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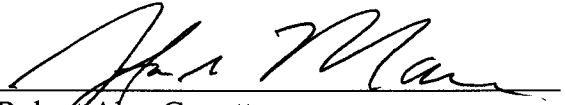
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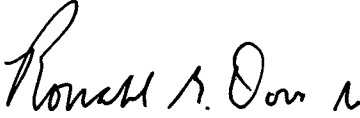
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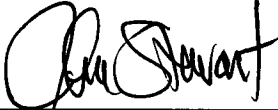
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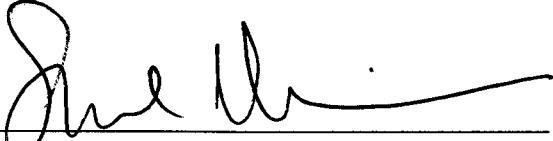
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A handwritten signature in black ink, appearing to read 'Samuel Mosenkis', written over a horizontal line.

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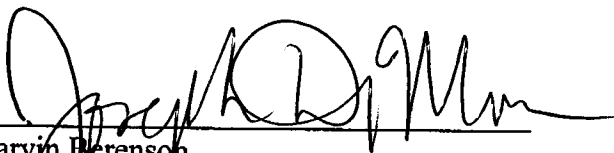
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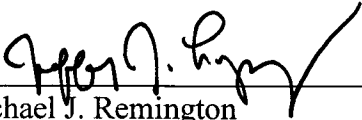
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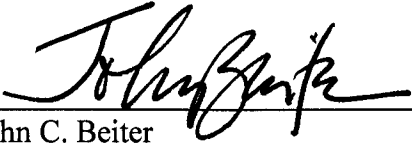
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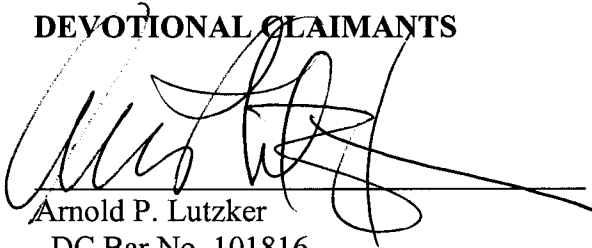
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**July 24, 2009**

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**Rebuttal Testimony of  
Linda McLaughlin**

**July 24, 2009  
Corrected August 25, 2009**

## **I. Qualifications and Summary**

I am an economist and a Special Consultant to National Economic Research Associates, Inc. My initial testimony in this proceeding provides additional background information.

I understand that Canadian Claimants have presented testimony and exhibits that show change in the subscriber instances of the retransmitted Canadian stations between 1998 and 2003 to support their assertion that the relative value of the distant Canadian stations imported by cable operators in 2000-03 is no less than the portion of fees generated by the importation of the Canadian signals during that period.<sup>1</sup> In this context, counsel for the National Association of Broadcasters and the Public Broadcasting Service asked me to investigate whether the increase in Canadian station subscriber instances necessarily reflects increased demand for Canadian programming.

In summary, I conclude:

- The bulk of the increase in average Canadian distant subscriber instances between the 1998-99 period and the 2000-03 period is due to two factors—(i) subscriber increases due to mergers and (ii) data errors—that may be attributable to the distant signal reporting framework rather than an increased demand for Canadian programming. These two factors also account for the bulk of the trend of apparent increases in Canadian distant subscriber instances from 1998-1 through 2003-2.
- Sustained additions of distant Canadian signals since 1998-1 account for an increase in distant Canadian subscriber instances in 2000-03 relative to 1998-99 of only about 2.5 percent and suggest no common change in demand.

## **II. Distant Subscriber Instances**

As used in Ms. de Freitas's testimony, distant subscriber instances reported by Cable Data Corporation ("CDC") are supposed to reflect the subscribers to Form 3 cable systems carrying distant signals and the number of distant signals they carry. For example, a system with 100,000 subscribers that carries one distant station for any part of a half-year period would have

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<sup>1</sup> Testimony of Janice de Freitas at 8-9, 11-13, Exhibits CDN-1-R, CDN-1-S, CDN-1-T. The Canadian Claimants also rely on the growth in the fees generated by the retransmitted Canadian stations. In my earlier testimony, I concluded that fees generated reflect the payment framework of the compulsory license and attribution methods, not the relative demand for the programming on the retransmitted stations and, thus, not their relative value.

100,000 distant subscriber instances for that period. Even if the data are correctly reported, a change in a system's distant subscriber instances does not necessarily reflect a change in the demand for distant signals.

## **A. Reporting Requirements**

There are two types of changes in distant subscriber instances that may not reflect any change in the number of subscribers actually receiving the signals.

First, when systems gain subscribers, the reporting rules produce an increase in distant subscriber instances, even if the additional subscribers do not receive the distant signals. If the 100,000-subscriber system in the previous example, merged with a 50,000 subscriber system, but offered the distant signal only to the original portion of the system, subscriber instances would nevertheless increase to 150,000. Of course, if no additional subscribers actually receive the signal, there is no reason to infer an increase in the demand for the station. Even if the cable operator does decide to offer the distant signal to all subscribers in the merged system, it is not possible to infer an increase in the demand for the distant signal's programming because the operator may do so simply to save technical and marketing costs by having a common channel lineup throughout the system.

Second, when a system changes the basis on which it reports carriage of a particular station from "partially distant" (basis of carriage designated X) to fully distant (designated as D), its reported distant subscriber instances increase, even if there is no change in the subscribers receiving the signal. A station that is local in some parts of the system and distant in others is counted as partially distant. Suppose a station is carried throughout a 20,000 subscriber system on the same tier, but 4,000 subscribers receive it as distant and the remaining 16,000 receive it as local. The system would report the station as partially distant with only 20 percent of the subscriber instances counted as distant ( $4,000/20,000$ ). If the system later determines that the station's local status has changed or should be corrected so that it is no longer treated as local to any of the system's subscribers, the system would report the station as distant, with distant subscriber instances of the full 20,000. The number of distant subscriber instances increases in this example from 4,000 to 20,000, although the number of subscribers receiving the station



remains the same. Again, if no additional subscribers actually receive the signal, there is no reason to infer an increase in demand for the station.

## **B. Errors in Reporting and Data Compilation**

In any large data set, errors are to be expected. The data reported by cable systems to the Copyright Office and later compiled by CDC are amended when a cable operator makes changes, and the Copyright Office must then process the amendments and CDC must collect the new information and update its own database. The data obtained from CDC at any one point in time may reflect pre-change data or data errors that will later be corrected. An error can produce an apparent change in distant subscriber instances that did not occur and, thus, does not reflect any change in demand.

