

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

In the Matter of

**Distribution of the
2011 Cable Royalty Funds**

Docket No. 2012-9 CRB CD 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 cable 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 cable 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 Cable Royalties (filed December 12, 2012) in this matter.

BMI and ASCAP have executed a confidential settlement with SESAC with regard to the 2011 cable royalties. However, because there is no confidential settlement between BMI and ASCAP with regard to the 2011 cable 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,

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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:

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