

# *Attention cable operators*

## SYNDEX UPDATE

The Copyright Office hereby notifies cable systems that, on July 18, 1990, the Copyright Royalty Tribunal issued a preliminary announcement of its final determination in its proceeding regarding adjustment of the syndicated exclusivity surcharge (CRT Docket No. 89-5-CRA). The Tribunal ordered elimination of the syndicated exclusivity surcharge **except** for a narrow category of signals — certain commercial VHF stations. **The adjusted surcharge is effective January 1, 1990.**

Cable systems that file Form SA-3 for the **1990/1** accounting period (filing deadline August 29, 1990) and carried the affected commercial VHF stations as distant, non-3.75% signals, should compute the **adjusted** syndicated exclusivity surcharge when completing their Statement of Account. Cable systems that did not carry the affected signals, or that carried them on a 3.75% rate basis, should not compute a surcharge royalty. The royalty rates remain unchanged and the text of the Tribunal's decision, in part, is as follows:

### RATE ADJUSTMENT

"The syndicated exclusivity surcharge is eliminated, effective the first semiannual accounting period of 1990, **except**:

In the case of a commercial VHF station more than 35 miles from a cable system but which places a Grade B contour, in whole or in part, over the cable system, and is not "significantly viewed" or otherwise exempt from the FCC's syndicated exclusivity rules in effect on June 24, 1981, for each distant signal equivalent or fraction thereof represented by the carriage of such signal, the royalty rate shall be [the rate currently in effect as reflected in statement of account forms]."

The Tribunal's complete decision providing basis for this rule will be published in mid-August. Questions concerning this announcement should be addressed to:

Licensing Division  
Copyright Office  
Library of Congress  
Washington, D.C. 20557  
(202) 707-8150