## **C. Temporary Changes in Carriage**

A consumer is not always aware of the value of the items he purchases. He may try an item, learn it is not worth the price and cease to purchase it again. Cable operators, too, may add a distant signal, learn it is not the best use of its system capacity and drop the signal. Although system subscribers may receive an additional distant signal for at least some part of one or two six-month periods, the temporary carriage may not reflect an actual increase in demand for the signal.

# **III. Canadian Distant Subscriber Instances**

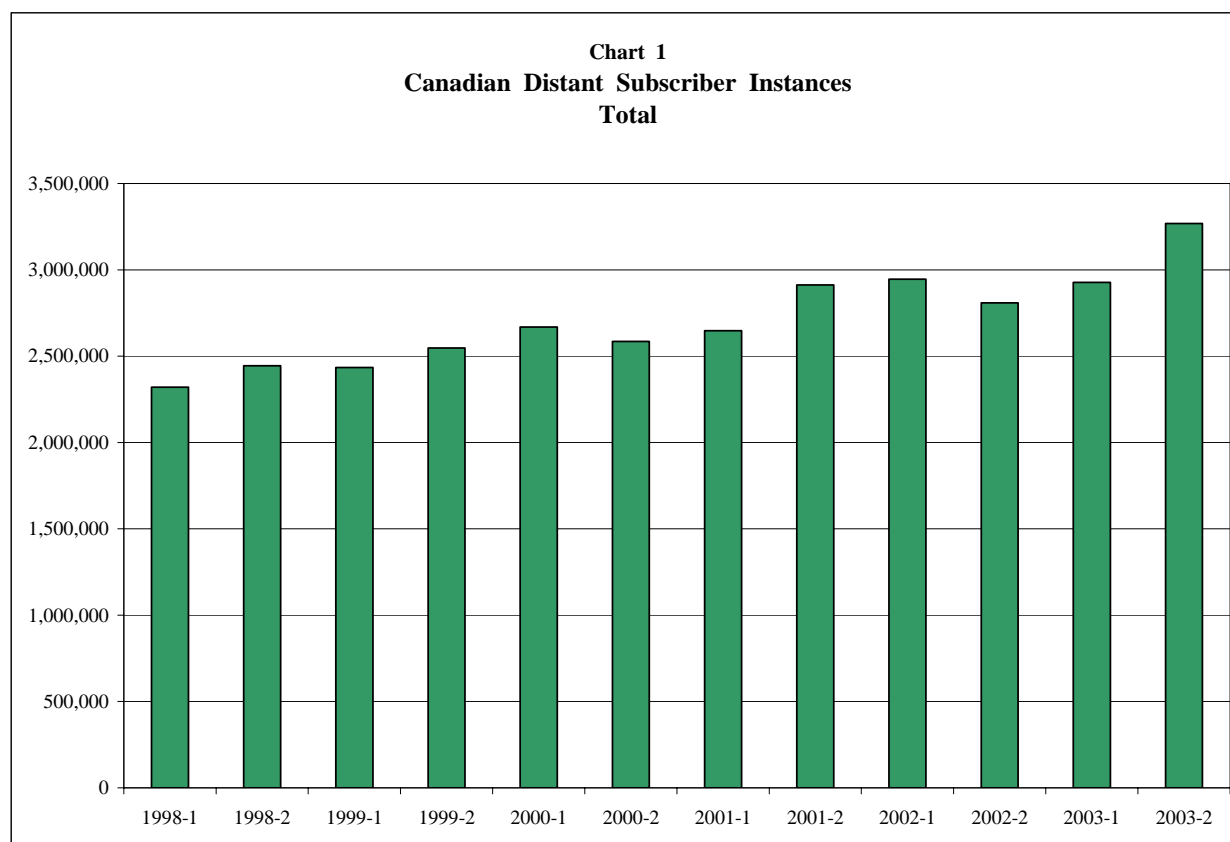
## **A. 12 Systems account for the change in Canadian subscriber instances**

Exhibit CDN-1-R, attached to the testimony of Janice de Freitas, shows that Canadian distant subscriber instances increased from 2.3 million in 1998-1 to 3.3 million in 2003-2. There are 72 to 89 Canadian distant instances of carriage, i.e., one signal carried on one cable system, in any one half-year period (CDN-1-S).

In order to understand the data better for purposes of evaluating whether the reported increase in subscriber instances reflects a change in demand, I began by analyzing the system carriage data to determine what particular systems account for the bulk of the changes in distant

Canadian subscriber instances. I examined all systems that carried a distant Canadian station during any part of the 1998-1 through 2003-2 period, and selected those with a change in Canadian distant subscriber instances from the beginning to the end of this period of at least 25,000. The results of this analysis show that 12 systems<sup>2</sup> with changes of this magnitude together account for more than 90 percent of the increase in Canadian subscriber instances. The remaining 73 systems together account for Canadian subscriber instances that remain at 1.1 to 1.2 million throughout the 1998 to 2003 period. I focused my analysis on the 12 systems with the more substantial changes.

Charts 1, 2 and 3 show the results of this portion of my analysis for each of the half-year periods during 1998 through 2003.<sup>3</sup> Chart 1, which covers all systems that retransmit distant Canadian stations, shows a generally increasing trend for Canadian subscriber instances.



<sup>2</sup> When systems in this group merge during the period, I count the resulting system as a single system. I attach as Appendix 1 slightly enlarged copies of the pages from Settling Parties Exhibit 7 on which the carriage history of each of the 12 systems is reported.

<sup>3</sup> The charts are based on cable operator Statement of Account data compiled by CDC. Appendix 2, Table 1 displays the data that appear on Charts 1, 2 and 3.

Chart 2, which covers the 73 systems with smaller changes, shows relatively constant Canadian distant subscriber instances over the entire period.

