FINAL REGULATIONS

PART 201--GENERAL PROVISIONS

COMPULSORY LICENSE FOR CABLE SYSTEMS

The following excerpt is taken from Volume 43, No. 3 of the Federal Register for Thursday, January 5, 1978 (pp. 958-964).

On December 1, 1977, the Copyright Office published in the Federal Register (42 FR 61051) a proposal to adopt new regulations §§ 201.11 and 201.17 establishing requirements governing the form, content, and filing of certain notices and statements. Sixteen initial and reply comments were received in response to the Notice of Proposed Rulemaking. After careful consideration of all the comments, we have decided to make several changes in the proposed regulations. A discussion of the major substantive comments appears below: It should be noted at the outset, however, that we are dealing with an entirely new area of copyright law in which all parties concerned lack practical experience. Moreover, future actions by the Copyright Royalty Tribunal and Federal Communications Commission may be expected to affect the theory and application of our rules. Accordingly, these regulations must be considered somewhat experimental and subject to reconsideration as circumstances and experience develop.

1. Definition of "Cable System"

Several copyright owners objected to our proposal to define an "individual cable system" as a distinct entity under the rules, regulations, and practices of the Federal Communications Commission in effect on the date of recordation or deposit, subject to certain qualifications (§§ 201.11(a) (2), 201.17(b) (2)). They asserted that this definition would cause confusion because a "cable system" for copyright purposes is not the same as a "cable system" for FCC purposes. Representatives of cable systems generally agreed with our proposal. We are not persuaded that our original purpose in adopting this definition, namely, "to minimize confusion of such notices and statements, the public interest and . . . benefit sufficiently interested parties", will fail. Accordingly, we have adopted the definition as proposed. If the FCC changes its definition of a "cable system" in the future, we can then consider whether the change is consistent with the provisions of the Copyright Act and if it is not, make appropriate changes in our rules.

Proposed §§ 201.11(a) (3) and 201.17(b) (2) also interpreted the final sentence of the definition of "cable system" in section 114(b) of the Act to mean that "two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend shall be considered as one individual cable system." Although some comment suggested that the words "contiguous communities" were intended to modify both the "common ownership" and "one headend" clauses, we do not agree. As stated in our Notice of Proposed Rulemaking, "the legislative history of the Act indicates that the purpose of this sentence is to avoid the artificial fragmentation of cable systems", and we urge our interpretation is more consistent with this purpose.

One comment argued that this interpretation would lead to the artificial combination of two completely separate systems into a single system merely because, for economic reasons, they use a single headend. It was suggested that our regulation be modified so that two or more cable facilities (A) in contiguous communities under common ownership or control or (B) operating from one headend and under common ownership or control shall be considered as one individual cable system." This modification, however, would be an inappropriate addition of language to the act.

2. All-Band FM

Comments from cable operators criticized our proposed solution to the problem of identifying FM stations carried by a cable system as part of an all-band transmission. Our proposal required re-titling. 1 The Notice of Proposed Rulemaking was issued after full consideration of testimony received at a two-day hearing in April, 1977 under an Advance Notice of Proposed Rulemaking (32 FR 20055; March 22, 1977). Many of the issues raised in the comments to the proposed regulation were considered at the hearing and fully discussed in the preamble of the December 1st Notice.

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peated reassessment of FM signal strengths. The thrust of these comments was: that the proposed requirement was burdensome and would require cable managements of cable systems. After reconsideration, we agree with this objection. However, none of the various alternatives suggested by these comments was sufficient to meet, with any certainty, the need for identification in identifying the carriage of their work by cable systems.

On the present record and in the absence of practical experience, the problem posed by the need to identify FM stations is a difficult one. We have decided to amend our proposal in an attempt to provide copyright owners and the Copyright Royalty Tribunal with a reasonably accurate list of individual FM stations generally receivable by “all-band” cable systems, without imposing a disproportionate burden on those systems.

