FINAL SPECIALTY STATION LIST

CABLE COMPULSORY LICENSE: SPECIALTY STATION LIST

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LIBRARY OF CONGRESS

Copyright Office

[Docket No. 90-3A]

Cable Compulsory License: Specialty Station List

AGENCY: Library of Congress, Copyright Office.

ACTION: Final Specialty Station List.

SUMMARY: In proceeding Docket No. RM 87-7D the Copyright Office established a revised list of broadcast television stations that qualify as specialty stations under the former distant signal carriage rules of the Federal Communications Commission (FCC) at 47 CFR 73.5(kk)(1981). A final specialty station list was published in 55 FR 40021 on October 1, 1990. The Office opened a new public proceeding, Docket No. RM 90-3, and invited broadcast stations not included in the final list published October 1, 1990, to submit affidavits to show that they qualify as specialty stations. The Office now publishes the updated specialty station list that will be used by the Office to check broadcast station status when cable systems file their semi-annual statements of account under the cable compulsory license of 17 U.S.C. 111.

EFFECTIVE DATE: January 1, 1992.


SUPPLEMENTARY INFORMATION: Under the cable compulsory license, section 111 of the Copyright Act, title 17 U.S. Code, the specialty station status of a broadcast station permits payment of copyright royalties based on a lower rate than may otherwise be applicable. Although specialty station status is determined by reference to the former regulations of the Federal Communications Commission at 47 CFR 73.5(kk) 1981, the FCC no longer determines whether a station qualifies as a specialty station or not. The Copyright Office has adopted a procedure for updating the list of specialty stations, since the list remains relevant in connection with the filing of statements of account. On October 1, 1990, the Copyright Office published a final annotated list of specialty stations following procedure established September 18, 1983, at 55 FR 36461. See also 54 FR 39465. Public proceeding Docket No. RM 87-7, which was initiated to assemble an updated specialty station list, yielded several late requests for addition to the list. As part of its efforts to update comprehensively the specialty station list for purposes of calculating royalties under the cable compulsory license, 17 U.S.C. 111, the Office opened a new public proceeding, Docket No. RM 90-3, and invited broadcast stations not included in the final list published October 1, 1990, to submit affidavits to show that they qualify as specialty stations.

The Office listed those stations in 56 FR 28165, along with a request that interested parties present factual information should there be objection to identifying any station listed as a specialty station. One set of comments was received, objecting to identification of two stations on the list as specialty stations.

The Copyright Office contacted representatives of KTFH and CICA informing them of the filing of the objections. In its response, KTFH replied that it carries the prescribed percentage of specialty programming (see 47 CFR 73.5(kk)(1981)), and that its putative ownership of its advertising rates in no way affects its status as a specialty station under the relevant FCC regulations. KTFH also provided samples from a major Houston newspaper listing showing its program offerings. These listings disclose that KTFH's programming is predominantly Spanish language programming.

1 Error: line should read: "76.5(kk) (1981), the FCC no longer..."

2 "final annotated list of specialty stations."

3 Error: line should read: "GUIDE; and advertisement rates listed"

4 In its response, KTFH replied that it"
Representatives of CICA were contacted by the Office, but no response was received as the date this notice was prepared.

The Copyright Office updates the specialty station list to provide current, accurate reference information relevant to the filing of statements of account by cable television systems, as required by 17 U.S.C. 111. Inclusion on this list is one indication that carriage of the system is subject to the 3.75% rate for distant signal carriage. The annotated list of stations claiming specialty status includes references noting any public objections to a station’s claim. With such an annotated list on the public record, cable systems can make an informed decision as to whether the MPAA or any other party might contest the system’s carriage of a particular station on a specialty basis. See also 54 FR 36481-36486.

The Office hereby publishes a final list of specialty stations, effective February 1992, for the accounting period January 1 through December 31, 1991. Affidavits related to specialty station status received after December 3, 1990 are too late for this proceeding. They will be noted by the Office and placed in a public file for whatever legal significance they may possess. The Office will again consider updating the specialty station list in 1994.