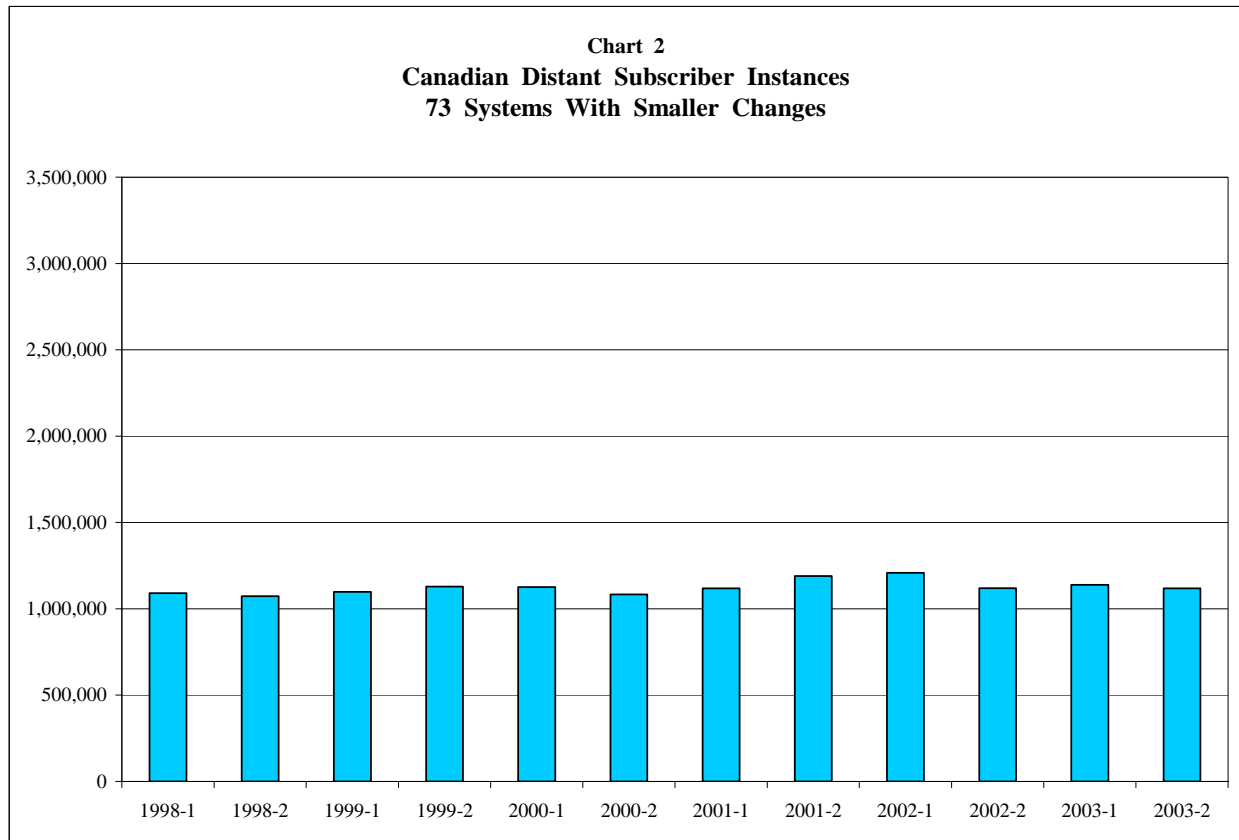
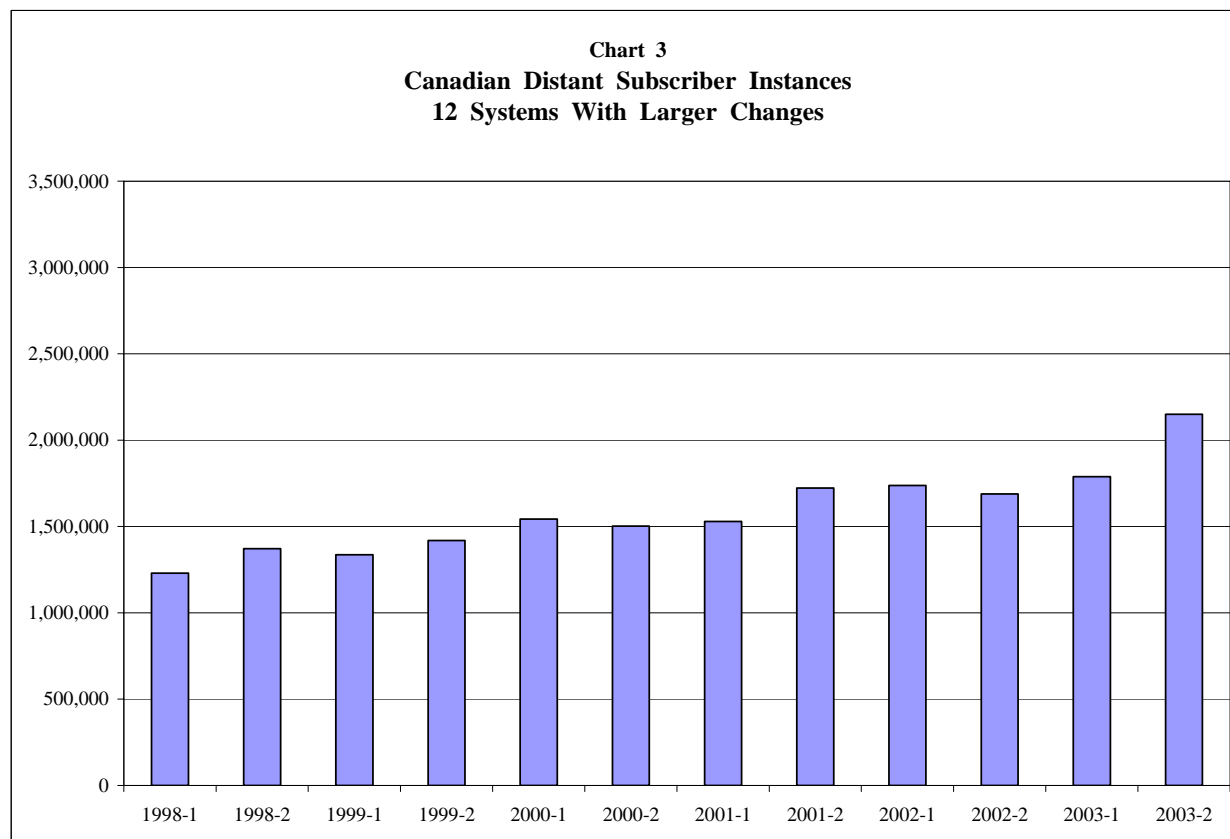


Chart 3, which consists of the 12 systems with larger changes, shows a generally increasing trend for the Canadian distant subscriber instances.



A comparison of the average Canadian distant subscriber instances between the 1998-99 period and the 2000-03 period shows that total Canadian subscriber instances increased by 409,000 in the latter period. Canadian subscriber instances increased by 41,000 in the 73 systems and by 368,000 in the 12 systems with the more substantial changes.

## **B. Types of changes in the 12 system group**

I found five principal types of changes affecting Canadian subscriber instances within the 12 systems: (1) apparent data errors, (2) substantial changes in system subscribers due to mergers; (3) changes between partially and fully distant reporting status; (4) temporary signal adds/drops and (5) sustained signal additions. The remainder of the Canadian subscriber instances for these 12 systems, i.e., the total subscriber instances less those covered by the five types of changes, fluctuates only slightly over the entire period. The following are examples of each type of change:

Apparent errors: In 2003-2, a New York State system with about 200,000 subscribers (NYL050) is reported to be carrying a third Canadian distant station, CHCH, up from two Canadian stations in 2003-1. The additional carriage of CHCH increased its Canadian subscriber instances by about 200,000. However, the Copyright Office file for this system in 2003-2 includes a letter, dated August 2004, which states that CHCH carriage was reported in error. The update to the system's subscriber instances was not reflected in the data presented by Ms. de Freitas.