The amendment consists of two parts:

1. § 201.11(a) (4) and, by reference, § 201.17(b) (4), have been modified to identify a “generally receivable” FM signal as one that “as a result of monitoring at reasonable times and intervals a prescribed band and frequency” is received at the system’s headend at a specified frequency and with a specified signal strength; and
2. § 201.17(e) (9) (iii) requires statements of account filed by all-band systems to describe the monitoring employed to identify receivable stations.

The intent of the first part is to permit cable systems to adopt monitoring systems, such as the periodic use of a good FM receiver during optimum weather conditions for the area, which can reasonably be expected to identify signals meeting the specified time and strength standards. Such monitoring systems will not require the expenditure of the time, and the investment in special equipment, needed to make the precise measurements required by our proposal. Since at present, without any practical experience to guide us, it is impossible for the regulations to offer any detailed definition of “generally receivable” stations, the second part of our amendment is designed to provide a record for later consideration by copyright owners; the Copyright Royalty Tribunal; and the Copyright Office.

3. Regularly Carried

Section 111(d)(1) of the Act requires that notices of identity include a list of all “primary transmitters whose signals are regularly carried by the cable system”, and that a notice of change be filed whenever there is a change in those regularly carried signals. Our proposed § 201.11(a) (5) defined “regularly carried” as “one hour per week for 13 or more consecutive weeks.” Representatives of some cable operators argued that one hour per week was too short a time. However, the experience of those stations whose signals is retransmitted by a cable system for one or more hours per week for 13 consecutive weeks should be considered regularly carried under any reasonable definition of the word “regular”; accordingly, § 201.11(a) (5) is adopted as proposed.

4. Ownership

In response to inquiry made in our comment, we confirm that the regulations do not require disclosure of parent corporations or stockholders. To avoid possible confusion on this point, references to designating “corporate names used in identification of the cable system” (except when giving the legal name of the owner) have been deleted.

5. Fees

Copyright owners argued that a filing fee should be required to accompany the deposit of statements of account. Cable systems asserted that a filing fee for permission amendments under § 201.11(e) (1) should not be required. For the reasons stated in paragraph I. B. of the preamble to our Notice of Proposed Rulemaking, we believe that the Act prohibits our imposition of a filing fee for the deposit of statements of account, but does permit a filing fee for permission amendments.

6. Definition of Receipts

Proposed § 201.17(d) (1) defined “amounts attributable to the basic service” as “royalty payments” but did not include “additional set fees.” Although representatives of cable operators objected, we have adopted the proposed definition without change.

A proposed new subsection (d) atttached to a cable system pays for the availability, on both sets, of the entire basic cable television service, so that two or more members of the family can, separately but at the same time, view different transmitted programs. The additional set fee is, we believe, clearly a payment for basic secondary transmission service, and this conclusion is supported by FCC practice.

7. Translators

Proposed § 201.17(b) (6) stated: “no translation is, with respect to programs both originally transmitted and retransmitted by it, a primary transmitter for the purposes of this section and § 201.11 of these regulations.” Although some cable operators urged us to modify this provision, we believe it necessarily follows from the definitions of “primary transmission” and “secondary transmission” in 17 U.S.C. 111(D)

B. Accounting Periods and Filing Dates

Proposed § 201.17(c) required that statements of account cover the periods January 1 through June 30 and July 1 through December 31, and that they be deposited not later than sixty days from the expiration of the accounting period. Several comments objected to basing the accounting period on the system’s fiscal year, and to establish a filing period of 90 calendar days or 105 calendar days after the expiration of each accounting period.

For the reasons set forth in paragraph II. 2. of the preamble to our Notice of Proposed Rulemaking we are adopting the proposed section without change. Sixty day filing period fits the requirement of the copyright owners and statements of account, and we find no justification for possible delay of the review of such statements or distribution of royalties. We note that the Copyright Royalty Tribunal has filed a comment in this proceeding, indicating that the proposed accounting periods will not interfere with its duties.

