## Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

In the Matter of

**Distribution of the** 

2004, 2005, 2006, 2007, 2008, and 2009 Cable Royalty Funds Docket No. 2012-6 CRB CD 2004-2009 (Phase II)

## WRITTEN DIRECT STATEMENT OF THE

## **MPAA-REPRESENTED PROGRAM SUPPLIERS**

VOLUME II OF II DESIGNATED PRIOR TESTIMONY

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May 9, 2014

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## Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

In the Matter of

**Distribution of the** 

2000, 2001, 2002, and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

**Direct** Testimony of

Marsha E. Kessler

May 30, 2012

## DIRECT TESTIMONY OF MARSHA E. KESSLER

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#### **DIRECT TESTIMONY OF MARSHA E. KESSLER**

#### I. BIOGRAPHICAL INFORMATION

My name is Marsha E. Kessler. Prior to my retirement in August 2010, I served as Vice-President, Retransmission Royalty Distribution, at Motion Picture Association of America ("MPAA"), a position I held, under various titles, for about 28 years. Prior to working for MPAA, I was a founding member of the Copyright Office's Licensing Division, the division responsible for collecting cable royalties under Section 111 of the Copyright Act. **Section 111**, also known as the "statutory" or "compulsory" license, governs cable system royalty fee obligations for the carriage of broadcast signals. At the Licensing Division, I initially was an "Examiner" of **Statements of Account ("SOAs")** – the documents cable operators file to substantiate their royalty payments. Later, I became a "Lead Examiner." As a Lead Examiner, I advised colleagues as they encountered difficulties with individual SOAs. I have a baccalaureate degree in Spanish from Catawba College in Salisbury, North Carolina and a master's degree in Spanish Language and Literature from the University of Maryland, College Park, Maryland.

In order to verify the accuracy of a royalty payment, examiners confirmed that the cable operator had filed the correct SOA form and had supplied all other required SOA information (*e.g.*, numbers of subscribers served, monthly rates, stations retransmitted, revenues, activated channels, *etc.*). In the case of larger systems, we confirmed that the royalty payment reflected correct application of the provisions of the statutory license in conjunction with the former signal carriage rules of the Federal Communications Commission ("FCC"). If all those conditions were met, the filing was accepted.

If an SOA appeared deficient (for example, if the system omitted information or miscalculated the royalty), examiners wrote to the system and sought correction of the matter.

I left the Licensing Division in 1982 and began working for MPAA, where I oversaw the distribution of cable and satellite retransmission royalties (under Sections 111 and 119 of the Copyright Act) until my retirement in 2010. I worked closely with information technology contractors and with financial, legal and statistical professionals to provide fair and efficient distribution of royalties among our represented claimants. In addition to overseeing royalty distributions, I assisted MPAA-represented program owners in the annual filing of their royalty claims with the Copyright Royalty Board ("CRB"). I also supervised MPAA's statutory license enforcement efforts. This supervision included training, reviewing the work of, and advising staff who review SOAs for compliance with the statutory license. Moreover, I made recommendations regarding potential areas for enforcement investigation and on other matters that cropped up during the course of an investigation.

I previously testified before the Copyright Royalty Judges ("Judges") in Phase I of this proceeding, and a copy of my written direst testimony in that matter

is attached to my Phase II testimony here and incorporated as Appendix A.<sup>1</sup> I also provided testimony to the Judges in the recent 2004-2005 cable Phase I proceeding. In addition to testifying before the Judges, I have testified numerous times before the Copyright Royalty Tribunal, the Copyright Arbitration Royalty Panel, and the Canadian Copyright Board on matters related to statutory license royalties. I have also appeared before the Intellectual Property Subcommittee of the House Judiciary Committee in a matter connected with satellite royalty rates.

### II. PURPOSE OF TESTIMONY

First, I will describe the nature and extent of the MPAA-represented Program Suppliers' claim in this proceeding, including the different types of programs that comprise our claim. Second, I will explain MPAA's process for identifying and certifying ownership of each of the program titles claimed by MPAA in this proceeding. Finally, I will describe my role in the Nielsen Studies which the MPAA-represented Program Suppliers are presenting as evidence in this proceeding.

<sup>&</sup>lt;sup>1</sup> In my 2000-2003 Cable Phase I testimony, I explained in detail how Section 111 royalties are collected by the Copyright Office and provided information regarding cable systems' SOA filing requirements, including descriptions of key elements of the SOAs, types of cable systems, types of distant signals, and the methodology by which cable operators calculate royalties. *See* Appendix A.

## III. INTRODUCTION

Beginning with the first royalty distribution proceeding addressing the allocation of 1978 cable royalties, MPAA has been the *de facto* Phase I representative of all Program Supplier claimants – the owners of nonnetwork series, movies and specials which air on commercial television broadcast stations retransmitted by cable systems. In Phase II proceedings, MPAA represents those program suppliers who have agreed to representation by MPAA ("MPAArepresented Program Suppliers"). A listing of MPAA-represented Program Suppliers is set forth in Appendix B.

MPAA-represented Program Suppliers include not only the major U.S. production studios, but also dozens and dozens of smaller producers and syndicators from both the U.S. and many parts of the world – all of whom have filed claims seeking a share of the pool. For the 2000-2003 royalty years, MPAA directly represents approximately 100 claimants each year. Because many of these MPAA-represented claimants filed joint claims, have multiple subsidiaries, and include royalty collection agents, MPAA directly and indirectly represents as many as 1,400 claimants per royalty year.

Merely describing our programs as series, movies and specials understates the width and breadth of MPAA-represented Program Suppliers' claim. Our programs include game shows, sitcoms, news magazines, interview shows, sports shows and sporting events, awards shows, health and fitness shows, and animal shows as well as similar works in Spanish. The following is a brief example:

- Live-action and/or animated series and sitcoms, such as: FRIENDS
   (Warner Bros. Domestic Television Distribution), 3<sup>RD</sup> ROCK FROM THE
   SUN (Carsey-Werner-Mandabach Productions, LLC), and THE SIMPSONS
   (Fox Entertainment Group, Inc.).
- Movies, such as: AFRICAN QUEEN (Carlton International), A FISH
   CALLED WANDA (Metro-Goldwyn Mayer Studios, Inc.), and YOUNG
   GUNS II (Morgan Creek International, Inc.).
- Game shows, such as: FAMILY FEUD (FremantleMedia NA) and JEOPARDY! (Jeopardy Productions, Inc.).
- Sports shows and sports-related programs, such as: BABE
   WINKELMAN'S GOOD FISHING (Babe Winkelman Productions, Inc.),
   GEORGE MICHAEL SPORTS MACHINE (King World Productions, Inc.),
   THIS WEEK IN BASEBALL (Major League Baseball Properties, Inc.).
   WOMEN OF WRESTLING (MG/Perin) and SUPER TUESDAY (World
   Wrestling Entertainment, Inc.).
- Awards shows and pageants, such as: FIFTH ANNUAL FAMILY
   FRIENDLY AWARDS (dick clark productions, inc.), MISS HAWAIIAN
   TROPIC INTERNATIONAL FINALS (Bennett Productions, Inc.) and
   GOLDEN GLOBE AWARDS (dick clark productions, inc.).

- News shows, such as: HEADLINE NEWS (Cable News Network LLP), MCLAUGHLIN GROUP (Oliver Productions, Inc.) and WALL STREET JOURNAL REPORT (NBC Universal, Inc.).
- Health and fitness shows, such as: WAI LANA YOGA (Zia Film Distribution LLC), plus an almost unlimited number of infomercials promoting exercise equipment and diet plans.
- Animal shows, such as: WILD ABOUT ANIMALS (Steve Rotfeld Productions, Inc.), ANIMAL RESCUE (Telco Productions, Inc.) and PET KEEPING WITH MARC MORRONE (Martha Stewart Living Omnimedia, Inc.).
- Interview and talk shows, such as: OPRAH WINFREY (King World Productions, Inc.) and MARTHA STEWART LIVING (Martha Stewart Living Omimedia, Inc.).

All of these and many more types of programs fall under the MPAArepresented Program Suppliers' umbrella. Relative to Phase II claims, MPAArepresented Program Suppliers not only have the largest number of programs, they also have an extremely diverse array of programs. An alphabetical list I prepared of all of the program titles that MPAA-represented Program Suppliers are claiming in this proceeding for each royalty year is attached to my testimony as Appendix C. Taken together, this list includes approximately 11,600 MPAAclaimed titles for the four-year period.

#### Definitions

Before going on, it might be helpful to provide definitions of some terms commonly used in Section 111 discussions.

TV station: A broadcast facility licensed by the FCC to air on a specific channel in a certain geographic area. An example of a TV broadcast station is KMSP, channel 27, licensed to Minneapolis. Although there are exceptions, call signs of stations located in the western U.S. begin with the letter "K" (*e.g.*, KOMO in Seattle) and call signs of stations located in the eastern U.S. begin with the letter "W" (*e.g.*, WJLA in Washington, D.C.). TV stations are sometimes referred to as "over-the-air television stations" or "free TV." Stations are also referred to as "signals."

**Cable network**: A facility which does not broadcast itself, but which provides programming directly to cable systems. An example of a cable network is TNT. Programming on cable networks is *not* compensable under Section 111.