Changes in system subscribers due to mergers: In 1999-1, nine Washington State systems merged into a single Seattle system (WAS050). Prior to the merger, eight of the systems with about 600,000 subscribers combined, carried CBUT as a distant signal, while one of the nine, with about 200,000 subscribers, did not. After the merger, the combined system is reported as carrying CBUT as a distant signal and a total of about 800,000 subscribers. The combined systems' subscriber instances for CBUT increased by about 200,000 in 1999-1.

Changes between fully and partially distant reporting status: A New Hampshire system with about 75,000 subscribers (NHP600) carried CKSH as a partially distant station (partial factor of about 0.26) through 2000-1. In 2000-2, it began to report the station as a fully distant signal and the system's distant subscriber instances attributed to CKSH increased by about 55,000.

Temporary signal add/drops: A Michigan system with about 40,000 subscribers (MIE550) carried CBMT as a distant station for only two consecutive half years within the relevant time period, 2001-2 and 2002-1. As a result, the system's Canadian subscriber instances increased by about 40,000 for these two periods only.

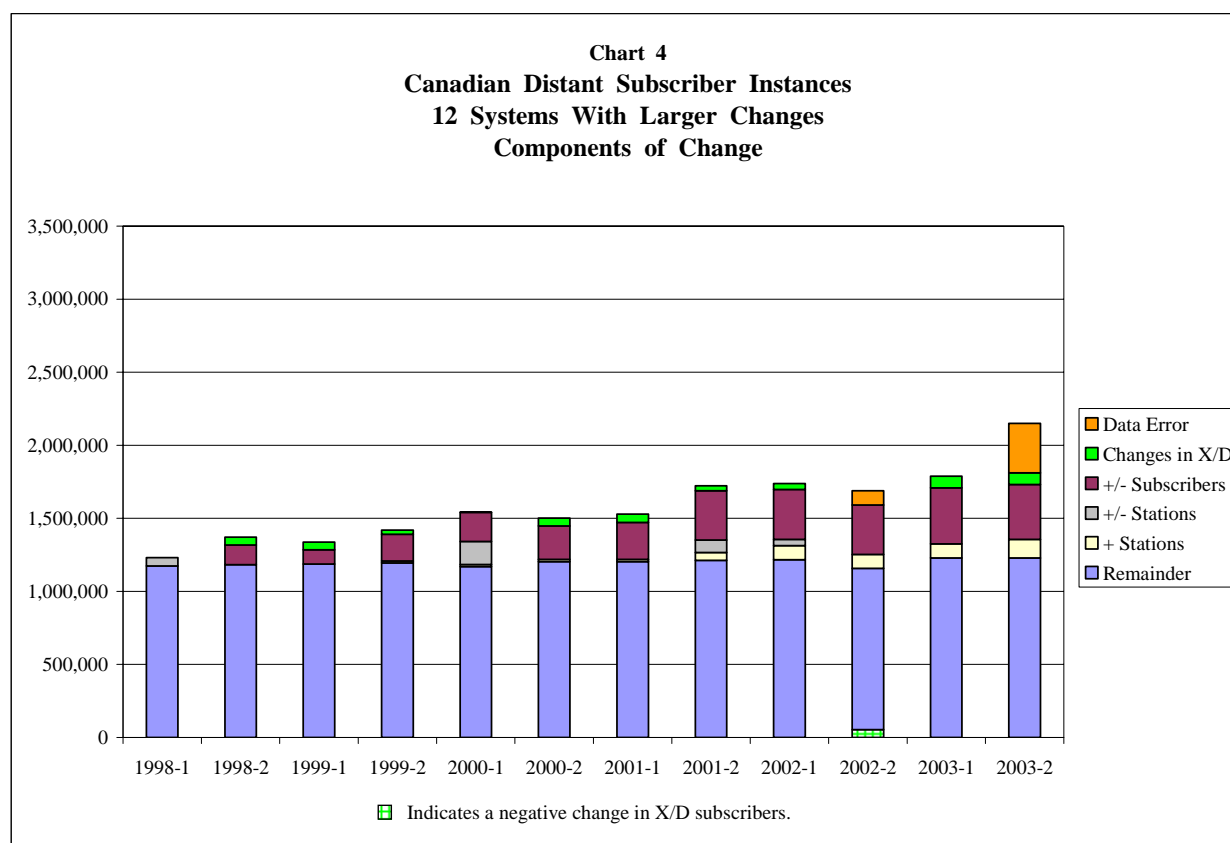
Sustained signal additions: A Michigan system with about 50,000 subscribers (MIM250) added CBET in 2001-2, then substituted CBMT in 2002-1 through 2003-2, with both signals partially distant (partial factor of about 0.75). System subscribers remained about the same after the Canadian station was added. As a result, the system added about 37,500 Canadian subscriber instances in 2001-2 and continued at this level through 2003-2.

Many of the 12 systems have more than one type of change. In these cases, I split the total change among the categories. For example, a Maine system with about 45,000 subscribers

(MEA400) added CHLT in 2002-1 as a fully distant signal and, thus, added 45,000 Canadian subscriber instances. In 2002-2 through 2003-2, the system reported carrying CHLT as a partially distant station and, thus, produced lower Canadian subscriber instances. I attributed 45,000 subscriber instances to the sustained additions category and the subsequent reductions to changes between fully and partially distant reporting status.

