

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

In the Matter of

**Distribution of the
2009 Cable Royalty Funds**

Docket No. 2011-7 CRB CD 2009

COMMENTS OF MUSIC CLAIMANTS ON THE EXISTENCE OF CONTROVERSIES

Comments of the Phase I Parties filed on October 6, 2011 in the above-referenced matter stated that there are no Phase I settlements concerning any portion of the 2009 cable royalties, and that Phase I controversies exist among all of the different Phase I categories as to the distribution of the 2009 royalty funds. Additionally, the Comments stated that individual Phase I Parties would separately file comments apprising the Copyright Royalty Judges (“Judges”) of the status of any Phase II controversies existing in and among those Parties. Consistent with this statement, and pursuant to the Judges’ August 30, 2011, notice requesting comments (published at 76 Fed. Reg. 55,122 (September 6, 2011), Broadcast Music, Inc. (“BMI”), the American Society of Composers, Authors and Publishers (“ASCAP”) and SESAC, Inc. (collectively, the “Music Claimants”¹) submit supplemental comments to report on the status of Phase II controversies in the music category with regard to the 2009 cable royalty funds.

¹ The Music Claimants, together, represent hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with combined repertoires of millions of copyrighted musical works. On behalf of their members and affiliates, BMI, ASCAP and SESAC license the public performance rights granted to their respective members and affiliates as copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). The Music Claimants are also affiliated with about ninety foreign performing rights societies around the world and license the repertoires of those societies in the United States.

The Phase I Parties have agreed to the amount of the proposed 50% partial distribution, and believe that the size of the remaining undistributed amount, along with the Phase I Parties' commitment to repay any excess distributions, would be more than sufficient to satisfy any Phase I or II claims and the costs of any distribution proceedings involving these funds. See Motion of the Phase I Claimants for Partial Distribution of 2009 Cable Royalties (filed August 4, 2011) in this matter.

Finally, the Music Claimants have executed a confidential settlement among themselves with regard to the 2009 cable royalties and are unaware of any Phase II controversies in the music category. If an unanticipated Phase II claim is made by an individual, there would be a controversy.

Respectfully submitted,

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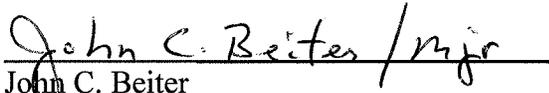
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Dated: October 6, 2011

CERTIFICATE OF SERVICE

I hereby certify that on this, October 6, 2011, a copy of the foregoing Comments of the Music Claimants on the Existence of Controversies was sent by FedEx overnight delivery to the following:

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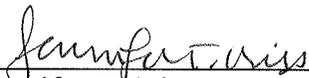
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