Final Annotated List of Specialty Stations: Call Letters and Cities of License

WCLF Clearwater, Florida
WTCL Cocoa, Florida
*KTHF Comroe, Texas
KVEA Corona, California
KORO Corpus Christi, Texas
KDTX Dallas, Texas
CBKFT Edmonton, Alberta
KINT El Paso, Texas
WSCF Ft. Lauderdale, Florida
WTPJ Gadsden, Alabama
WTMD Galveston, Texas
KUKN Garland, Texas
WLKJ Greensboro, North Carolina
WPCB Greensburg/Pittsburgh, Pennsylvania
KFTV Hanford/Fresno, California
KLJJ Harlingen, Texas
W13BF Hartford, Connecticut
W47AAD Hartford, Connecticut
KWHD Hilo, Hawaii
KHAL Honolulu, Hawaii
KWHE Honolulu, Hawaii
KETH Houston, Texas
CHOT Hull, Quebec
WHMB Indianapolis, Indiana
CPRS Jonquiere, Quebec
WHKE Kenosha, Wisconsin
WWTO LaSalle, Illinois
WACX Leesburg, Florida
WEJL Lexington, North Carolina
WNJU Lindan, New Jersey
KMEX Los Angeles, California
KWLY Los Angeles, California
WTKK Manassas, Virginia
CBGAT Mantan, Quebec
WTCT Marion, Illinois
WHFY Miami, Florida
WLYT Miami, Florida
WMPF Mobile, Alabama
KCSO Modesto, California
CBAFT Moncton, New Brunswick
KSMS Monterey, California
WMCF Montgomery, Alabama
CBFT Montreal, Quebec
CFTM Montreal, Quebec
CJFP Montreal, Quebec
CJLM Montreal, Quebec
WHTN Nashville, Tennessee
WSFJ Newark, Ohio
CKRN Noranda-Rouyn, Quebec
KMLM Odessa, Texas
KSBI Oklahoma City, Oklahoma
KTOB Oklahoma City, Oklahoma
WSWS Opelika, Alabama
CBQCT Ottawa, Ontario
WXTV Patterson, New Jersey
WHBR Pensacola, Florida/Mobile, Alabama
W55AB Philadelphia, Pennsylvania
KPAZ Phoenix, Arizona
KTVW Phoenix, Arizona
KVTN Pine Bluff, Arkansas
KNMT Portland, Oregon
W UBY Poughkeepsie, New York
CBVT Quebec City, Quebec
CFCM Quebec City, Quebec
CBEK Regina, Saskatchewan
KREN Reno, Nevada
WKHO Richardson, Illinois
CJBR Rimouski, Quebec
CFER Rimouski, Quebec
CIVB Rimouski, Quebec
GIMT Riviere-du-Loup, Quebec
CRKT Riviere-du-Loup, Quebec
GFRM Rouyn-Noranda, Quebec
WAGP Saginaw, Michigan
KWEK San Antonio, Texas
KSCI San Bernadino, California
KDTV San Francisco, California
KTSP San Francisco, California
WKAQ San Juan, Puerto Rico
KSTS San Jose, California
KTNB Santa Ana, California
CBST South Carolina
CKSH Sherbrooke, Quebec
CHLT Sherbrooke, Quebec
WHME South Bend, Indiana
CHOY St. Jerome, Quebec
KT AJ St. Joseph, Missouri
KTBW Tacoma, Washington
CBQFT Toronto, Ontario
*CICA Toronto, Ontario
CHEM Trois Rivieres, Quebec
CKTM Trois Rivieres, Quebec
K3 2AO Tucson, Arizona
KWHB Tulsa, Oklahoma
CBUFT Vancouver, British Columbia
CBFT Windsor, Ontario
CBWFT Winnipeg, Manitoba

*Designates that a party objected to the station’s characterizing itself as a specialty station.


Ralph Oman,
Register of Copyrights.
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