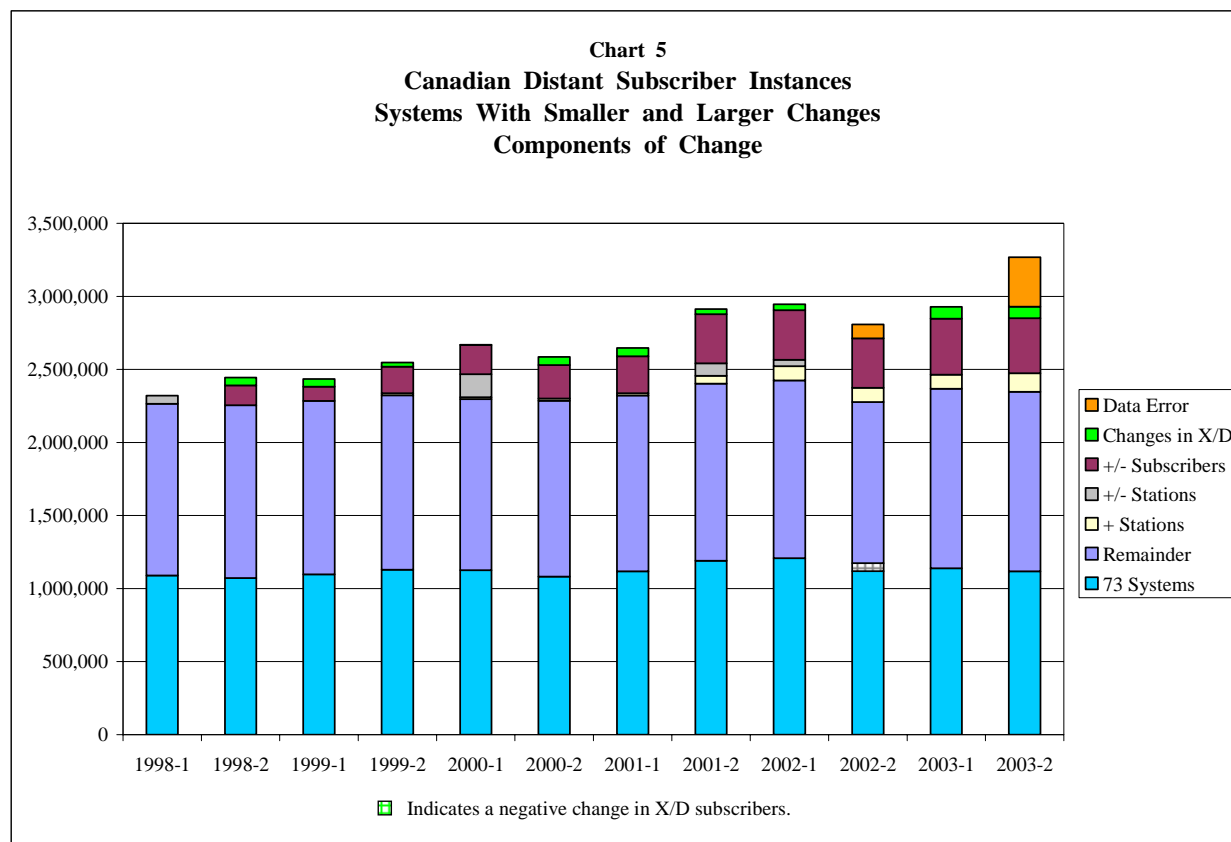
### C. Magnitude of the various changes in the 12 system group

Chart 4 shows the results of my analysis of the 12 systems for each of the half-year periods during 1998 through 2003.<sup>4</sup> The data show that the changes in subscribers due to mergers in the 12 systems, together with the data errors in those systems, is largely responsible for the trend of increases in Canadian subscriber instances over the 1998-1 through 2003-2 period. These two categories do not obviously reflect increased demand for Canadian programming.



<sup>4</sup> The source of Chart 4, and Chart 5 below, is cable operator Statement of Account data compiled by CDC. Appendix 2, Table 2 displays the data that appear on Charts 4 and 5.

Chart 5 shows these same data for the 12 systems together with the other 73 systems that retransmitted distant Canadian stations. Again, change in subscribers due to mergers in the 12 systems and data errors in those systems account for the bulk of the increase in Canadian subscriber instances over the entire period.



Both charts show that sustained signal additions, which more likely reflect increased demand, are relatively small. Comparing average Canadian distant subscriber instances in the 1998-99 period with the 2000-03 period, the increase in those subscriber instances due to sustained signal additions amounts to only about 60,000, or 2.5 percent of the total 2.4 million Canadian distant subscriber instances in the 1998-99 period.

The sustained signal additions not only amount to a relatively small change, and a small portion of the total change in Canadian subscriber instances, they are not clustered in any way that suggests a general increase in demand for the same Canadian programming. They occur on four different systems, two of which added CBC affiliates, one added a CTV affiliate and another added a French-language TVA affiliate.

## IV. Conclusion

In summary, I conclude:

- The bulk of the increase in average Canadian distant station subscriber instances between the 1998-99 period and the 2000-03 period is due to two factors, subscriber increases due to mergers and data errors, in 12 systems with larger changes. These two factors also account for the trend of increased Canadian subscriber instances from 1998-1 through 2003-2. These factors do not necessarily represent changes in the number of subscribers receiving distant Canadian signals and, thus, do not necessarily suggest an increase in demand for Canadian signals.
- Sustained additions of distant Canadian signals since 1998-1 account for an increase in distant Canadian subscriber instances in 2000-03 relative to 1998-99 of only about 2.5 percent. They occur on few systems and suggest no common increase in demand for the same Canadian programming.



Before the  
**COPYRIGHT ROYALTY JUDGES**  
Library of Congress  
Washington, D.C.

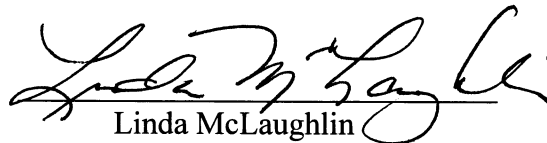
\_\_\_\_\_  
In the Matter of )

Distribution of 2000, 2001, 2002 and )  
2003 Cable Royalty Funds )  
\_\_\_\_\_ )

) Docket No. 2008-2 CRB CD 2000-03

**DECLARATION**

I, Linda McLaughlin, declare under penalty of perjury that the Rebuttal Testimony of Linda McLaughlin presented in the 2000-2003 Cable Copyright Royalty Distribution Proceeding is true and correct.

  
Linda McLaughlin

Dated: July 24, 2009

Before the  
**COPYRIGHT ROYALTY JUDGES**  
Library of Congress  
Washington, D.C.

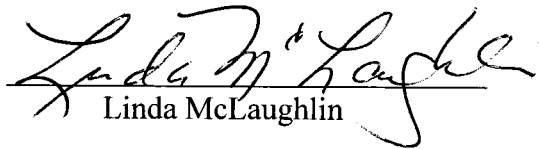
\_\_\_\_\_  
In the Matter of )

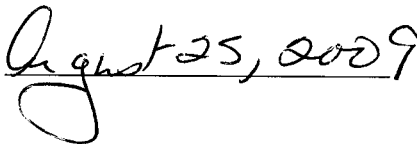
Distribution of 2000, 2001, 2002 and )  
2003 Cable Royalty Funds )  
\_\_\_\_\_ )

Docket No. 2008-2 CRB CD 2000-03

**DECLARATION**

I, Linda McLaughlin, declare under penalty of perjury that the Rebuttal Testimony of  
Linda McLaughlin presented in the 2000-2003 Cable Copyright Royalty Distribution  
Proceeding, as corrected August 25, 2009, is true and correct.