Network station, Independent station; Network and Nonnetwork programming: In the context of Section 111, Network TV stations are those commercial broadcast stations affiliated with the ABC, CBS and/or NBC networks only. All other commercial stations are considered Independent stations. Network programming refers to programming disseminated by the ABC/CBS/NBC networks to their affiliated TV stations. ABC/CBS/NBC network programming is *not* compensable under Section 111. Nonnetwork programming

refers to programming on TV stations that the stations acquire themselves, *i.e.*, programming not disseminated to them by the ABC, CBS, or NBC networks. Nonnetwork programming is the only type of programming compensable under Section 111.

**Transmission versus retransmission**: TV stations broadcast (*i.e.*, **transmit**) works over the air to the public which receives the programming for free. Section 111 refers to this as the primary transmission. Cable systems simultaneously **re-transmit** stations' signals to their subscribers, who pay fees for the service. Section 111 refers to this as the secondary transmission.

Local Market (or Local Service Area): The geographic area within which a TV station is entitled to insist that its signal be retransmitted by a cable system in accordance with the FCC "must carry" rules. A cable system located within a particular television market must carry all stations that are licensed (*i.e.*, local) to the market.

**Distant Station (Signal):** When a cable system retransmits a broadcast station outside of the station's local market, the station is referred to as a distant station or signal. For example, when Verizon retransmits WGN-Chicago to the District of Columbia TV market, WGN is deemed a distant signal in the District of Columbia.

**Local Station (Signal):** When a cable system retransmits a station to subscribers located *within* that station's market, the station is called a "local"

signal. For example, WDCA, channel 20, licensed to the District of Columbia, is considered a local signal in Washington, D.C.

**Retransmission royalties**: Section 111 royalties cable operators pay in order to retransmit TV station programming to subscribers.

## IV. MPAA'S CLAIM VERIFICATION AND TITLE CERTIFICATION PROCESS

In the years that I worked at MPAA, we developed and maintained internal standards to ensure that only those individuals or entities who were truly entitled to claim retransmission royalties would be able to assert a claim for those royalties through MPAA. To be a MPAA-represented claimant, a rights-holder must satisfy the following requirements: (1) file a timely claim for retransmission royalties each year with the Copyright Office; (2) provide MPAA with an "as-filed" copy of that claim, demonstrating that it was submitted to the Office in a timely manner; and (3) have a valid representation agreement with MPAA. All of the MPAA-represented claimants listed on Appendix B to my testimony satisfied these requirements.

Relative to 2000-2003 for those parties who satisfied the requirements, MPAA proceeded to identify the program titles for which those entities were entitled to claim Section 111 royalties. This process included analyzing the program title information submitted by MPAA-represented claimants and performing independent research to identify additional program titles potentially owned by our represented claimants. Once MPAA identified the program titles we believed were attributable to a particular claimant, we prepared a certification report listing those titles and sent it to the claimant, along with a certification form for the claimant to sign verifying that party's right to claim the works listed on the certification report.

Additionally, each claimant was required to strike through any titles for which it was not authorized to claim retransmission royalties and to then certify its ownership of the remaining titles. After review, MPAA's represented claimants returned their executed certifications to my attention at MPAA. I reviewed the executed certifications and ensured that any corrections made to the report were accurately adjusted by MPAA. I performed the tasks just described on a royalty year-by-royalty year basis. The list of MPAA-represented claimants' titles in Appendix C of my testimony were all subject to this certification process.

## V. MPAA-REPRESENTED PROGRAM SUPPLIERS' NIELSEN STUDIES IN THIS PROCEEDING

In this proceeding, MPAA-represented Program Suppliers will be presenting studies of viewing to distantly retransmitted, nonnetwork programs undertaken by Nielsen. In this part of my testimony, I will explain my role in the development of these studies.

Viewing, as measured by Nielsen, is the predominant standard by which all television programming is commercially evaluated. It is to Nielsen, therefore, that MPAA turns for assistance in quantifying the consumption of distant signal programming.

To begin the process, I (1) selected a sample of stations retransmitted by cable systems, (2) performed an analysis to determine the local market (county) for each station in the sample, and (3) sent both the sample stations and the related local county analysis to Nielsen for Nielsen to extract related viewing by distant subscribers. Below, I describe the first two steps in the process. Nielsen's Paul Lindstrom will describe the methodology employed by Nielsen to obtain the distant viewing information for 2000-2003 ("Nielsen Studies").

#### A. Selection Of Sample Stations

Prior to commissioning each of the Nielsen Studies I requested a report from Cable Data Corporation ("CDC")<sup>2</sup> showing all stations distantly retransmitted by cable systems for each of the years in question. The reports provided detailed information on each station, including number of distant subscribers, estimated royalties attributed to the station, station type, and whether the data were attributable to Form 1-2 systems (the so-called smaller systems whose revenues fall below a certain threshold) or to Form 3 systems (the so-called large systems whose revenues are above the threshold). Using the CDC Form 3 SOA data, I identified and prepared a list of sample stations for each year. We relied on Form 3 data related to commercial stations to select the samples because Form 3 royalties and subscribers account for the lion's share of all cable royalties

<sup>&</sup>lt;sup>2</sup> CDC is a Mount Airy, Maryland company who specializes in collecting data reported by cable systems on their SOAs and producing regular and customized data reports utilizing SOA data.

and distant subscribers  $\,$  – roughly 91% - 93% (subscribers) and 96% - 97%  $\,$ 

(royalties) for each year.

The chart below provides data related to the percentage of distant subscribers and share of royalties represented by each year's sample. The data reflect the retransmission of commercial stations only, as the allocation of funds for works on Canadian, Mexican and public television stations is not at issue in this proceeding.

Royalty Year	Number of Stations	Percentage of Total Distant Subscribers Covered by Sample Stations	Percentage of Total Royalties Generated By Sample Stations
2000	81	75%	84%
2001	97	85%	90%
2002	122	85%	90%
2003	125	86%	86%

The lists in Appendix D are the stations in my 2000-2003 samples.

## **B.** Local County Analysis For Commercial Stations

Standard Nielsen ratings – which are measured on a county-by-county basis – do not differentiate between distant and local viewing. The next step, therefore, was MPAA's identification for Nielsen of the counties in which cable household ("CHH") viewing to each sample station would be considered **local**. Thus, when performing its estimates, Nielsen could ignore data from **local** counties and focus its measurements on viewing from **distant** counties only. MPAA based identification of the counties local to each 2000-2003 sample station on the FCC signal carriage rules,<sup>3</sup> and we refer to this task as "county analysis." We employed the following general steps: first, we identified the counties that constituted each station's Designated Market Area ("DMA"). All such counties are considered local for that station. Second, we identified the counties in which each station was deemed "**significantly viewed**" ("SV") per the FCC. All such counties are considered local for that station pursuant to the FCC's signal carriage rules. Lastly, we looked at other factors that would qualify a county as local to the station in question. Appendix F to my testimony provides an illustration of how the local county analysis was performed for 2000-2003.

After completing the local county analysis, we then provided Nielsen with a listing of those counties that we identified as local for each sample station. As Mr. Lindstrom's testimony should confirm, Nielsen excluded viewing from cable households located in each station's local counties with the result that only *distant* cable viewing is shown in the studies.

#### C. Commissioning The 2000-2003 Nielsen Studies

After I selected the sample stations and worked with my staff at MPAA to complete the local county analysis for each year, I delivered these items to Nielsen and requested special studies for each of the 2000-2003 years estimating

<sup>&</sup>lt;sup>3</sup> The signal carriage rules, now rescinded, were found at Sections 76.57 through 76.63 of the regulations of the FCC. 47 C.F.R. §§ 76.57-76.63 (1976), attached as Appendix E.

distant viewing to the selected stations by cable households. This request

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concluded my participation in the Nielsen Studies.

Thank you for the opportunity to present the information in this testimony.

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I hope it will be helpful in the Judges' deliberations.

## **DECLARATION OF MARSHA E KESSLER**

I declare under penalty of perjury that the foregoing testimony is true and correct, and of my personal knowledge.

Executed on May **29**, 2012

Marsha E. Kessler Marsha E. Kessler

# KESSLER APPENDIX A

## Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

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In the Matter of

Distribution of the

2000, 2001, 2002, and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003

## **Direct Testimony of**

## Marsha E. Kessler

February 2, 2009

## DIRECT TESTIMONY OF MARSHA E. KESSLER

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## Appendices

Declaration

## **DIRECT TESTIMONY OF MARSHA E. KESSLER**

#### I. BIOGRAPHICAL INFORMATION

My name is Marsha E. Kessler. I am appearing as a witness in this proceeding on behalf of the Program Suppliers. I am Vice-President, Retransmission Royalty Distribution, at Motion Picture Association of America ("MPAA"). I have held this position, under various titles, for about 27 years. Prior to that, I was a founding member of the Copyright Office's Licensing Division, the division responsible for collecting cable royalties under Section 111 of the Copyright Act. Section 111, also known as the "statutory" or "compulsory" license, governs cable system royalty fee liability for the carriage of broadcast signals. At the Licensing Division, I initially was an "Examiner" of Statements of Account ("SOAs") -- the documents cable operators file to substantiate their royalty payments. Later, I became a "Lead Examiner." As a Lead Examiner, I advised colleagues as they encountered difficulties with individual SOAs.

