

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

In the Matter of

**Distribution of the
2011 Satellite Royalty Funds**

Docket No. 2012-10 CRB SD 2011

**COMMENTS OF BROADCAST MUSIC, INC. ON THE EXISTENCE OF
CONTROVERSIES**

Comments of the Phase I Parties filed on February 19, 2013 in the above-referenced matter stated that there are no Phase I settlements concerning any portion of the 2011 satellite royalties, and that Phase I controversies exist among the different Phase I categories as to the distribution of the 2011 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’ January 15, 2013, notice requesting comments (published at 78 Fed. Reg. 4,169 (January 18, 2013)), Broadcast Music, Inc. (“BMI”)¹ submits supplemental comments to report on the status of Phase II controversies in the music claimant category with regard to the 2011 satellite royalty funds.

¹ BMI represents hundreds of thousands of composer, lyricist, songwriter, and publisher members and affiliates with a repertory of millions of copyrighted musical works. On behalf of its members and affiliates, BMI licenses the public performance rights granted to its respective members and affiliates as copyright owners under Section 106(4) of the Copyright Act (17 U.S.C. § 106(4)). BMI is also affiliated with about ninety foreign performing rights societies around the world and licenses the repertories of those societies in the United States. BMI, the American Society of Composers, Authors and Publishers (“ASCAP”), and SESAC, Inc. (“SESAC”) are collectively the Phase I Music Claimants.

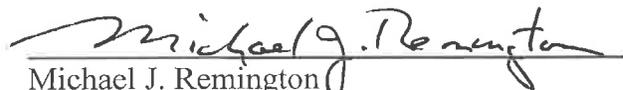
The Phase I Parties have agreed to the amount of the proposed 50% partial distribution, and believe that the size of the remaining undistributed amount, along with the Phase I Parties' commitment to repay any excess distributions, would be more than sufficient to satisfy any Phase I or II claims and the costs of any distribution proceedings involving these funds. *See* Motion of Phase I Claimants for Partial Distribution of 2011 Satellite Royalties (filed December 12, 2012) in this matter.

BMI and ASCAP have executed a confidential settlement with SESAC with regard to the 2011 satellite royalties. However, because there is no confidential settlement between BMI and ASCAP with regard to the 2011 satellite royalties, a Phase II controversy currently exists between BMI and ASCAP. BMI is unaware of any other Phase II controversies in the music claimant category. If an unanticipated Phase II claim is made by an individual, there would be a controversy.

Respectfully submitted,

BROADCAST MUSIC, INC.


Joseph J. DiMona
DC Bar No. 413159
BROADCAST MUSIC, INC.
7 World Trade Center
250 Greenwich Street
New York, NY 10007-0030
Telephone: (212) 220-3149
Fax: (212) 220-4447
jdimona@bmi.com


Michael J. Remington
DC Bar No. 344127
Jeffrey J. Lopez
DC Bar No. 453052
DRINKER BIDDLE & REATH LLP
1500 K Street, NW – Suite 1100
Washington, DC 20005
Telephone: (202) 842-8800
Fax: (202) 842-8465
michael.remington@dbr.com

Dated: February 19, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this date, February 19, 2013, a copy of the foregoing Comments of BMI on the Existence of Controversies was sent by FedEx overnight delivery to the following:

Brian D. Boydston
Pick & Boydston LLP
10786 Le Conte Avenue
Los Angeles, CA 90024

Gregory O. Olaniran
Lucy Holmes Plovnick
MITCHELL SILBERBERG & KNUPP LLP
1818 N Street, NW, 8th Floor
Washington, DC 20036

Robert Alan Garrett
Stephen K. Marsh
James R. Wood
ARNOLD & PORTER LLP
555 Twelfth Street, NW
Washington, DC 20004-1206

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

Arnold P. Lutzker
Allison L. Rapp
Jeannette M. Carmadella
LUTZKER & LUTZKER LLP
1233 20th Street, NW, Suite 703
Washington, DC 20036

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

W. Thad Adams, III
SHUMAKER, LOOP & KENDRICK LLP
First Citizens Bank Plaza
128 South Tryon Street
Suite 1800
Charlotte, NC 28202-5013

Edward S. Hammerman
HAMMERMAN, PLLC
5335 Wisconsin Avenue, NW, Suite 440
Washington, DC 20015-2052

George R. Grange II
Kenneth Liu
GAMMON & GRANGE, PC
8280 Greensboro Drive, 7th Floor
McLean, VA 22102

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

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

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

Sam Mosenkis
ASCAP
One Lincoln Plaza
New York, NY, 10023


Nathan A. Pollard