  
Linda McLaughlin

Dated: 

## **Appendix 1**



JAN 29 2009

6669

Cable Data Corporation

AUGUSTA  
PORTLAND

DINDEX.DDFC

1EA400 TIME WARNER NY CABLE INC

TIME WARNER ENTERTAINMENT LP

CITY PORT NY RATE SOURCE GROSS RECEIPTS MONTHLY RENT BASIC RENT SYMBOL

CITY	PORT	RATE	SOURCE	GROSS RECEIPTS	MONTHLY	RENT BASIC	RENT SYMBOL
7-1	STATE CABLE TO OWN	17.0	13,624	1,322,858	26,357	37,495	9,176
7-2		17.0	18,275	1,193,078	37,369	52,423	7,485
8-1		12.0	16,910	1,301,856	18,594	31,310	10,177
8-2		12.0	17,123	1,291,594	42,651	31,328	19,388
9-1		14.0	17,433	1,286,647	47,948	33,303	11,982
9-2		14.0	17,433	1,286,647	50,131	33,303	12,434
10-1		17.0	17,433	1,286,647	40,750	33,303	
10-2		17.0	17,433	1,286,647	40,750	33,303	
11-1		17.0	17,433	1,286,647	40,750	33,303	
11-2		17.0	17,433	1,286,647	40,750	33,303	
12-1		16.0	16,999	2,047,040	41,336	41,336	
12-2		16.0	16,999	2,047,040	41,336	41,336	
13-1		17.0	17,433	1,286,647	40,750	33,303	
13-2		17.0	17,433	1,286,647	40,750	33,303	
14-1		17.0	17,433	1,286,647	40,750	33,303	
14-2		17.0	17,433	1,286,647	40,750	33,303	
15-1		17.0	17,433	1,286,647	40,750	33,303	
15-2		17.0	17,433	1,286,647	40,750	33,303	
16-1		17.0	17,433	1,286,647	40,750	33,303	
16-2		17.0	17,433	1,286,647	40,750	33,303	
17-1		17.0	17,433	1,286,647	40,750	33,303	
17-2		17.0	17,433	1,286,647	40,750	33,303	
18-1		17.0	17,433	1,286,647	40,750	33,303	
18-2		17.0	17,433	1,286,647	40,750	33,303	
19-1		17.0	17,433	1,286,647	40,750	33,303	
19-2		17.0	17,433	1,286,647	40,750	33,303	
20-1		17.0	17,433	1,286,647	40,750	33,303	
20-2		17.0	17,433	1,286,647	40,750	33,303	
21-1		17.0	17,433	1,286,647	40,750	33,303	
21-2		17.0	17,433	1,286,647	40,750	33,303	
22-1		17.0	17,433	1,286,647	40,750	33,303	
22-2		17.0	17,433	1,286,647	40,750	33,303	
23-1		17.0	17,433	1,286,647	40,750	33,303	
23-2		17.0	17,433	1,286,647	40,750	33,303	
24-1		17.0	17,433	1,286,647	40,750	33,303	
24-2		17.0	17,433	1,286,647	40,750	33,303	
25-1		17.0	17,433	1,286,647	40,750	33,303	
25-2		17.0	17,433	1,286,647	40,750	33,303	
26-1		17.0	17,433	1,286,647	40,750	33,303	
26-2		17.0	17,433	1,286,647	40,750	33,303	
27-1		17.0	17,433	1,286,647	40,750	33,303	
27-2		17.0	17,433	1,286,647	40,750	33,303	
28-1		17.0	17,433	1,286,647	40,750	33,303	
28-2		17.0	17,433	1,286,647	40,750	33,303	
29-1		17.0	17,433	1,286,647	40,750	33,303	
29-2		17.0	17,433	1,286,647	40,750	33,303	
30-1		17.0	17,433	1,286,647	40,750	33,303	
30-2		17.0	17,433	1,286,647	40,750	33,303	
31-1		17.0	17,433	1,286,647	40,750	33,303	
31-2		17.0	17,433	1,286,647	40,750	33,303	

OTHER COMMUNITIES: ALBION, BELLEVILLE, BENTON, BARRING, CARBON, CHELSEA, CHINA, ELEANOR, DETROIT, FAIRFIELD, FARMINGDALE, GARDNER, MALDEN, WHITMAN, JR., JEFFERSON, MITCHELL, CHAMBERS, LEONARDO FALLS, HANCOCK

JAN 29 2009

7233

Cable Data Corporation

ORONO  
PORTLAND

MEB050 TIME WARNER NY CABLE INC  
TIME WARNER ENTERTAINMENT LP

LINE	DATE	SUBS	CHRGS RECEIPTS	RENTAL	ROY FEE	ROY SHARE	ROY BISE	NET	TOTAL	REMARKS
07-1	11-9	ADMRS-ROUSSELL CARL	900.00	49.00	12.80	37.60				
07-2	12-2		1,259.30	100.00	28.80	74.41				
08-1	12-9		1,311.38	119.96	19.96	46.47				
08-2	12-9		1,742.20	21.27	23.27					
09-1	12-9		1,715.22	21.27	22.27					
09-2	12-9		1,715.22	21.27	22.27					
10-1	12-9		1,715.22	21.27	22.27					
10-2	12-9		1,715.22	21.27	22.27					
11-1	12-9		1,715.22	21.27	22.27					
11-2	12-9		1,715.22	21.27	22.27					
12-1	12-9		1,715.22	21.27	22.27					
12-2	12-9		1,715.22	21.27	22.27					
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14-2	12-9		1,715.22	21.27	22.27					
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15-2	12-9		1,715.22	21.27	22.27					
16-1	12-9		1,715.22	21.27	22.27					
16-2	12-9		1,715.22	21.27	22.27					
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17-2	12-9		1,715.22	21.27	22.27					
18-1	12-9		1,715.22	21.27	22.27					
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19-1	12-9		1,715.22	21.27	22.27					
19-2	12-9		1,715.22	21.27	22.27					
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24-2	12-9		1,715.22	21.27	22.27					
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25-2	12-9		1,715.22	21.27	22.27					
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29-2	12-9		1,715.22	21.27	22.27					
30-1	12-9		1,715.22	21.27	22.27					
30-2	12-9		1,715.22	21.27	22.27					
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31-2	12-9		1,715.22	21.27	22.27					
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32-2	12-9		1,715.22	21.27	22.27					
33-1	12-9		1,715.22	21.27	22.27					
33-2	12-9		1,715.22	21.27	22.27					
34-1	12-9		1,715.22	21.27	22.27					
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37-2	12-9		1,715.22	21.27	22.27					
38-1	12-9		1,715.22	21.27	22.27					
38-2	12-9		1,715.22	21.27	22.27					
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39-2	12-9		1,715.22	21.27	22.27					
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40-2	12-9		1,715.22	21.27	22.27					
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44-2	12-9		1,715.22	21.27	22.27					
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45-2	12-9		1,715.22	21.27	22.27					
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46-2	12-9		1,715.22	21.27	22.27					
47-1	12-9		1,715.22	21.27	22.27					
47-2	12-9		1,715.22	21.27	22.27					
48-1	12-9		1,715.22	21.27	22.27					
48-2	12-9		1,715.22	21.27	22.27					
49-1	12-9		1,715.22	21.27	22.27					
49-2	12-9		1,715.22	21.27	22.27					
50-1	12-9		1,715.22	21.27	22.27					
50-2	12-9		1,715.22	21.27	22.27					
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51-2	12-9		1,715.22	21.27	22.27					
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52-2	12-9		1,715.22	21.27	22.27					
53-1	12-9		1,715.22	21.27	22.27					
53-2	12-9		1,715.22	21.27	22.27					
54-1	12-9		1,715.22	21.27	22.27					
54-2	12-9		1,715.22	21.27	22.27					
55-1	12-9		1,715.22	21.27	22.27					
55-2	12-9		1,715.22	21.27	22.27					
56-1	12-9		1,715.22	21.27	22.27					
56-2	12-9		1,715.22	21.27	22.27					
57-1	12-9		1,715.22	21.27	22.27					
57-2	12-9		1,715.22	21.27	22.27					
58-1	12-9		1,715.22	21.27	22.27					
58-2	12-9		1,715.22	21.27	22.27					
59-1	12-9		1,715.22	21.27	22.27					
59-2	12-9		1,715.22	21.27	22.27					
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60-2	12-9		1,715.22	21.27	22.27					
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61-2	12-9		1,715.22	21.27	22.27					
62-1	12-9		1,715.22	21.27	22.27					
62-2	12-9		1,715.22	21.27	22.27					
63-1	12-9		1,715.22	21.27	22.27					
63-2	12-9		1,715.22	21.27	22.27					
64-1	12-9		1,715.22	21.27	22.27					
64-2	12-9		1,715.22	21.27	22.27					
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65-2	12-9		1,715.22	21.27	22.27					
66-1	12-9		1,715.22	21.27	22.27					
66-2	12-9		1,715.22	21.27	22.27					
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67-2	12-9		1,715.22	21.27	22.27					
68-1	12-9		1,715.22	21.27	22.27					
68-2	12-9		1,715.22	21.27	22.27					
69-1	12-9		1,715.22	21.27	22.27					
69-2	12-9		1,715.22	21.27	22.27					
70-1	12-9		1,715.22	21.27	22.27					
70-2	12-9		1,715.22	21.27	22.27					
71-1	12-9		1,715.22	21.27	22.27					