In order to verify the accuracy of a royalty payment, examiners confirmed that the operator had filed the correct SOA form applicable to the amount of gross receipts reported (more about which I will say later) and that the operator had supplied all other information required in the statement (*e.g.*, numbers of subscribers served, stations carried, revenues, *etc.*). In the case of larger (or socalled "Form 3") systems, we confirmed that the royalty payment reflected correct application of the provisions of the statutory license in conjunction with the former signal carriage rules of the Federal Communications Commission ("FCC").<sup>1</sup>

The FCC's signal carriage rules are used to identify distant stations carried by Form 3 systems. I will say more about distant stations later, but for the time being, note that different types of distant stations are assigned different weights and those weights are reflected in the formula for calculating each cable system's royalty obligation. Examiners at the Licensing Division made sure each reporting cable system used the correct SOA form, accurately identified its distant stations, and calculated the royalty as required by statute. If all those conditions were met, the filing was deemed accepted.

If a SOA appeared deficient (for example, if the system omitted or misreported information), examiners wrote to the system and sought correction of the matter.

Since leaving the Licensing Division in 1982, I have worked for MPAA, where I oversee the distribution of cable and satellite retransmission royalties (under Sections 111 and 119 of the Copyright Act, respectively). I work closely with information technology contractors and with financial, legal and statistical professionals to provide fair and efficient distribution of royalties among our represented claimants. In addition to overseeing royalty distribution, I assist

<sup>&</sup>lt;sup>1</sup> The signal carriage rules, now rescinded, were found at Sections 76.57 through 76.63 of the regulations of the FCC. 47 C.F.R. §§ 76.57-76.63 (1976), PS Exhibit (MEK-1).

program owners in the annual filing of their royalty claims with the Copyright Royalty Board ("CRB").

Finally, I supervise MPAA's compulsory license enforcement efforts.<sup>2</sup> My responsibilities in that regard include training, reviewing the work of, and supervising the staff who review cable system SOAs for compliance with the statutory license. I also make recommendations regarding potential areas of concern for investigation and on other matters that crop up during the course of an investigation.

I have testified numerous times before the Copyright Royalty Tribunal, the Copyright Arbitration Royalty Panel, and the Canadian Copyright Board on matters related to statutory license royalties. I have also appeared before the Intellectual Property Subcommittee of the House Judiciary Committee in a matter connected with satellite royalty rates.

## **II. PURPOSE OF TESTIMONY**

I will provide information regarding cable systems' SOA filing requirements, including descriptions of key elements of the SOAs, types of cable systems, types of distant signals, and the methodology by which cable operators

 $<sup>^2</sup>$  Although the Copyright Office takes action to get licensees to correct errors on SOAs, it has no authority to pursue actions in the courts if the licensees do not fix the errors. That role falls to copyright owners, who must file infringement actions against systems that fail to satisfy their statutory filing obligations. MPAA's enforcement program monitors cable systems' filings and seeks to bring cable systems and satellite carriers into compliance when it believes their reporting or payments conflict with the requirements of the statutory licenses.

calculate royalties. I will also illustrate how royalties were actually reported on the SOAs filed by a specific cable system that carried Canadian distant signals. Finally, using specific examples, I will illustrate how a cable system's royalty payment may fluctuate due to a variety of factors.

## **III. INTRODUCTION**

To be considered compensable under Section 111, programming must meet three qualifiers:

- The programming must be initially transmitted by a broadcast television station that either the FCC or the Canadian or Mexican governments have licensed to a particular community on a specific channel. An example of a broadcast television station here in Washington, D.C. is WJLA, channel 7.
- 2. A cable system must simultaneously retransmit the broadcast station's programming outside the station's local market (a station *transmits* and the cable system *retransmits*).
- The programming cannot be part of programming transmitted by the ABC, CBS or NBC networks via their affiliated stations ("network programming").<sup>3</sup>

The compensable programming represented by the Settling Parties in this proceeding includes series and movies, professional and collegiate sporting

<sup>&</sup>lt;sup>3</sup> Programming on cable networks, *e.g.*, HBO, ESPN, USA, *etc.* does not fall within the terms of Section 111 because program owners license programming directly to cable networks through private negotiations.

programming, station-produced news and other programming, religious programming, non-commercial programming, and music used during these programs.<sup>4</sup>

Now, a little more detail: As I indicated above, a **broadcast station** is a facility licensed by the FCC (or the Canadian or Mexican governments) to a particular community on a specific channel. Each station is identified by a **call sign** and **channel** along with its **city of license**, for example, WJLA, channel 7, in Washington, D.C. or KOMO, channel 4, in Seattle. With minor exceptions, call signs of stations located in the western part of the U.S. begin with the letter "K" (*e.g.*, KOMO in Seattle) and call signs of stations located in the eastern part of the U.S. begin with the letter "W" (*e.g.*, WJLA in Washington, D.C.). Broadcast stations are sometimes referred to as "free, over-the-air television stations" or "free TV" or "TV stations." Stations are also referred to as "signals."

Program owners can license their shows to television stations for broadcast within a television market (usually defined by geographic areas). Program owners receive compensation for such a license. For example, a program owner could license a program to Washington, D.C. station WJLA, channel 7 only for broadcast in the Washington, D.C. market. WJLA transmits (*i.e.*, broadcasts) its programming free of charge to the public, and anyone in the D.C. metro area who

<sup>&</sup>lt;sup>4</sup> The Settling Parties are comprised of Program Suppliers, Joint Sports Claimants, Commercial Television Claimants, Public Television Claimants, Music Claimants and Devotional Claimants.

has a television set capable of receiving the WJLA signal can watch the programs on WJLA free of charge.

As long as a cable operator complies with Section 111, it may retransmit WJLA to subscribers located *outside* of the Washington, D.C. local market. This means the programs on WJLA would be available to a new audience for which the program owner has not been compensated. It is the purpose of Section 111 to compensate program owners for this increased exposure of their works outside (*i.e.*, distant to) the area to which the program was originally licensed.

When a cable system located in Washington, D.C. retransmits WJLA to subscribers located *within* the Washington, D.C. market, WJLA is called a "local" signal. When a cable system located outside of the Washington, D.C. market retransmits WJLA and delivers its signal to subscribers outside the Washington, D.C. market, WJLA becomes, for that cable system, a "distant" station for Section 111 purposes. I will say more about distant stations, or distant signals, later.

## IV. OPERATION OF THE SECTION 111 STATUTORY LICENSE

In order to retransmit broadcast station signals without infringing program owners' copyright in individual works, the cable operator must comply with the requirements of the statutory license. Compliance consists of, among other things, the operator filing a SOA and paying a royalty, the calculation of which is determined by Section 111. Cable operators make royalty payments and file the

accompanying SOAs twice a year with the Licensing Division of the Copyright Office. Royalties and SOAs for January 1 through June 30 are due by August 29; for August 1 through December 31, they are due by March 1 of the following year. We refer to these time frames as accounting periods "1" and "2," respectively, for example "2000-1" (for the first accounting period in 2000) and "2001-2" (for the second accounting period in 2001).

## V. THE STATEMENT OF ACCOUNT

#### A. Contents of the Statement of Account

Section 111 requires that cable operators accompany each royalty payment with a SOA. In the SOA, the operator must provide information about the system's operations during the accounting period. Different-sized systems file different SOA forms. Copies of the two types of Statement of Account forms are attached to my testimony. PS Exhibit \_\_\_\_ (MEK-2) is the form for smaller systems called "Form 1-2" and PS Exhibit \_\_\_\_ (MEK-3) is the form for larger systems called "Form 3."

Information found on both SOAs includes:

- Owner of the system
- Communities served by the system
- The categories of service offered by the system (*e.g.*, basic, expanded basic and pay cable, more about which I will say later)
- The number of subscribers to those services

- The rates charged the subscribers
- Television broadcast stations retransmitted to the system's subscribers (by call sign, local channel, city of license, *etc.*)
- Gross receipts for any and all packages or tiers of service that contain broadcast signals
- The royalty fee calculation plus a section where interest can be calculated if the system files late
- The number of channels on which the system retransmitted broadcast stations and the total number of activated channels offered by the system
- Various schedules providing the basis for calculating certain royalties
- A certification of the information in the SOA
- An individual at the system to whom inquires can be made if further information is required

Next, I will describe the key reported items found in an SOA.

#### **B.** Gross Receipts

Gross receipts are the fees collected by cable operators from subscribers who receive the categories of service containing broadcast stations. Cable operators offer various packages, or tiers, of programming. Typically, there is a "basic service tier" (or "basic tier"), which must include local broadcast stations

and may also include distant broadcast stations and access channels for local city and county governments and educational institutions as well as cable networks. In a hypothetical situation, a cable system might charge a monthly rate of \$14 for the basic tier.

One notch up from basic is what the cable system typically refers to as the "expanded basic" tier, which may include such things as distant signals and digital broadcast stations plus basic cable networks. In the hypothetical situation envisioned in the preceding paragraph, the same cable system might charge an expanded basic tier monthly fee of \$25. Of course, a cable customer must first subscribe to the basic tier (for \$14) before she can receive the expanded basic tier, so the subscriber's total cost would be \$39 for both tiers.

Cable operators also offer premium cable networks ("pay cable") such as HBO or Showtime. Cable systems market these premium channels either alone or in packages of multiple channels for an additional monthly fee, say \$20. The cable customer must first subscribe to the basic tier before electing additional premium channels. In the hypothetical posed above, if the customer subscribes to basic (for \$14), expanded basic (for \$25) and HBO/Showtime for (\$20), the customer's bill would be \$59 per month.

For purposes of calculating its Section 111 royalties, the cable operator must report as Gross Receipts the full amounts received from all tiers of service that contain broadcast stations. In the hypothetical given above, if the cable

operator offered its local broadcast and distant broadcast stations in the basic (\$14) tier and a distant station in the expanded basic (\$25) tier, the operator must calculate its gross receipts based on the \$39 (\$14 plus \$25) paid by all subscribers who received the basic and expanded basic tiers. Operators are not allowed to prorate fees for tiers of service that contain both broadcast and non-broadcast offerings when reporting their gross receipts.

