

**BEFORE  
THE COPYRIGHT ROYALTY BOARD  
LIBRARY OF CONGRESS**

Distribution of the 2009 Cable Royalty Funds	) ) ) ) )	Docket No. 2011-7 CRB CD 2009
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**COMMENTS OF NATIONAL PUBLIC RADIO, INC.**

By Federal Register notice dated September 6, 2011, 76 Fed. Reg. 55122, the Copyright Royalty Board ("Board") solicited comment on (1) the motion for partial distribution filed by the parties representing the Phase I claimant categories to which Section 111 cable royalties have been allocated in prior cable distribution proceedings (collectively, "Phase I Parties") and (2) the existence of Phase I and Phase II controversies with respect to the distribution of the 2009 cable royalty funds. As a Phase I Party, National Public Radio, Inc. ("NPR") hereby submits its comments in support of the motion and advises the Board with respect to Phase I and Phase II controversies.

**No Controversy Precludes Distribution of 50 Percent  
of the 2009 Cable Royalty Funds**

As a longstanding Phase I claimant, NPR participated in the joint motion requesting the distribution of 50 percent of the 2008 cable royalty funds. See 76 Fed. Reg. at 55123 n.1. As set forth in that motion, there is nothing to preclude the distribution of 50 percent of the 2009 cable royalty funds, even though all the 2009 cable royalty funds remain in dispute at this time. Among other reasons, distribution of the funds is subject to the condition that, in the event the final percentage shares to Phase I claimants differ from the distributions made pursuant to the motion, any overpayment that results from the partial distribution must be repaid with interest in accordance with the agreement to be executed under Section 801(b)(3)(C)(ii) of the Copyright

Act. Accordingly, while all the 2009 cable royalty funds remain in dispute, no claimant will be deprived of the share of the 2009 cable royalty funds to which it subsequently may be entitled, notwithstanding the partial distribution.

**Existence of Controversy**

With respect to Phase I of the 2009 cable royalty distribution proceeding, the shares of funds to be allocated to NPR and the other Phase I claimant groups remain in controversy. With respect to Phase II, NPR is not aware of any Phase II claims with respect to the share to be awarded to NPR and its participating member stations. At the same time, while NPR has successfully settled any Phase II claims in the past, there is no Phase II settlement to report at this time.

Respectfully submitted,



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Date: October 6, 2011

## **CERTIFICATE OF SERVICE**

I, Gregory A. Lewis, hereby certify that a courtesy copy of the foregoing "Comments of National Public Radio" was sent to the following via first class mail, postage prepaid, this 6<sup>th</sup> day of October, 2011:

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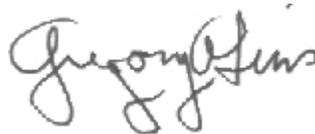
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