9. Subscriber Information

Comments from several cable operators questioned our proposed requirement (§ 201.17(e) (6)) that statements of account include information as to the number of subscribers in each category for which a charge is made for the basic service of providing secondary transmissions, and the applicable charge. As stated in paragraph II. 4. of the preamble to our Notice of Proposed Rulemaking, although this information “will not provide a definitive or detailed comparison with the reported gross receipts”, it will be useful for at least a rough comparison with the reported gross receipts, and giving meaning to the statutory requirements, that the number of subscribers be given. Proposed § 201.17(e) (6) is therefore adopted without change.

10. Total Actual Receipts

In their initial comments, several copyright owners expressed concern that cable systems be required to furnish, on an annual basis, information as to “total actual receipts” from subscribers for all services provided by the cable systems. As stated in section 201.17(b) (2) (A) (ii) of the Act, which authorizes the Copyright Royalty Tribunal to adjust the section 111 royalty rates “to reflect * * * changes in the average monthly or other period charge for the basic service of providing secondary transmissions * * *”, Copyright owners in their initial comments also urged that we require cable systems to furnish information on the number of subscribers in each category of service and the “monthly or other periodic charge” for each service provided.” In reply comments, however, some of these copyright owners indicated they would accept deletion of the requirement that total actual receipts be provided if the information about subscriptions and rates is required.

Cable interests strongly opposed the requirement for total actual receipts. They contended that this information is confidential, that it could be used by copyright owners in bargaining for the
right to exhibit copyrighted works on pay-cable, that the collection and public disclosure of this information by the Copyright Office might be inconsistent with other statutes, and that total actual receipts would be an inadequate and inefficient basis for determining whether there had been a change in average rates charged cable users under 17 U.S.C. § 801(b) (27) (A) (ii).

After considering the various positions taken by the parties in their initial and reply comments, we have decided to amend the proposed regulation to delete the requirement for reporting of total actual receipts. The purpose of the revenue is a meaningful measure of changes in rates charged, subscribers for various services, but only if other factors remain constant over several accounting periods. These other factors are: The number of subscribers, the number of telecommunications services offered, and any substantial changes in either of these two categories would make "total actual receipts" relatively meaningless.

We have accepted the copyright owners' suggestion that each statement of account include a complete listing of the rates charged to subscribers for all services furnished or offered by the cable system. However, we do not believe that obtaining the cooperation of the number of subscribers to such services is necessary to enable the Copyright Royalty Tribunal to review changes in "rates" under section 801(b) (27) (A) (i) of the Act.

II. DESIGNATION OF DISTANT STATIONS AND TERM OF CONTRACTS OF PART-TIME STATIONS

Some cable operators argued that the proposed regulation § 201.17(e) (9) (I) (E) (F) that cable systems and the list of carriers of cable systems and the list of carriers of certain part-time stations. They argued that these requirements would unduly burden small systems, that many cable operators do not have this information, and that no system should be required until it has been determined that it is necessary for royalty distribution proceedings. However, for the reasons given in paragraph II, 6. of the preamble to our Notice of Proposed Rulemaking, we have not accepted this suggestion.

Copyright owners urged us to expand § 201.17(e) (9) (I) (F) to require identification of all part-time signals carried on a part-time basis (rather than those that were only pursuant to certain FCC rules) and specification of the times of such part-time carriage. These comments argued that such information would be necessary to identify particular copyright owners, or classes of owners, entitled to certain allocations or distributions of royalties. Cable operators argued that such an expansion of our proposal would impose an unfair burden of reporting, if not recording, the information.

As in other aspects of these regulations, we do not believe we can refrain, at this time and particularly before determining the Copyright Royalty Tribunal, from requiring information that may reasonably be anticipated to be relevant to the question of royalty distribution. Also, since part-time carriage is a matter of particular concern to the Act, we are not persuaded that the making and reporting of such actions would impose an undue burden. Accordingly, we have amended paragraph (F) to require the reporting of all carriage information in cases of part-time carriage of distant stations. However, since it has not been clear that the FCC rules referred to in 17 U.S.C. § 111 (D) (1) (E) (F) is the total actual receipts. We have not accepted this argument.