Section 111 differentiates cable systems based on the amount of their semiannual gross receipts. As stated, smaller systems file SOAs known as "Form 1-2." Larger systems use the SOA known as "Form 3."

Different-sized systems pay different statutory fees based on their Gross Receipts. In the first accounting period of 2000 (*i.e.*, 2000-1), the Gross Receipts thresholds for the three forms were:

Form 1: \$75,800 or less

Form 2: More than \$75,800 and less than \$292,000

Form 3: \$292,000 and more

For 2000-1, the royalty payments were as follows:

- Form 1 operators paid a *flat fee* of \$28 every 6 months.
- Form 2 operators paid flat *percentages* of their Gross Receipts (0.5% up to \$146,000 and 1.0% of their Gross Receipts in excess of \$146,000 but less than \$292,000).

• Form 3 operators paid a royalty based on a calculation whose

components are the system's Gross Receipts and the number and type

of distant stations they carried.

Commencing July 1, 2000, the rate increased. Thereafter, the Gross

Receipts thresholds for the three forms increased:

Form 1: \$98,600 or less

Form 2: More than \$98,600 and less than \$379,600

Form 3: \$379,600 and more

Commencing with the 2000-2 accounting period, Form 1 operators paid a

flat fee of \$37 every 6 months. The methodology for calculating Form 2 and Form

3 operators' royalties did not change.

# VI. THE 2000, 2001, 2002, AND 2003 CABLE FUNDS AND SUBSCRIBERS

For the years, 2000, 2001, 2002, and 2003, the approximate total royalties paid by cable operators each year were as follows:

2000 \$120.4 million

2001 \$122.9 million

2002 \$130.9 million

2003 \$132.1 million

Appendix A is a copy of the Licensing Division's Report of Receipts dated

January 23, 2009, showing cable royalty deposits from inception to date.

Appendix B breaks out the average number of systems, subscribers and total

royalties reported by cable operators in the SOA filings for 2000-2003. The data for Appendix B were provided by **Cable Data Corporation ("CDC")**, a Rockville, Maryland company, whose representative I understand will testify in this proceeding. CDC compiles SOA information, as reported on paper forms at the Copyright Office, and reproduces the data in electronic format. CDC is the only company that does this work and all parties in this proceeding rely on CDC for SOA data.

You will note small differences between Appendix A (the Licensing Division's deposits) and the royalty amounts as recorded by CDC and reported in Appendix B. While the Division's document reports the deposits related to unexamined SOAs, CDC's data are compiled after SOAs have been examined and may include adjustments for interest, additional payments, refunds, *etc.* Regardless of the differences in the absolute amounts between the two sources, they both show that the royalties paid for the years at issue in this proceeding total approximately \$500 million, and that the bulk of the subscribers (about 92%) and of the royalties (about 96%) are attributable to Form 3 cable systems.

## VII. FORM 3 ROYALTIES

#### A. Distant Signals

The Form 3 royalty calculation involves the number and type of distant stations carried by the system. Remember, "**distant**" means a cable system carries the station outside the station's local market, which under Section 111(f) is

referred to as the station's "local service area." Form 3 cable operators are required to account for all distant signals when calculating the royalty obligation.

In 2000, 2001, 2002, and 2003, the process for identifying a system's distant stations was based on an amalgam of current and former FCC cable system signal carriage rules. These rules define which stations a cable system "must" carry (meaning the local stations) and which stations a cable system "may" carry (*i.e.*, distant stations). The FCC's former signal carriage rules applied different standards depending on size of the market in which the cable system was located. But the primary determinant, which comes from the current rules, is whether the station is being transmitted within its own Nielsen **Designated Market Area** ("**DMA**"). DMAs are non-overlapping geographic markets consisting of counties in which one market's stations are viewed predominately.

Under Section 111(c)(4), cable systems are allowed to retransmit Canadian broadcast stations as long as the cable system is located north of the forty-second parallel of latitude and within 150 miles of the U.S.-Canadian border. The rules for determining which Canadian stations are distant and which are local are the same as for U.S. broadcast stations.

Form 1 and Form 2 systems pay either the flat fee (Form 1) or specific percentages of Gross Receipts (Form 2) regardless of how many distant broadcast stations they retransmit. For Form 3 operators, if a station is local, the operator does not have to account for the station in the calculation. If the station is distant, the operator must account for the station in the royalty calculation.

## **B.** Royalty Fee Calculation for Form 3 Systems

A Form 3 operator pays a royalty based on the system's Gross Receipts and the number and type of distant stations carried. If you return to PS \_\_\_(MEK-3) you will see Space E of a Form 3 SOA, which is the where the operator reports the types of services or tiers of services related to carriage of broadcast stations. The subscriber fees collected from all those services must be included in the system's Gross Receipts. For this purpose, those fees include not only fees from residential customers, but also fees from commercial users, as well as payments made for related services (for example, for additional sets or for converter boxes).

If you look at Space G, you will see the section where the operator identifies all stations carried during the accounting period plus an identification of those stations which were distant. Again, the determination of whether a station is distant or local to the system is determined by analyses associated with the signal carriage rules.

After identifying the distant signals retransmitted by the system, the cable operator assigns a weight to each one. The weight is called a **Distant Signal Equivalent ("DSE")**. DSE values are a statutorily-prescribed system of values, assigned by Section 111 as follows: • Independent stations, which include Fox, UPN, WB, PAX and Canadian signals, are set at 1.00 DSE.

 Stations affiliated with the ABC, CBS and/or NBC networks are set at 0.25 DSE.

• Public television stations are set at 0.25 DSE.

Congress assigned the different DSE values based in part on assumptions about the amount of nonnetwork (*i.e.*, compensable) programming carried by each type of station.

The next step is for the cable operator to total the DSE values. Assume, for example, that a system carried a total of 6 distant stations -- 2 independent stations, 3 network stations and 1 PBS station. Those 6 distant stations translate to a total DSE value of 3.0, calculated as follows:

2.00 (2 distant independents at 1.00 DSE each)

0.75 (3 distant networks at 0.25 DSE each)

0.25 (1 distant PBS station at 0.25 DSE each)

3.00 Total DSEs

After determining Gross Receipts and DSE values, the cable operator calculates the first of three potential royalty payments, the **Base Rate Fee**. The Base Rate Fee is the primary or first royalty that all Form 3 cable operators must pay. The Base Rate Fee must be paid regardless of whether or how many distant signals are carried. Page 16 of PS Exhibit \_\_\_\_ (MEK-3) shows the place on the SOA where cable operators tabulate their Base Rate Fee.

If the system retransmits more than one distant signal, the Base Rate Fee is calculated according to a sliding scale of percentages based on the number of DSEs. Starting in 2000-2, those percentages for the period covered by this case were:

## **Royalty Rates – Base Rate Fee**

	Percentage
	of Gross
DSEs	Receipts
1 <sup>st</sup> DSE	0.956%
2 <sup>nd</sup> , 3 <sup>rd</sup> & 4 <sup>th</sup> DSEs, each	0.630%
All DSEs over 4	0.296%

The cable operator calculates the royalty by multiplying the system's Gross Receipts by the DSE percentages.

## **Example of Base Rate Fee Calculation**

If we assume that the cable system had Gross Receipts of \$1,300,000 and

3.0 DSEs (based on the carriage of the 6 distant stations in the example above),

here is how the Form 3 Base Rate Fee is calculated:

Gross Receipts	\$1,300,000
Total number DSEs	3.0
18 555 4 0.05(0) (\$1.200.000 - 0.05(0) - 1)	£12.400
1 <sup>st</sup> DSE at 0.956% (\$1,300,000 x 0.956% x 1)	\$12,428
$2^{nd}$ and $3^{rd}$ DSEs at 0.630% (\$1,300,000 x 0.630% x 2)	\$16,380
5 <sup>th</sup> DSE at 0.296% (\$1,300,000 x 0.296% x 0)	\$0
Total Royalty, Base Rate Fee	\$28,808

Explanation: Royalties for the 1<sup>st</sup> DSE are calculated by multiplying Gross Receipts of \$1,300,000 by 0.956% (the rate for the 1<sup>st</sup> DSE), which equals \$12,428. The second and third DSEs are paid for at the same rate of 0.630%, so the royalty payment for those remaining 2 DSEs in the hypothetical is calculated by multiplying Gross Receipts of \$1,300,000 times the rate (0.630%) times 2, for a royalty of \$16,380. Had there been more than 4 DSEs, the royalty would have been calculated by multiplying Gross Receipts of \$1,300,000 times 0.296% times the number of DSEs over 4. Added together, the Base Rate Fee for this hypothetical Form 3 system is \$28,808.

If a cable system carries no distant stations, or if the number of distant stations it carries totals less than 1.0 DSE, the system pays a minimum fee. The minimum fee is the equivalent of 1.0 DSE and is paid at the rate of the 1<sup>st</sup> DSE, *i.e.*, 0.956% of Gross Receipts. The Base Rate Fee paid by each cable operator makes up the Basic Fund.

# C. The 3.75% Fee and the Syndicated Exclusivity Surcharge

In addition to the Base Rate Fee, there are two additional categories of royalties for which an operator may be obligated to pay in certain circumstances: the "3.75% Fee" and the "Syndicated Exclusivity Surcharge" (also called "Syndex Surcharge"). These fees resulted from changes in the FCC rules and regulations that affected carriage of distant signals. Prior to June 24, 1981, cable systems were limited as to the number and type of distant stations they were permitted to retransmit. Appendix C is a chart showing those limits.

