



ANNOUNCEMENT

from the Copyright Office, Library of Congress,
101 Independence Avenue, S.E., Washington, D.C. 20559-6000

NOTICE OF FILINGS, REQUEST FOR COMMENTS.

CABLE COMPULSORY LICENSE: SPECIALTY STATION LIST

The following excerpt is taken from Volume 63, Number 205 of the
Federal Register for Friday, October 23, 1998 (pp. 56948-56949)

LIBRARY OF CONGRESS

Copyright Office

[Docket No. RM 98-6]

Cable Compulsory License Specialty Station List

AGENCY: Copyright Office, Library of Congress.

ACTION: Notice of filings, request for comments.

SUMMARY: The Copyright Office is publishing a list of stations listed in affidavits sent to the Copyright Office in which the owner or licensee of the station attests that the station qualifies as a specialty station in accordance with the Federal Communications Commission's (FCC) definition of specialty station in effect on June 24, 1981. Any party may file with the Copyright Office an objection to an owner's claim of specialty station status.

DATES: Comments must be received November 23, 1998. The effective date of the annotated list will coincide with the beginning of the accounting period that starts after the publication of the final list in the *Federal Register*.

ADDRESSES: If sent by mail, submit an original and two copies to: David O. Carson, General Counsel, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. If hand delivered, bring the document to: Office of the General Counsel, U.S. Copyright Office, James Madison Memorial Building, Room LM-403, First and Independence Avenue, S.E., Washington, D.C. 20559-6000.

FOR FURTHER INFORMATION

CONTACT: David O. Carson, General Counsel, or Tanya M. Sandros, Attorney Advisor,

[[Page 56949]]

Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone (202) 707-8380 or Telefax (202) 707-8366.

SUPPLEMENTARY INFORMATION:

Under the cable compulsory license, section 111 of the title 17, United States Code, a cable operator may carry the signal of a television station classified as a specialty station at the base rate rather than at the higher 3.75% rate that is usually incurred for the carriage of a non-permitted signal. 37 CFR 256.2(c). Specialty station status is determined by reference to the former regulations of the Federal Communications Commission (FCC) which defined a specialty station as "a commercial television broadcast station that generally carries foreign-language, religious, and/or automated programming in one-third of the hours of an average broadcast week and one-third of the weekly prime-time hours." 47 CFR 76.5(kk) (1981). The FCC no longer determines whether a station qualifies as a specialty station; however, the Copyright Office updates the list periodically, because the list remains relevant to the cable compulsory license scheme.

The Copyright Office published its first specialty station list in 1990 under a procedure which allowed the owner of the station to file an affidavit with the Office attesting to the fact that the station's programming comports with the 1981 FCC definition, and hence, qualifies it as a specialty station. 55 FR 40021 (October 1, 1990). The Office agreed at that time to

update the list approximately every three years.

Accordingly, on August 4, 1998, the Copyright Office published a notice asking the owner, or a valid agent of the owner, to file a sworn affidavit with the Copyright Office stating that the station's programming satisfies the FCC's former requirements for specialty station status. 63 FR 41599 (August 4, 1998). In response to the notice, the Copyright Office received affidavits on behalf of forty-nine broadcast television stations. These stations are listed below.

Any party that objects to another party's claim to specialty station status should submit specific and factual comments as to which station(s) he or she objects to, and why. A final annotated list of specialty stations including references to any objections filed against a particular station owner's claim will be published in the *Federal Register*.

Copyright Office licensing examiners shall refer to the final annotated list in examining a statement of account where a cable system operator claims specialty station status for a particular station. If a cable system operator claims specialty station status for a station not on the published final list, the examiner determines whether the owner of the station has filed an affidavit since publication of the list. Affidavits received after the publication of the final annotated list shall be kept on file in the Licensing Division of the Copyright Office. Any interested party may file an objection to any such late-filed affidavit and the objection shall be filed together with the corresponding affidavit.

List of Specialty Stations: Call Letters and Cities of License

CBAFT Moncton, New Brunswick, Canada
CBFT Montreal, Quebec, Canada

CBKFT Regina, Saskatchewan, Canada
CBOFT Ottawa, Ontario, Canada
CBUFT Vancouver, British Columbia,
Canada
CBVT Quebec City, Quebec, Canada
CBWFT Winnipeg, Manitoba, Canada
CBXFT Edmonton, Alberta, Canada
CFCM-TV Quebec, Quebec, Canada
CFER-TV Rimouski, Quebec, Canada
CFTM-TV Montreal, Quebec, Canada
CHEM-TV Trois-Rivieres, Quebec, Canada
CHLT-TV Sherbrooke, Quebec, Canada
CJPM-TV Chicoutimi, Quebec, Canada
CKSH-TV Sherbrooke, Quebec, Canada
K30CE Austin, TX
K48AM Albuquerque, NM
K52AO Tucson, AZ
KABE-LP Bakersfield, CA
KCHF Santa Fe, NM
KDRX-LP Phoenix, AZ
KDTV-LP Santa Rosa, CA
KDTV(TV) San Francisco, CA
KFTV(TV) Hanford, CA
KLUZ-TV Albuquerque, NM
KMEX-TV Los Angeles, CA
KTSF(TV) San Francisco, CA
KTVW-TV Phoenix, AZ
KUVN-LP Fort Worth, TX
KUVN(TV) Garland, TX
KUVS(TV) Modesto, CA
KWEX-TV San Antonio, TX
KWHY-TV Los Angeles, CA
KXLN-TV Rosenberg, TX
W47AD Hartford, CT
W50BF-TV Sharon (Mercer County), PA
W63BF Aguadilla, Puerto Rico
WAQP-TV Saginaw, MI
WGBO-TV Joliet, IL
WINM-TV Angola, IN
WKBS-TV Johnstown/Altoona, PA
WLTV(TV) Miami, FL
WLXI-TV Greensboro, NC
WNYB-TV Jamestown, NY
WPCB-TV Greensburg/Pittsburgh, PA
WTCT-TV Marion, IL
WTLJ-TV Muskegon, MI
WXTV-LP Philadelphia, PA
WXTV(TV) Paterson, NJ

Dated: October 20, 1998.

David O. Carson,
General Counsel.

[FR Doc. 98-28514 Filed 10-22-98; 8:45 am]

BILLING CODE 1410-31-U