12. SPECIAL STATEMENT AND PROGRAM INFORMATION

Cable operators argued that they should not be required to report the information required under section 111 (D) (1) (F) to indicate the reason for deletion of substituted programs; however, for the reasons stated in paragraph II, 6. of the preamble to our Notice of Proposed Rulemaking, we do not agree.

13. RADIO STATION INFORMATION

One comment argued that cable systems should be required to state whether radio stations covered by the system are "distant," for the reasons stated in the section 111 (D) (1) (E) of the United States Code as amended by Pub L. 94-553 and required by that section to be recorded in the Copyright Office "thirty days after each occasion on which the ownership or control of the cable system is transferred," we are reviewing the responses to the questions of interpretation raised in paragraph II, 7. of the preamble to our Notice of Proposed Rulemaking, as well as questions raised by one comment concerning the reporting of receipts on a cash or accrual basis.

15. EFFECTIVE DATE

The effective date of the regulations is February 10, 1978. (Before that date, the filing of Notices of Identity and Notices of Change is governed by interim § 201.11 as adopted on March 18, 1977 (42 FR 15065)). However, with one exception noted in the regulations § 201.17(e) (9) (I) (E) (F), information to be included in the first report of account under the regulations, and under the Act, should cover the entire period January 1 through June 30 accounting period.

For the reasons stated above, the proposed regulations are adopted, with changes, and are set forth below.


BARBARA REINER
Register of Copyrights.

Approved:

DANIEL J. BOORSTEN
Librarian of Congress.

Part 201 of 37 CFR Chapter II is amended by § 201.11 and adding a new § 201.17 to read as follows:

§ 201.11 Notices of identity and signal carriage complement of cable systems.

(a) Definitions. (1) An "Initial Notice of Complement and Signal Carriage Complement" or "Initial Notice" is a notice under section 111 (D) (1) of title 17 of the United States Code as amended by Pub L. 94-553 and required by that section to be recorded in the Copyright Office "within thirty days after each occasion on which the ownership or control of the cable system is transferred." The filing of the notice is governed by interim § 201.11 as adopted on March 18, 1977 (42 FR 15065). However, with one exception noted in the regulations § 201.17(e) (9) (I) (E) (F), information to be included in the first report of account under the regulations, and under the Act, should cover the entire period January 1 through June 30 accounting period.

(b) Proposed regulations are adopted, with changes, and are set forth below.

Dated: December 30, 1977, [Signature].

Barbara Reiner
Register of Copyrights.

Approved:

Daniel J. Boorsten
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14. FORMS

As stated in our Notice of Proposed Rulemaking, the purpose of this proposed regulation is for the extension, nature of the information to be filed by cable systems. We are continuing to explore the possibility of providing standard forms for the filing of information.

We are reviewing responses to the questions of interpretation raised in paragraph II 7. of the preamble to our Notice of Proposed Rulemaking, as well as questions raised by one comment concerning the reporting of receipts on a cash or accrual basis.

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For the reasons stated above, the proposed regulations are adopted, with changes, and are set forth below.


Barbara Reiner
Register of Copyrights.

Approved:

Daniel J. Boorsten
Librarian of Congress.
In the case of a change of signal carriage complement (A) The designation "Owner", followed by the information required by paragraph (c) (11) (ii) of this section shall be followed by the statement "as given in the Initial Notice recorded by the cable system or, if earlier Notice of Change affecting ownership has been recorded by the cable system, as given in the last such Notice"; (B) the designation "New Owner", followed by the full legal name of the person who, or entity which, now owns the cable system, together with any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system; and (C) the full mailing address of that person or entity.