The term "3.75% Fee" refers to the royalty obligation for the carriage of stations a cable system could not have carried prior to June 24, 1981, the date on which the FCC eliminated its rules restricting the number of distant signals cable systems were permitted to retransmit. The fee for qualifying stations is 3.75% of Gross Receipts per station in lieu of the Base Rate Fee or the Syndex Surcharge. Page 13 of PS Exhibit \_\_\_ (MEK-3) shows the page where the cable system calculates the 3.75% Fee royalty.

The calculation of 3.75% Fee liability is similar to that of the Base Rate Fee. The first step is identifying all stations for which there is 3.75% Fee liability. Next, the DSEs for those stations are totaled. Then Gross Receipts are multiplied by 3.75% and that result is multiplied by the total DSEs for 3.75% Fee stations. The result is the 3.75% Fee royalty obligation.

Here is an example of the 3.75% Fee calculation in a hypothetical situation where a system with Gross Receipts of \$700,000 must pay 3.75% for one independent (1.00) DSE plus one network affiliate (0.25 DSE) for a total of 1.25 DSEs.

\$700,000 times 3.75% times 1.25 = \$32,813

Note three observations regarding the 3.75% Fee:

- If the cable operator pays the 3.75% Fee for a particular distant station, there is no other royalty due for that station.
- If an operator is carrying two independent stations (say a U.S. independent plus a Canadian station) and is required to pay 3.75%
   Fee liability for one independent station, the option as to which station is paid at the Base Rate versus which is paid at the 3.75% rate is an arbitrary choice by the cable system.
- In situations where the cable system serves communities where the application of the 3.75% Fee rules differs (for example, if the system serves communities in the Top 50 markets and also serves communities outside all television markets), the operator is permitted to prorate the 3.75% Fee.

The 3.75% Fee royalties are paid into the 3.75% Fee Fund.

"Syndicated Exclusivity Surcharge" or "Syndex Surcharge" refers to the protection FCC rules formerly provided to television stations in the top 100 markets. At one time, the FCC required cable systems, if requested by the local station, to black out syndicated programs on distant stations if the same programs were available on a local TV station. The purpose was to protect the local station's right to provide an exclusive audience to the businesses to whom the station had sold commercial time. Those rules have gone through several evolutions, one of the effects of which was the imposition of the Syndex Surcharge for Form 3 systems located in the top 100 markets. A cable operator becomes liable for the Syndex Surcharge when the operator:

- serves subscribers located in one of the top 100 markets as defined by the FCC (Section 76.51)
- 2. carries a very high frequency ("VHF") station
- 3. serves subscribers located within the station's Grade B contour<sup>5</sup>
- 4. whose syndicated programs the operators once were required to black out pursuant to FCC rules in effect on June 24, 1981, but which the operators are no longer required to black out because the FCC rule changed.

Fortunately, the circumstances that trigger this type of payment occur rather infrequently and result in a very small amount of royalties generated -approximately \$272,000 for 2000, 2001, 2002 and 2003 combined. Page 15 of PS Exhibit \_\_\_\_ (MEK-3) shows the schedule by which the cable operator calculates any applicable Syndex Surcharge royalty, and Appendix D is a listing of the FCC's top 100 markets. The Syndex Surcharge fees are paid into the Syndex Surcharge Fund.

<sup>&</sup>lt;sup>5</sup> A Grade B contour is a prediction of the station's signal strength. The contour generally resembles a circle around the station's transmitter.

In the cases of all three fee schedules, the Base Rate Fee, 3.75% Fee and Syndex Surcharge, cable operators are permitted to prorate their payments in one limited circumstance, to wit, if they retransmit stations that are distant to some communities in the cable system, but local to other communities served by the system. Such stations are called "**partially-distant**" stations, or "P-D" and the operator pays royalties only on the Gross Receipts attributable to the so-called distant subscribers.

Appendix E reports the breakdown of Form 3 payments for 2000, 2001, 2002, and 2003 by royalty type.

## VII. THE CONCEPT OF "FEES GENERATED"

The term "fees gen" is an abbreviation of the term "fees generated" and it refers to the attempt to assign a proportionate share of the total royalties paid by all systems to each individual broadcast station that is retransmitted as a distant signal. However, it is actually not possible to quantify the precise amount of total royalties that can be directly attributable to any individual station.

Recall the example I gave earlier wherein the system with \$1,300,000 in gross receipts carried 6 distant stations for a total of 3 DSEs:

2.00 (2 distant independents at 1.00 DSE each)

0.75 (3 distant networks at 0.25 DSE each)

0.25 (1 distant PBS station at 0.25 DSE each)

3.00 Total DSEs

Recall also that the DSE percentages are on a sliding scale that has lower rates as more distant signals are carried. Cable operators are not required to match DSEs to specific stations, so for the following illustration, let us assume that at least one of the distant independents in my example is a Canadian station.

The hypothetical system paid a royalty of \$12,428 for the first 1.0 DSE. But the calculation of that amount was related to the *DSE value* allocated to individual stations, not to a specific station. There are several possible ways to reach \$12,428. It could be a payment for a Canadian station (*i.e.*, for 1.0 DSE); it could be the payment for three network affiliates plus one public television station (*i.e.*, four stations at 0.25 DSE each); it could be a payment for a different independent; or it could be a payment for four network stations. The matter is further complicated if the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> DSEs are taken into account. Just as the 1.0 DSE for the Canadian station could be considered to be part of the calculation for the first 1.0 DSE, that 1.0 DSE could instead be housed within the "last four" DSEs, and paid for at a lower rate. The point is -- there is no way to attach any particular distant signal with any particular royalty payment.

CDC devised the fees gen methodology for allocating fees generated to individual stations. The following is my understanding of how the CDC "fees gen" protocol operates:

Form 3 systems that carried no distant stations are required to pay a minimum fee equivalent to 1.0 DSE. For these systems, CDC allocates the entire royalty payment to what it calls the Minimum Fee Category. Thus if a system paid \$30,000 and retransmitted 6 (local) broadcast stations, the entire \$30,000 would be allocated to CDC's Minimum Fee Category.

For Form 3 systems whose total DSEs are less than 1.0 and whose distant stations carried no 3.75% Fee liability, the royalty is allocated among the distant station(s) as a proportion of their total DSEs and the balance is allocated to the Minimum Fee Category. For example, assume a cable system carried 3 distant network affiliates (*i.e.*, 3 stations times 0.25 DSE each for a total of 0.75 DSE). Such a system would pay the minimum fee. If the minimum fee were \$6,000, each distant station would be allocated \$1,500, and the remaining \$1,500 would be allocated to the Minimum Fee Category.

For Form 3 systems with total DSEs of 1.0 or more, CDC sums total DSEs and then allocates the royalty among the distant stations in the same proportion that each station's DSE value represents of total DSEs. In our hypothetical system above, the allocation of the \$28,808 royalty payment would go like this:

DISTANT STATION	DSE	% OF TOTAL DSEs	SHARE OF \$28,808
1st independent	1.00	33.33%	\$ 9,603
2nd independent	1.00	33.33%	\$ 9,603
lst network affiliate	0.25	8.33%	<u>\$ 2,401</u>
2nd network affiliate	0.25	8.33%	\$ 2,401
3rd network affiliate	0.25	8.33%	<u>\$ 2,401</u>
1st PTV station	0.25	8.33%	\$ 2,401
TOTAL	3.00	100.0%	\$ 28,808

Note the difference between the royalty paid for a single 1.0 DSE value in the hypothetical versus the fees gen assigned by prorating the independent stations in the foregoing illustration. For Form 3 systems with 3.75% Fee liability, CDC allocates the payment on a pro rata basis by dividing each station's DSE value by total DSE values for all 3.75% Fee stations and multiplying each station's resulting percentage times the royalty amount.

CDC's fees gen allocation reflects the relative weights of DSE values for independent (including Canadian) stations, network affiliates and public television stations.

It might be helpful to illustrate how the fees gen allocation plays out in practice by examining the following SOA filings by the cable system serving Dunkirk, New York. The individual filings covering periods 1998-1 through 2005-1 are included as PS Exhibit \_\_\_\_ (MEK-4). In the initial periods, the

system carried the same distant stations, shown below with the DSE value for

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CBLT	5	TORONTO	1.00
CFTO	9	TORONTO	1.00
CHTV	11	TORONTO	1.00
WICU	12	ERIE, PA	0.25
WJET	24	ERIE, PA	0.25
WSEE	35	ERIE, PA	0.25
WPIX	11	NEW YORK	1.00
CIII	6	PARIS, ONT	<u>1.00</u>
		Total DSEs	5.75

Appendix F summarizes the system's subscriber count, gross receipts, total DSEs and royalty for accounting periods 1998-1 through 2005-1. It is immediately obvious that, although the number of subscribers to the Dunkirk system and the number of distant stations retransmitted (between 6 and 8) remained relatively steady throughout the years in question, the system's gross receipts and corresponding royalty payments fluctuated significantly. The gross receipts started at \$299,058 in 1998-1. Starting in 2002-2, the system added a "satellite tier" and the subscriber fees associated with that tier increased the Gross Receipts to \$1.6 million in 2002-2. Two years later, when the system began providing the satellite tier at no cost, the gross receipts dropped to \$338,000 in 2005-1, and the system filed as a Form 2 system, thereby reducing its royalty payment. Dunkirk's royalties similarly track the gross receipts, starting at \$21,105 for 1998-1, getting as high as \$252,000 in 2004-1, and then plummeting to around \$2,400 in 2005-1 -- substantially below where they were in 1998-1.

