

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, D.C.

-----X

In the Matter of :
DETERMINATION OF REASONABLE : Docket No. 2011-2 CRB NCEB II
RATES AND TERMS FOR :
NONCOMMERCIAL BROADCASTING :

-----X

**PETITION TO PARTICIPATE OF
NATIONAL MUSIC PUBLISHERS' ASSOCIATION, INC.
AND THE HARRY FOX AGENCY, INC.**

The National Music Publishers' Association, Inc. ("NMPA") and The Harry Fox Agency, Inc. ("HFA") (together, "NMPA/HFA") submit this petition pursuant to 17 U.S.C. §§ 803 and 804, 37 C.F.R. § 351.1 and the Copyright Royalty Board notice of December 22, 2010, 76 Fed. Reg. 591 (Jan. 5, 2011), to participate in a proceeding to establish royalty rates and terms for use of certain works in connection with noncommercial broadcasting.

Founded in 1917, NMPA is the principal trade association of music publishers in the United States. NMPA's members, numbering over 2,500, own or control the majority of musical compositions available for licensing in the United States. HFA, NMPA's wholly owned subsidiary, is an industry service organization that represents more than 45,000 publisher-principals and over 3 million copyrighted musical works. Established in 1927, HFA serves as a licensing and collection agent on behalf of its publisher-principals with respect to the

reproduction and distribution of copyrighted musical works, including the use of musical works by noncommercial broadcasters pursuant to 17 U.S.C. §118. NMPA/HFA therefore has a significant interest in the instant proceeding within the meaning of 17 U.S.C. § 804(a). Notwithstanding the filing of this petition, NMPA/HFA is hopeful that it will be able to reach a voluntary settlement agreement of rates and terms under the Section 118 license, as has occurred in the past.

NMPA/HFA has substantial good cause for its late filing of this petition. NMPA/HFA was not aware of the commencement of the proceeding due to a recent change of in-house counsel with primary responsibility for overseeing NMPA/HFA's participation in the proceeding, and relocation of the counsel position (and associated files) from New York City to Washington D.C. The proceeding is in its preliminary stage and voluntary negotiations to establish rates and terms under the Section 118 license have not yet begun. No prejudice will result to the other participants by allowing NMPA/HFA to participate. Indeed, NMPA/HFA's participation will facilitate the resolution of the proceeding, as NMPA/HFA intends to cooperate fully in voluntary settlement discussions, and HFA will be responsible for administering the resulting license on behalf of HFA-affiliated publishers.

Pryor Cashman LLP hereby certifies that, as of the time of submission of this joint petition, it has the authority and consent of NMPA/HFA to represent them in connection with the

rate proceeding. The required filing fee of \$150.00 is submitted with this petition.

Dated: March 1, 2011

Respectfully submitted,

NATIONAL MUSIC PUBLISHERS'
ASSOCIATION, INC.

By: Jay Rosenthal, jrc
Jay Rosenthal
Senior Vice President & General Counsel
975 F Street, NW
Suite 375
Washington, DC 20004
Phone: (202) 393-6672
Facsimile: (202) 393-6673
Email: jrosenthal@nmpa.org

THE HARRY FOX AGENCY, INC.

By: Christos Badavas, jrc
Christos Badavas
Vice President & Senior Counsel
The Harry Fox Agency, Inc.
601 West 26th Street
New York, NY 10001
Phone: (212) 834-0115
Facsimile: (646) 487-6768
Email: cbadavas@harryfox.com

PRYOR CASHMAN LLP

By: JC
Jacqueline C. Charlesworth
NYS Bar No. 2619880
7 Times Square
New York, NY 10036-6569
Phone: (212) 326-0489
Facsimile: (212) 515-6965
Email: jcharlesworth@pryorcashman.com

Counsel for NMPA and HFA