In the case of any change in ownership or signal carriage complement: (A) The designation "Owner", followed by the information required by paragraph (c) (1) (ii) of this section shall be followed by the statement "as given in the Initial Notice recorded by the cable system or, if earlier Notice of Change affecting ownership has been recorded by the cable system, as given in the last such Notice"; (B) the designation "New Owner", followed by the full legal name of the person who, or entity which, now owns the cable system, together with any fictitious or assumed name used by that person or entity for the purpose of conducting the business of the cable system; and (C) the full mailing address of that person or entity.
(2) Special (Required) Amendments for Certain Systems under paragraph (e) of paragraph (a) of this section before February 10, 1978, any cable system which before February 10, 1978, recorded an initial notice of identity and signal carriage complement which identified all or a portion of its signal carriage complement as "all-band FM" or "broad-band FM" or the like, or which otherwise did not identify individual primary transmitters of FM signals generally receivable by the system, shall record an amendment to that notice as prescribed in paragraph (c) of this section which shall: (i) be identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (e) (1) (i), (A) and (B) of this section; (iii) be signed and dated in accordance with paragraph (a) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.

(3) Special (Required) Amendments for Certain Systems which Record Initial Notices of Change on or After February 10, 1978, Any cable system which records an initial notice of identity and signal carriage complement on or after February 10, 1978 shall, so far as the primary transmitters of FM signals generally receivable by the system are as of the date of the amendment in accordance with paragraphs (c) (1) (i), (A) and (B) of this section, be required as follows: (i) be identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (c) (1) (i), (A) and (B) of this section, and shall: (i) be clearly and prominently identified as an "Amendment to Initial Notice of Identity and Signal Carriage Complement"; (ii) specifically identify the primary transmitters of FM signals generally receivable by the system as of the date of the amendment in accordance with paragraphs (c) (1) (i), (A) and (B) of this section; (iii) be signed and dated in accordance with paragraph (a) (1) (v) of this section. The signature shall be accompanied by the printed or typewritten name of the owner of the system as given in the Notice sought to be amended.

(4) Recordation. (1) The Copyright Office will record the Notice and amendments described in this section by placing them in the appropriate public files of the Office. (2) No fee shall be required for the recording of Initial Notices, Notices of Change, or the Special Amendments identified in paragraphs (a) (2) and (a) (3) of this section. A fee of $10 shall ac-

In the case of an amendment to an Initial Notice of Identity and signal carriage complement before February 10, 1978 which did not identify the owner of the system, the signature shall be accompanied by the printed or typewritten name of the operator, or person exercising primary control over the system, as given in the Notice sought to be amended.

*In the case of an amendment to an Initial Notice of Identity and Signal Carriage Complement before February 10, 1978 which did not identify the owner of the system, the signature shall be accompanied by the printed or typewritten name of the operator, or person exercising primary control over the system, as given in the Notice sought to be amended.

a company any General Amendment permitted by paragraph (e) (1) of this section.

(3) Upon request and payment of a fee of $3, the Copyright Office will furnish a certified receipt for any Notice or amendment recorded under this section.

§ 201.17 Statements of account covering secondary transmissions by cable systems.

(a) General. This section prescribes rules pertaining to the deposit of statements of account and royalty fees in the Copyright Office as required by section 111 (2) of title 17 of the United States Code, as amended by Pub. L. 94–553, in order for secondary transmissions of cable systems to be subject to compulsory licensing.

(b) Definitions. (1) Amounts attributable to the "basis service of providing secondary transmissions of primary broadcast transmitters" include monthly (or other periodic) service fees for television and radio transmission service and additional service fees for pay-cable service, satellite and cable television services, or charges for late payments. (2) A "cable system" and "individual cable system" have the meanings set forth in § 201.11 (a) (3) of these regulations.

(c) "P.C.C." means the Federal Communications Commission.

(d) In the case of cable systems which make secondary transmissions of all available radio signals, such signals are not electronically processed by the system as separate and discrete signals, an FM radio signal is "generally receivable" under the conditions set forth in § 201.11 (a) (4) of these regulations.