Another factor in the history of Dunkirk's royalty payments is the effect of a Section 111 rate change that took place in 2000-2. The change increased the Form 3 royalty rate, but it also increased the Gross Receipts threshold so that in 2000-2 the system was able to file as a Form 2 system, thereby reducing its royalty payment.

Appendix F shows the effect of these various influences on fees gen for the Base Rate and 3.75% Fee royalties for 1.00 DSE.

Another factor that can cause fluctuation in fees gen is the merger of formerly independent systems. Such a merger would result in an increase in gross receipts of the merged entity and automatically trigger a higher payment in the next period and a higher allocation to distant signals.

Similarly, a system might drop a previously-carried distant signal, resulting in the royalties being allocated among fewer stations/DSEs. Related to this factor would be a system that carries just a single distant independent (Canadian) station. That system must pay the same minimum fee, whether or not it carries that single station.

Thank you for the opportunity to present the information in this testimony. I hope it will be helpful in the Judges' deliberations.

# APPENDIX A

# Direct Testimony of Marsha E. Kessler

### LICENSING DIVISION REPORT OF RECEIPTS 1/23/2009

CABLE YEAR/PERIOD	TOTAL DEPOSITS	PERCENT GROWTH	LAST DEPOSIT	TOTAL DEPOSIT BY YEAR	PERCENT
0000/2				STAL DELOSIT DE TEAK	GROWTH
2008/2 2008/1	\$113,668,14		01/23/09		
2008/1	\$79,820,256.26 \$73,139,271.05	3.74%	01/16/09	\$79,933,924.40	
2007/1	\$72,605,842.64	1.32%	01/21/09 01/21/09		
2006/2	\$70,503,340.21	1.65%	01/09/09	\$145,745,113.69	2.52
2006/1	\$71,660,397.41	5.71%	01/09/09	\$142,163,737.62	2.64
2005/2	\$59,358,843.73	3.46%	01/09/09	0112,100,101.02	3.66
2005/1	\$67,791,783.22	0.72%	01/09/09	\$137,150,606.95	2.09
2004/2	\$67,039,968.71	1.88%	12/08/08		
2004/1 2003/2	\$67,305,696.93 \$65,803,392.51	1.55%	10/24/08	\$134,345,666,64	1.72
2003/1	\$66,276,120.47	0.30% 1.56%	08/15/08		
2002/2	\$65,605,614.29	5.99%	10/09/08	\$132,079,512.98	0.939
2002/1	\$65,261,154.97	6.92%	07/28/08	\$130,866,769.26	
2001/2	\$81,900,086.00	-6.40%		4100,000,708.28	6.45
2001/1	\$81,037,417.89	12.41%	07/28/08	\$122,937,503.89	2,089
2000/2	\$66,133,957.49	15.70%	02/11/08		
2000/1 1999/2	\$54,299,665.30	-2.99%	07/28/08	\$120,433,822.79	8,459
1998/2	\$57,159,927.51 \$55,971,187.87	5.27% 3.83%	07/28/08		
1998/2	\$54,298,755.51	-30:30%	07/28/08	\$113,131,115.18	4.559
1998/1	\$53,907,972.57	-29.53%	07/28/08	\$108,204,728.08	
1997/2	\$77,900,354.10	-12.68%	07/28/08	\$100,204,728.08	-29.929
1997/1	\$76,495,072.67	-13 51%	02/11/08	\$154,395,428.77	-13,099
1996/2	\$89,216,634.56	6.32%	07/28/08		
1996/1 1995/2	\$88,440,053.50 \$83,910,133.03	7.90%	07/28/08	\$177,656,688.06	7.109
1995/1	\$81,982,891.10	7.31%	07/28/08 07/28/08		
1994/2	\$78,197,770.21	-14.25%	07/28/08	\$165,873,024.13	2.85%
1994/1	\$83,077,232.43	-11.79%	07/28/08	\$161,275,002.64	12 000
1993/2	\$91,191,081.78	-3 13%	02/11/08		-13.00%
1993/1	\$94,183,949,75	-0.22%	02/11/08	\$185,375,011.53	-1.68%
1992/2 1992/1	\$94,141,711.32	4.17%	07/28/08		
1091/2	\$94,395,613.62 \$90,376,655.26	4.45%	02/11/08	\$188,537,324.84	4.31%
1991/1	\$90,377,632.96	5.68%	02/11/08	\$180 754 000 pp	
1990/2	\$84,819,301.05	-20.23%	02/11/08	\$180,754,288.22	6.12%
1990/1	\$85,516,221,89	-15.99%	02/11/08	\$170,335,522.94	-18.16%
1989/2	\$106,334,728.38	9.86%	02/11/08		10.101
1989/1 1988/2	\$101,791,515.01	5.69%	02/11/08	\$208,126,241.39	7.78%
1988/1	\$98,790,730, 13 \$96,313,278,58	13.22%	02/11/08		
1987/2	\$85,492,550,64	34.43%	02/11/08	\$193,104,008.71	18.35%
1987/1	\$77,670,753.05	27.06%	02/11/08	\$163 183 303 80	
1986/2	\$63,598,291.16	17.39%	02/11/08	\$163,163,303.69	30.82%
1986/1	\$61,127,295.88	20.80%	02/11/08	\$124,725,587.04	19.04%
1985/2	\$54,176,755.47	12.52%	02/11/08		
1985/1 1984/2	\$50,600,568.70	14.67%	02/11/08	\$104,777, 324.17	13.55%
1984/1	\$48,147,865,41 \$44,125,443,21	27.01%	02/11/08		
1983/2	\$37,909,196.05	28.56%	02/11/08	\$92,273,308.62	26.79%
1983/1	\$34,868,475,47	79.00%	02/11/08	\$72 775 471 54	70 004
1982/2	\$21,678,906.56	28.16%	02/11/08	\$72,775,671.52	76.82%
1982/1	\$19,478,472.04	39.42%	02/11/08	\$41,157,378.60	33.26%
1981/2	\$16,915,375.02	64.22%	11/25/08		
1981/1 1980/2	\$13,970,784.29	43.38%	11/25/08	\$30,886,159.31	54.09%
1980/1	\$10,300,643,55 \$9,743,848,23	24.74%	10/24/05		
1979/2	\$8,257,623,65	27.67%	10/25/05	\$20,044,491.78	26.15%
1979/1	\$7,632,169.73	20.44%	10/27/05	\$15 890 700 mg	
1978/2	\$6,572,982.50		10/28/05	\$15,889,793.38	23.08%
1978/1	\$6,337,044.38		10/29/05	\$12,910,026.88	
Total					

## LICENSING DIVISION REPORT OF RECEIPTS 1/23/2009

SATELLITE	TOTAL.	PERCENT			PERCENT
YEAR/PERIOD	DEPOSITS	GROWTH	LAST DEPOSIT	TOTAL DEPOSIT BY YEAR	GROWTH
2008/2					
2008/1	\$46,926,370.55	4.00%	08/20/08	\$46,926,370.55	
2007/2	\$44,820,833.24	4.45%	01/30/08		
2007/1	\$45,121,723.99	3,60%	11/08/07	\$89,942,557.23	4.03
2006/2	\$42,909,846.50	10.04%	03/22/07		
2006/1	\$43,552, 154.74	10.77%	03/22/07	\$86,462,001.24	10.41
2005/2	\$38,993,747.81	10.28%	03/22/07		
2005/1	\$39,315,963.37	12,39%	08/01/05	\$78,309,711.18	11.33
2004/2	\$35,357,420.59	4.43%	09/01/05		
2004/1	\$34,981,057.03	3.96%	09/01/05	\$70,338,477.62	4.20
2003/2	\$33,857,253.35	-0.22%	01/30/04	· · · ·	
2003/1	\$33,847,366, 17	-1.58%	07/19/04	\$67,504,619.52	-0.90
2002/2	\$33,933,297, 12	-8.75%	02/25/03		
2002/1	\$34,188,301.93	-7.21%	09/26/02	\$66,119,599.05	-7.98
2001/2	\$37,188,165,31	7.18%	01/31/02		
2001/1	\$38,842,154.99	10.64%	09/20/02	\$74,028,320.30	8.87
2000/2	\$34,696,199.62	18.08%	10/29/01		
2000/1	\$33,298,585.71	-35.08%	10/29/01	\$67,994,765.33	-15.72
1999/2	\$29,383,056.92	-45.41%	05/04/00	-	
1999/1	\$51,290,949.82	-7.96%	10/05/99	\$80,674,006.74	-26.36
1998/2	\$53,821,069.71	128.81%	- 01/19/00		
1998/1	\$55,727,832.06	189.80%	08/07/98	\$109,548,901.77	156.24
1997/2	\$23,522,196.82	52.62%	03/18/98	· · · · · · · · · · · · · · · · · · ·	
1997/1	\$19,229,571.70	41.83%		\$42,751,788.52	47.62
1996/2	\$15,412,271.22	25.22%	02/26/97		
1996/1	\$13,548,288.52	23.67%	08/06/98	\$28,960,559.74	24.49
1995/2	\$12,307,755.12	23.41%	02/20/96		
1995/1	\$10,954,852.38	36.03%	10/04/95	\$23,262,607.50	29.05
1994/2	\$9,973,123.28	47.74%	06/05/95		
1994/1	\$8,053,301.13	55.14%	09/13/94	\$16,028,424.41	50.96
1993/2	\$6,750,269.48	72.79%	03/28/94		
1993/1	\$5,190,922.08	99.74%	08/27/93	\$11,941,191.54	83,55
1992/2	\$3,996,711.02	103.26%	05/05/93		
1992/1	\$2,598,879.32	49.24%	08/03/92	\$6,505,590.34	77.58
1991/2	\$1,921,990.44	17.22%		<u> </u>	
1991/1	\$1,741,464.97	14.87%		\$3,663,455.41	16.09
1990/2	\$1,639,662.03	22.83%			
1990/1	\$1,515,974.06	30.25%		\$3,155,636.09	30.21
1989/2	\$1,334,880.11		08/30/90		
1989/1	\$1,088,677.39		08/01/89	\$2,423,557,50	· · · · · · · · · · · · · · · · · · ·
TOTAL				\$933,613,751.03	