JAN 29 2009

23058

Cable Data Corporation

NYLO50 TWNY LLC  
TWNY LLC

LACKAWANNA  
SUFFOL

SUFFOL

YCT FD	INTL RTE	SYSS	ENRGS RECEIVS	ROYALTY	ROY BASE	ROY %73	ROY STRIDE	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	CP TYP L	
87-1	INTERNATIONAL CABL	10.0	2,027,024	298,995	212,696		84,799																					
87-2		12.5	3,310,304	326,442	839,162		63,255																					
88-1		12.5	1,745,948	399,904	298,196		100,388																					
88-2		8.0	6,255,240	221,903	158,909		62,989																					
89-1		8.0	172,184	270,708	137,109		63,191																					
89-2		8.0	2,232,683	333,783	168,632		53,121																					
90-1		8.0	191,118	142,493	175,177																							
90-2		8.0	7,048,778	189,782	180,782																							
91-1		8.0	1,441,679	229,057	163,205																							
91-2		8.0	1,467,032	7,494,381	194,272																							
92-1		8.0	147,821	204,986	204,986																							
92-2		8.0	138,064	201,787	201,787																							
93-1		8.0	161,074	242,638	242,638																							
93-2		8.0	1,467,433	5,886,872	242,638																							
94-1		10.0	1,622,848	236,082	236,082																							
94-2		10.0	1,586,665	235,986	235,986																							
95-1		8.0	1,666,325	231,490	231,490																							
95-2		8.0	1,466,867	197,378	197,378																							
96-1		8.0	1,466,867	197,378	197,378																							
96-2		10.0	1,771,748	132,071	132,071																							
97-1		7.0	1,929,943	158,087	158,087																							
97-2		8.0	2,271,174	236,627	236,627																							
98-1		8.0	368,784	140,021	140,021																							
98-2		8.0	1,389,178	7,021,204	53,393																							
99-1		8.0	177,634	7,200,897	85,394																							
99-2		17.0	176,074	7,871,218	127,266																							
00-1		13.0	186,119	2,391,931	167,489																							
01-1		13.0	189,119	2,326,147	180,837																							
01-2		13.0	219,102	3,098,474	127,036																							
02-1		13.0	248,332	13,471,714	163,635																							
02-2		13.0	248,332	13,471,714	163,635																							
03-1		13.0	348,413	12,482,692	156,227																							
03-2		13.0	348,413	12,482,692	156,227																							
04-1		13.0	336,383	12,584,143	154,787																							
04-2		13.0	229,477	12,359,143	151,051																							
05-1		13.0	226,467	13,002,748	162,371																							
05-2		7.0	226,154	14,176,646	186,390																							
06-1		7.0	222,543	13,171,762	187,077																							
06-2		7.0	217,339	12,192,160	172,085																							

PHEMASON LP

TWNY LLC

OTHER COMPANIES: ARREST, ANSBA, ANSBA-TOWN, ANSBA-UELL, ANSBA TRP, BRGHR, BRUSSELL, BUSTON, BRADY, CAMBERG, CHESTERCHASE, CLARENCE, COLLEEN, COLLINS, CONSUME TOWN, DELAVAN B.C., DEPUE, FERRARA, EDELY, ELRO...



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Cable Data Corporation

# CT/GA/MA/NH/NY/NC BURLINGTON

DINDEX.DOPC

## 1TB600 COMCAST OF

CON NO	DATE	SUBS	CHGS RECEIPTS	RENTALTY	REV BASE	REV 1.74	REV SYNEX	C-C-C P-N-C I-I-I	B-B-C C-C-E I-I-I	F-F-F C-C-U I-I-I	S-S-S M-I-A I-I-I	R-R-R V-I-Y I-I-I	H-H-H K-K-B I-I-I	U-U-U M-M-B I-I-I	N-N-N R-R-O I-I-I
2-1	12-5	18,375	2,046,920	131,980	50,631	77,359		D	L	L	L	L	L	L	L
2-2	12-5	18,375	1,847,667	138,231	49,374	69,295		D	L	L	L	L	L	L	L
18-1	12-3	29,170	1,575,987	126,281	32,271	74,613		D	L	L	L	L	L	L	L
18-2	10-3	21,859	2,391,976	133,038	63,393	87,483		D	L	L	L	L	L	L	L
18-3	10-3	21,859	2,251,562	217,578	48,648	168,927		D	L	L	L	L	L	L	L
18-4	10-3	21,859	2,348,984	130,270	47,198	88,072		D	L	L	L	L	L	L	L
18-5	9-9	21,859	1,574,129	88,157	40,627	57,530		D	L	L	L	L	L	L	L
18-6	9-9	21,859	1,594,111	89,532	37,052	52,475		D	L	L	L	L	L	L	L
18-7	9-9	21,859	1,594,111	88,785	37,314	59,338		D	L	L	L	L	L	L	L
18-8	9-9	22,280	1,587,716	88,330	36,874	55,238		D	L	L	L	L	L	L	L
18-9	9-9	23,999	1,479,235	87,382	37,382	59,275		D	L	L	L	L	L	L	L
18-10	9-9	23,518	1,467,856	91,677	37,272	59,081		D	L	L	L	L	L	L	L
18-11	9-9	23,189	1,441,624	87,293	37,272	59,081		D	L	L	L	L	L	L	L
18-12	8-9	23,189	1,274,804	87,060	37,272	59,081		D	L	L	L	L	L	L	L
18-13	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-14	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-15	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-16	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-17	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-18	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-19	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-20	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-21	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-22	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-23	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-24	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-25	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-26	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-27	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-28	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-29	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-30	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-31	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-32	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-33	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-34	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-35	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-36	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-37	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-38	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-39	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-40	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-41	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-42	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-43	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-44	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-45	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-46	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-47	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-48	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-49	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-50	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-51	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-52	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-53	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-54	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-55	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-56	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-57	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-58	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-59	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-60	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-61	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-62	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-63	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-64	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-65	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-66	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-67	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-68	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-69	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-70	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-71	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-72	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L
18-73	8-9	23,189	1,274,804	86,499	37,272	59,081		D	L	L	L	L	L	L	L