(e) The terms "primary transmission," "secondary transmission," "local service area of a primary transmitter," "signal equivalent," "network station," and "non-commercial educational station" have the meanings set forth in section 111 (7) of title 17 of the United States Code, as amended by Pub. L. 94–553.

(f) Each cable system is, with respect to programs both originally transmitted and re-transmitted by it, a primary transmitter for the purposes of this section and § 201.11 of these regulations.

(g) Accounting Periods and Deposit. (1) Statements of account shall cover semiannual accounting periods of (i) January 1 through June 30 and (ii) July 1 through December 31, and shall be deposited in the Copyright Office, together with the total royalty fee for each such accounting period as prescribed by section 111 (d) (2), (b), (c), or (d) of title 17, within sixty calendar days from the expiration of each such accounting period.

(2) The date of deposit will be the date when both a proper statement of account and appropriate royalty fee are received in the Copyright Office.
(4) Forms. [Reserved]

(5) Content. A Statement of Account shall be clearly and prominently identified as a "Statement of Account for Secondary Transmissions By Cable Systems," and shall include the following information:

(a) Clear designation of the accounting period covered by the statement.

(b) The designation "Owner," followed by:

(i) The true legal name or the person who is entitled to use the cable system; or

(ii) Any fictitious or assumed name used by that person, or entity for the purpose of conducting the business of the cable system; and

(iii) The full mailing address of the system. To the extent any portion of this information is identical to the information given in response to paragraph (c)(2) it need not be repeated. If a system is identified for any reason by this paragraph is identical to the information given in response to paragraph (c)(2) of this section, the designation "System," shall be followed by the statement "as granted," or like reference.

(c) The designation "System," followed by the name of the community or communities served by the system.

(d) The designation "Area Served," followed by the number of channels on which the cable system made secondary transmissions to its subscribers during the period covered by the statement.

(e) The designation "Service Information," followed by:

(i) A brief description of each subscriber category for which a charge is made by the cable system for the basic service of providing broadcast transmitters; (ii) The number of subscribers to the cable system in each such subscriber category; and (iii) The charge or charges made per subscriber for the basic service of providing such secondary transmissions. For these purposes (A) the description, the number of subscribers, and the charge or charges shall be the facts prevailing on the last day of the period covered by the statement; and (B) each entity (for example, the owner of a private home, the resident of an apartment, the owner of a house or owner of an apartment house) which is charged by the cable system for the basic service of providing secondary transmissions shall be considered one subscriber.

(6) The designation "Gross Receipts," followed by the gross amount paid to the cable system by subscribers, during the period covered by the statement, for the basic service of providing secondary transmissions of primary broadcast transmitters.

(7) The designation "Rates," followed by a description of each service furnished or made available to the cable system's subscribers, for which an accounting is made or is established during the period covered by the statement, together with the amount of such charge.

(8) The designation "Primary Transmitters," followed by an identification of all primary transmitters whose signals were carried by the cable system, other than the primary transmitters of programs required to be specially identified in paragraph (e)(10) of this section, in form and together with the information listed below:

(i) For each primary transmitter which is a television station:

(A) The station call sign of the primary transmitter, and whether it is AM or FM.

(B) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(C) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(D) A designation as to whether that primary transmitter is a "network station", an "independent station", or a "noncommercial educational station".

(E) A designation as to whether that primary transmitter is a "station".

(F) If that primary transmitter is a "station" designate:

(i) The station call sign, and location of the station as licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(ii) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(iii) The type of operation (that is, licensed, granted, or other)

(iv) The date of license or identification

(v) The period of such license or identification.

(vi) The date of expiration of such license.

(vii) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(viii) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(ix) The type of operation (that is, licensed, granted, or other)

(x) The date of license or identification

(xi) The date of expiration of such license.

(xii) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xiii) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xiv) The type of operation (that is, licensed, granted, or other)

(xv) The date of license or identification

(xvi) The date of expiration of such license.