## LICENSING DIVISION REPORT OF RECEIPTS 1/23/2009

DART YEAR/PERIOD	TOTAL DEPOSITS	PERCENT GROWTH	LAST DEPOSIT	TOTAL DEPOSIT BY YEAR	PERCENT GROWTH
2006/4	\$1,150,92	00 708/	01/20/00		
2008/3	\$303,658,57	-99,79% -20 91%	01/20/09		
2008/2	\$424,155.48	6.28%	11/20/08 11/19/08		
2008/1	\$350,706,93	2.85%	08/15/08	\$1.070 871 00	
2007/4	\$555,688.61	57 17%	08/27/08	\$1,079,671.90	
2007/3	\$383,937,32	2.05%	01/14/08		
2007/2	\$399,075.70	-64.04%	01/17/08		
2007/1	\$340,973.18	-28 37%	06/11/07	\$1,679,674.81	-48.47%
2006/4	\$1,297,394.68	33.04%	11/15/07	•,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,	
2006/3	\$376,231.35	-14.60%	06/11/07		
2006/2	\$1,109,898.07	106.31%	06/11/07		
2008/1	\$476,030.14	0 84%	06/11/07	\$3,259,554.24	33.93%
2005/4	\$975, 171.17	44.20%	06/11/07		
2005/3	\$440, 568.04	9.95%	06/11/07	·	
2005/2	\$537,971.82	32.44%	06/11/07		
2005/1	\$480,081.60	-56.73%	06/11/07	\$2,433,792.63	-9.23%
2004/4	\$678,284.90	19.16%	06/11/07		
2004/3	\$489,236.00	-30.74%	06/11/07		
2004/2	\$408, 198.73	-35.39%	06/11/07		
2004/1	\$1,109,623.20	15.16%	06/11/07	\$2,681,342.83	-14 46%
2003/4	\$836,599.15	-19.36%	06/11/07		
2003/3	\$706,407.83	-29.13%	08/11/07		
2003/2	\$628,741.80	-25.42%	06/11/07		
2003/1	\$963,516,87	60.60%	06/11/07	\$3,135,265.65	-9.83%
2002/4 2002/3	\$1,037,414.44	1.55% 6.14%	06/11/07		
2002/2	\$996,698.01 \$843,051.89	19.05%	06/11/07 06/11/07		
2002/1	\$599,935.96	-42.14%	06/11/07	\$3 477 100 20	0.47%
2001/4	\$1,021,604.38	-38.24%	10/21/02	\$3,477,100.30	-6.17%
2001/3	\$939,021.40	-32,58%	08/14/03		
2001/2	\$708, 177.59	-42.61%	11/05/02		
2001/1	\$1,036,896,54	3.76%	07/16/02	\$3,705,699.91	-29.82%
2000/4	\$1,854,098.28	79.57%	08/18/04		
2000/3	\$1,393,072.95	63.03%	10/31/03		
2000/2	\$1,234,062.82	48.46%	11/20/08		
2000/1	\$999,304.59	13.33%	04/28/01	\$5,280,536.64	51.36%
1999/4	\$921,127.84	31.54%	02/05/01		
1999/3	\$854,480.25	31,49%	02/05/01		
1999/2 -	\$831,224.09	159.18%	07/27/00		
1999/1	\$881,791.61	177.73%	07/27/00	\$3,488,623.79	75.45%
1998/3	\$700,280.95 \$649,858.83	145.85%	07/27/00		
1998/2	\$320,707.65	129.01% 90.41%	10/27/00 07/27/00		
1996/1	\$317,498.33	18.76%	07/27/00	\$1 099 242 70	07.070/
1997/4	\$284,846.45	193.62%	07/27/00	\$1,988,343.76	97.97%
1997/3	\$283,774.20	139.14%	07/27/00		
1997/2	\$168,428.23	77.78%	07/27/00		
1997/1	\$287, 333.37	130.83%	07/27/00	\$1,004,382.25	135.64%
1996/4	\$97,011.58	-23.67%	07/27/00	1.100.100.40	
1998/3	\$118,666.76	-13.89%	07/27/00		
1996/2	\$94,748.82	-11.41%	07/27/00		
1996/1	\$115,816.46	5.52%	07/27/00	\$426,243.62	-11.50%
1995/4	\$127,094.30	-13,38%	07/27/00		
1995/3	\$137,808.40	5.36%	07/27/00		
1995/2	\$106,950.25	-30.56%	05/31/00		
1995/1	\$109,755.68	21,36%	05/31/00	\$481,608.53	-7.74%
1994/4	\$148,728.29	22.47%	05/31/00		
1994/3	\$130,803.28	23.19%	05/31/00		
1994/2	\$154,028.82	29.41%	05/31/00		
1994/1	\$90,441.47	48.36%	05/22/98	\$521,999.64	0.35%
1993/4	\$119,806.92	1.34%	09/14/94		
1993/3	\$106,179.39		05/31/00		
1993/2	\$119,024,84		05/31/00		
1993/1	\$175,151.69		05/31/00	\$520, 162.84	
1992/4	\$118,227.42	····	07/31/94	\$118,227.42	
TOTAL				\$34,202,558.86	

# NUMBER OF CABLE SYSTEMS BY FORM

	AVERAGE NUMBER OF F1	AVERAGE NUMBER OF F2	AVERAGE NUMBER OF F3	TOTAL NUMBER
YEAR	SYSTEMS	SYSTEMS	SYSTEMS	OF SYSTEMS
2000	5,301	2,373	2,103	9,777
	54.2%	24.3%	21.5%	100.0%
2001	5 <b>,258</b>	2,051	1,836	9,145
	57.5%	22.4%	20.1%	100.0%
2002	<b>4,940</b>	1,788	1,743	8,471
	58.3%	21.1%	20.6%	100.0%
2003	<b>4,533</b>	1,640	1,669	7,842
	57.8%	20.9%	21.3%	100.0%
AVERAGE, ALL YEARS	5,008	1,963	1,838	8,809
	56.9%	22.3%	20.9%	100.0%

SOURCE: CABLE DATA CORPORATION

# ROYALTIES BY FORM

	ROYALTIES PAID BY F1	ROYALTIES PAID BY F2	ROYALTIES PAID BY F3	TOTAL
YEAR	SYSTEMS	SYSTEMS	SYSTEMS	
فيستعدد والمستحدين والمتحج ومستعا كالمتحد وترجوني والمناجر عمر	 	 	 	ROYALTIES
2000	\$ 351,954	\$ 4,279,608	\$ 111,871,811	116,503,373
	0.3%	3.7%	96.0%	100.0%
2001	\$ 375,651	\$ 4,159,556	\$ 116,144,090	120,679,297
	0.3%	3.4%	96.2%	100.0%
2002	\$ 365,936	\$ 3,630,270	\$ 125,765,602	129,761,808
	0.3%	2.8%	96.9%	100.0%
2003	\$ 337,159	\$ 3,360,197	\$ 126,726,417	130,423,773
·	0.3%	2.6%	 97.2%	100.0%
TOTAL, ALL YEARS	1,430,700	15,429,631	 480,507,920	497,368,251
	0.3%	3.1%	96.6%	100.0%

SOURCE: CABLE DATA CORPORATION

Page 2 of 3

	Rombert of 0	JESCRIEERS ET I		
	AVERAGE	AVERAGE	AVERAGE	TOTAL
	NUMBER OF F1	NUMBER OF F2	NUMBER OF F3	NUMBER OF
YEAR	SUBSCRIBERS	SUBSCRIBERS	SUBSCRIBERS	SUBSCRIBERS
2000	1,531,710	4,190,980	60,418,458	66,141,148
	2.3%	6.3%	91.3%	100.0%
2001	1,596,572	4,134,215	60,470,614	66,201,401
	2.4%	6.2%	91.3%	100.0%
2002	1,394,309	3,359,605	60,604,709	65,358,623
	2.1%	5.1%	92.7%	100.0%
2003	1,243,011	2,958,685	59,707,396	63,909,092
	1.9%	4.6%	93.4%	100.0%
AVERAGE, ALL YEARS	1,441,401	3,660,871	60,300,294	65,402,566
	2.2%	5.6%	92.2%	100.0%

## NUMBER OF SUBSCRIBERS BY FORM

SOURCE: CABLE DATA CORPORATION

## APPENDIX C

Direct Testimony of Marsha E. Kessler

LOCATION OF SYSTEM	NUMBER OF PERMITTED NETWORKS*	NUMBER OF PERMITTED INDEPENDENTS	ADDITIONAL INDEPENDENTS
TOP 50 MARKETS	1/EACH PER NETWORK	3	2, SUBJECT TO RESTRICTIONS
SECOND 50 MARKETS	1/EACH PER NETWORK	2	2, SUBJECT TO RESTRICTIONS
SMALLER MARKETS	1/EACH PER NETWORK	1	(ZERO)

PERMITTED SIGNALS PRIOR TO JUNE 24, 1981

\*ABC, CBS or NBC

#### \$76.29

#### Subpart B-Registration Statements

#### \$76.29 Special temporary authority.

(a) In circumstances requiring the temporary use of community units for operations not authorized by the Commission's rules. a cable television sys-tem may request special temporary authority to operate. The Commission may grant special temporary author-ity, upon a finding that the public in-terest would be served thereby, for a period not to exceed ninety (90) days, and may extend such authority, upon a like finding, for one additional period, not to exceed ninety (90) days.