OTHER COMMUNITIES: WESTON, CHARLTON, CHESTER, ESSEX, ESSEX JUNCTION, FERRISBURG, GEORGETOWN, HUNTINGTON JUNCTION, LINDSEY, MILTON, HORTON, HERRINGTOWN, HERRINGTOWN, HERRINGTOWN, S. HERRINGTOWN





## **Appendix 2**



**Table 1**  
**Canadian Distant Subscriber Instances**  
**Systems With Smaller and Larger Changes**

<b>Period</b>	<b>Total</b>	<b>73 Systems With Smaller Changes</b>	<b>12 Systems With Larger Changes</b>
1998-1	2,320,312	1,090,273	1,230,039
1998-2	2,444,391	1,072,469	1,371,923
1999-1	2,434,744	1,097,701	1,337,043
1999-2	2,547,417	1,128,882	1,418,534
2000-1	2,668,772	1,126,453	1,542,319
2000-2	2,584,906	1,082,918	1,501,988
2001-1	2,646,954	1,118,466	1,528,488
2001-2	2,912,570	1,189,871	1,722,698
2002-1	2,946,456	1,208,271	1,738,185
2002-2	2,808,600	1,120,266	1,688,335
2003-1	2,927,979	1,139,203	1,788,776
2003-2	3,268,108	1,118,528	2,149,580
<b>Average</b>			
1998-99	2,436,716	1,097,331	1,339,385
2000-03	2,845,543	1,137,997	1,707,546
Change	408,827	40,666	368,161

Note: Systems with larger changes are those that have a different number of Canadian distant subscriber instances in 1998-1 and 2003-2 by 25,000 or more.

Source: CDC.

**Table 2**  
**Canadian Distant Subscriber Instances**  
**Systems With Smaller and Larger Changes**  
**Components of Change**

<b>Period</b>	<b>73 Systems With Smaller Changes</b>	<b>12 Systems With Larger Changes</b>					<b>Remainder</b>
		<b>+/- Subscribers</b>	<b>Changes in X/D</b>	<b>Data Error</b>	<b>+ Stations</b>	<b>+/- Stations</b>	
1998-1	1,090,273	-	-	-	-	56,064	1,173,975
1998-2	1,072,469	135,978	53,906	-	-	-	1,182,039
1999-1	1,097,701	97,755	52,792	-	-	-	1,186,496
1999-2	1,128,882	182,550	27,332	-	14,437	-	1,194,215
2000-1	1,126,453	200,093	1,305	-	14,437	156,827	1,169,657
2000-2	1,082,918	229,850	54,284	-	14,437	-	1,203,417
2001-1	1,118,466	253,453	56,698	-	14,437	-	1,203,900
2001-2	1,189,871	336,578	33,784	-	54,121	85,798	1,212,416
2002-1	1,208,271	340,299	40,982	-	96,821	43,326	1,216,756
2002-2	1,120,266	338,313	(54,073)	96,415	96,572	-	1,211,108
2003-1	1,139,203	383,512	80,343	-	96,146	-	1,228,775
2003-2	1,118,528	375,654	79,850	337,985	127,659	-	1,228,431
<b>Average</b>							
1998-99	1,097,331	104,071	33,507	-	3,609	14,016	1,184,181
2000-03	1,137,997	307,219	36,647	54,300	64,329	35,744	1,209,308
Change	40,666	203,148	3,140	54,300	60,720	21,728	25,126

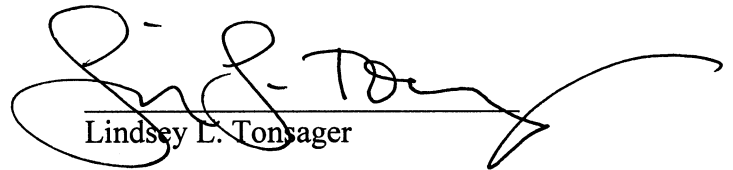
Note: Systems with larger changes are those that have a different number of Canadian distant subscriber instances in 1998-1 and 2003-2 by 25,000 or more.

Source: CDC.

**CERTIFICATE OF SERVICE**  
**Docket No. 2008-2 CRB CD 2000-2003**

I hereby certify that a copy of the foregoing Written Rebuttal Statement of the Settling Parties is being hand delivered via personal courier service on July 24, 2009 before 5:00 p.m. to the following party:

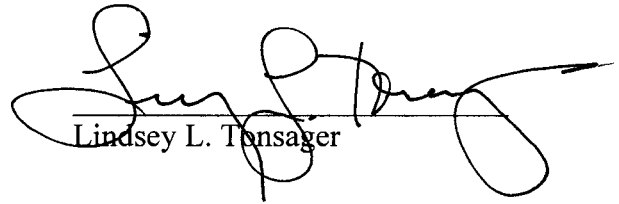
L. Kendall Satterfield  
FINKELSTEIN THOMPSON LLP  
1050 30th Street NW  
Washington, DC 20007  
*Counsel for Canadian Claimants Group*

  
Lindsey L. Tonsager

**CERTIFICATE OF SERVICE**  
**Docket No. 2008-2 CRB CD 2000-2003**

I hereby certify that a copy of the foregoing corrected Written Rebuttal Statement of the Settling Parties is being hand delivered via personal courier service on August 25, 2009 to the following party:

L. Kendall Satterfield  
FINKELSTEIN THOMPSON LLP  
1050 30th Street NW  
Washington, DC 20007  
*Counsel for Canadian Claimants Group*



Lindsey L. Tonsager