(xvii) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xviii) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xix) The type of operation (that is, licensed, granted, or other)

(xx) The date of license or identification

(xxi) The date of expiration of such license.

(xxii) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xxiii) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xxiv) The type of operation (that is, licensed, granted, or other)

(xxv) The date of license or identification

(xxvi) The date of expiration of such license.

(xxvii) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xxviii) The number of the channel upon which that primary transmitter broadcasts in the community to which that station is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(xxix) The type of operation (that is, licensed, granted, or other)

(3) The information indicated by paragraphs (e) (9) (1) (E) and (F) of this section is not required to be given by any cable system whose gross receipts from subscribers for the period covered by the statement, for the basic service of providing secondary transmissions of primary broadcast transmitters, total less than $40,000.

(4) For each primary transmitter which is an AM radio station the signals of which were electronically processed by the system as separate and discrete signals:

(A) The station call sign of the primary transmitter, and whether it is AM or FM.

(B) The name of the community to which that primary transmitter is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(C) In the case of cable systems which made secondary transmissions of all available AM radio signals, signals which were electronically processed by the system as separate and discrete signals, the statement shall:

(i) Identify that portion of its signal carriage as "all-band FM" or the like; and

(ii) Specify the station call sign and community of license (or, in the case of foreign signals, of identification) of each primary transmitter of such signals whose signals were selectively receivable by the system during the period covered by the statement; and

(iii) Include a clear description of the nature and frequency of the monitoring activities and equipment used during the period to determine the identity of such signals.

(5) A special statement and program log, which shall consist of the information indicated below for all nonnetwork television programming that, during the period covered by the statement, was transmitted to an area located beyond the local service area of the primary transmitter of such programming under (1) rules or regulations of the F.C.C. requiring a cable system to omit the further transmission of a particular program, and permitting the substitution of another program in place of the omitted transmission; or (2) rules, regulations or authorizations of the F.C.C. in effect on October 19, 1975 permitting a cable system, at its election, to omit the further transmission of a particular program and permitting the substitution of another program in place of the omitted transmission:

(A) The name or title of the substitute program.

(B) Whether the substitute program was transmitted live by its primary transmitter.

*The requirement of this §301.17(e) (9) (F) that the statement include the dates and hours of carriage applies only to carriage on and after February 10, 1978.*
(C) The station call sign of the primary transmitter of the substitute program.

(D) The name of the community to which the primary transmitter of the substitute program is licensed by the F.C.C. (in the case of domestic signals) or with which that primary transmitter is identified (in the case of foreign signals).

(E) The full date when the secondary transmission of the substitute program occurred, and the hours during which such secondary transmission occurred on that date.

(F) A designation as to whether deletion of the omitted program was required by the rules or regulations of the F.C.C., or was permitted by the rules, regulations, or authorizations of the F.C.C. in effect on October 19, 1976; and

(1) a brief statement clearly describing the legal basis for such deletion (for example: "Syndicated program exclusivity," or "program primary of local interest to distant community").

(II) A statement of the total royalty fee, payable for the period covered by the statement of account, together with a royalty fee analysis which gives a clear, complete, and detailed presentation of the determination of such fee. This analysis shall present in appropriate sequence all facts, figures and mathematical processes used in determining such fee, and shall do so in such manner as will permit the Copyright Office to readily verify, from the face of the statement of account, the accuracy of such determination and fee.

(III) Certification and Signature: The statement of account shall be signed on its last page by the individual person identified as the person who owns the cable system, or by a duly authorized representative of such person, or, if an entity is identified as the owner, by an officer if the entity is a corporation, or by a partner if the entity is a partnership. The signature shall (1) be accompanied by the printed or typewritten name of the person signing the notice and by the date of signature; and (2) shall be immediately preceded by the following printed or typewritten statement:

I certify that I have examined this statement of account and that all statements of fact contained herein are true, complete, and correct to the best of my knowledge, information, and belief, and are made in good faith.

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