(b) Requests for special temporary authority may be submitted infor-mally, by letter, and shall contain the following:

(1) Name and address of the applicant cable system.

(2) Community in which the commu-

nity unit is located. (3) Type of operation to be conducted. (4) Date of commencement of proposed operations.

(5) Duration of time for which temporary authority is required.

 (6) All pertinent facts and consider-ations relied on to demonstrate the need for special temporary authority and to support a determination that a grant of such authority would serve the public interest.

(7) A certificate of service on all in-terested parties.

(c) A request for special temporary authority shall be filed at least ten (10) days prior to the date of commencement of the proposed operations, or shall be accompanied by a statement of reasons for the delay in submitting such request.

(d) A grant of special temporary authority may be rescinded by the Commission at any time upon a finding of facts which warrant such action.

[39 FR 35166, Sept. 30, 1974; 42 FR 19346, Apr. 13, 1977, as amended at 43 FR 49008, Oct. 20, 1978

#### C-Federal-State/Local Subpart Regulatory Relationships [Reserved]

#### 47 CFR Ch. I (10-1-03 Edition)

#### Subpart D-Carriage of Television **Broadcast Signals**

#### § 76.51 Major television markets.

For purposes of the cable television rules, the following is a list of the major television markets and their designated communities;

(a) First 50 major television markets;
(1) New York, New York-Linden-Paterson-Newark, New Jersey.
(2) Los Angeles-San Bernardino-Co-

rona-Riverside-Anaheim, Calif.

(3) Chicago, Ill.
(4) Philadelphia, Pa.-Burlington, N.J.

(5) Detroit, Mich. (6) Boston-Cambridge-Worcester-

Lawrence, Mass. (7) San Francisco-Oakland-San Jose,

Calif. (8) Cleveland-Lorain-Akron, Ohio.
(9) Washington, DC.
(10) Pittsburgh, Pa.

(11) St. Louis, Mo.
(12) Dallas-Fort Worth, Tex.
(13) Minneapolis-St. Paul, Minn.

- (14) Baltimore, Md.
  (15) Houston, Tex.
  (16) Indianapolis-Bloomington, Ind.
- (17) Cincinnati, Ohio-Newport, Ky.

(18) Atlanta-Rome, Ga. (19) Hartford-New Haven-New Brit-

ain-Waterbury-New London, Ct. (20) Seattle-Tacoma, Wash. (21) Miami, Fla.

(22) Kansas City, Mo.
(23) Milwaukee, Wis.
(24) Buffalo, N.Y.

(25) Sacramento-Stockton-Modesto, Calif.

(26) Memphis, Tenn. (27) Columbus-Chillicothe, Ohio. (28) Tampa-St. 1 water, Florida. (29) Portland, Oreg. (30) Nashville, Tenn. Petersburg-Clear-

(31) New Orleans, La.

(32) Denver-Castle Rock, Colorado. (33) Providence, R.I.-New Bedford,

- (34) Albany-Schenectady-Troy, N.Y.
  (35) Syracuse, N.Y.
  (36) Charleston-Huntington, W. Va.
  (37) K-Internet Construction Devide D
- (37) Kalamazoo-Grand Rapids-Battle Creek, Mich.

(38) Louisville, Ky. (39) Oklahoma City, Okla. (40) Birmingham, Ala.

(41) Dayton-Kettering, Ohio.

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#### Federal Communications Commission

(42) Charlotte, N.C.

(43) Phoenix-Mesa, Ariz.

(44) Norfolk-Newport News-Portsmouth-Hampton, Va.

- (45) San Antonio, Tex.
   (46) Greenville-Spartanburg-Anderson, S.C.-Asheville, N.C.
- (47) Greensboro-High Point-Winston
- Salem, N.C.

- (48) Salt Lake City, Utah.
  (49) Wilkes Barre-Scranton, Pa.
  (50) Little Rock-Pine Bluff, Arkansas
- (b) Second 50 major television markets:
- (51) San Diego, Calif.

- (52) Toledo, Ohio. (53) Omaha, Nebr.
- (54) Tulsa, Okla.
- (55) Orlando-Daytona Beach-Mel-
- bourne-Cocoa-Clermont, Florida.

- (56) Rochester, N.Y.
  (57) Harrisburg-Lancaster-York, Pa.
  (58) Texarkana, Tex.-Shreveport, La.
  (59) Mobile, Ala.-Pensacola, Fla.
  (50) Davenport, Iowa-Rock Island-Mo-ne. line, Ill.
- (61) Flint-Bay City-Saginaw, Mich.
   (62) Green Bay, Wis.
   (63) Richmond-Petersburg, Va.
- (64) Springfield-Decatur-Champaign,
- Illinois.
- (65) Cedar Rapids-Waterloo, Iowa. (66) Des Moines-Ames, Iowa.
- (67) Wichita-Hutchinson, Kans.
- (68) Jacksonville, Fla. (69) Cape Girardeau, Mo.-Paducah, Ky.-Harrisburg, Ill.
- (70) Roanoke-Lynchburg, Va.
   (71) Knoxville, Tenn.
   (72) Fresno-Visalia-Hanford-Clovis.
- California.
- (73) Raleigh-Durham-Goldsboro-Fayetteville, North Carolina. (74) Johnstown-Altoona, Pa.

  - (75) Fortland-Poland Spring, Maine.
     (76) Spokane, Wash.
     (77) Jackson, Miss.

  - (78)
  - Chattanooga, Tenn. Youngstown, Ohio. (79)
  - (80) South Bend-Elkhart, Ind.
  - Albuquerque, N. Mex. Fort Wayne-Roanoke, Ind. (81)
  - (82)
  - (83) Peorta, Ill.
- (84) **Creenville-Washington-New** Bern, N.C.
  - (85) Sioux Falls-Mitchell, S. Dak.
- (86) Evansville, Ind,
- (87) Baton Rouge, La.

- (88) Beaumont-Port Arthur, Tex.
- (89) Duluth, Minn.-Superior, Minn. (90) Wheeling, W. Va.-Steubenville, Ohio

§76.53

- (91) Lincoln-Hastings-Kearney, Nebr.
- (92) Lansing-Onondaga, Mich. (93) Madison, Wis.
- (94) Columbus, Ga.
- (95) Amarillo, Tex. (96) Huntsville-Decatur, Ala.
- (97) Rockford-Freeport, Ill.
  (98) Fargo-Valley City, N.D.
  (99) Monroe, La.-El Dorado, Ark.
  (100) Columbia, S.C.

NOTE: Requests for changes to this list shall be made in the form of a petition for rulemaking pursuant to \$1.401 of this chap-ter, except that such petitions shall not be subject to the public notice provisions of \$1.403 of this chapter.

#### § 76.58 Reference points.

The following list of reference points shall be used to identify the boundaries of the major and smaller television markets (defined in §76.5). Where a community's reference point is not given, the geographic coordinates of the main post office in the community shall be used.

State and community	Latitude	Longitude
Alabama:		
Anniston	33*39'49'	85*49'47*
Birmingham	33"31"01"	86*48'36'
Decatur	34°36'35"	86*58'45
Demopolia	32*30'56"	87*50'07"
Dothan	31*13'27"	85"23'35"
Dozier	31*29*30*	88*21/591
Florence	34*48'05"	87*40/31*
Huntsville	34*44'18*	88'35'19
Louisville	31 47 00	85*33'09"
Mobile	30*41'36	88*02'33"
Monigomery	32*22'33"	86*18'31"
Mount Cheaha State Park	33*29/26*	85*48'30"
Sekna	24*24'26	87"01'15"
Tuscaloosa	33*12'05'	87*33'44"
Alaska:		
Anohorage	81*13'09'	149*53*29*
College	B4"51'22'	147*48/38*
Fakbanks	64*50'35'	147*41/51*
Juneau	58*18'08*	134*25'09"
Sitica	57"02'58"	135°20'12"
Arizona:		
Fiegstaff	35*11/54*	111-39-02-
Mess	33 24 54	111-40-44

## APPENDIX E

## Direct Testimony of Marsha E. Kessler

## BREAKDOWN OF FORM 3 PAYMENTS BY ROYALTY TYPE

		 2000		
FEE	AVERAGE NUMBER OF F3		SHARE OF F3	SHARE OF 2000 FUNE
SCHEDULE	SYSTEMS	ROYALTIES	ROYALTIES	\$116,503,37:
BASE RATE	1,863	\$ 99,648,160	89.1%	85.5%
3.75	232	\$ 12,104,368	10.8%	10.4%
SYNDEX	8	\$ 119,283	0.1%	0.1%
TOTAL	2,103	\$ 111,871,811	100.0%	96.0%

÷		 2001	······································	
FEE	AVERAGE NUMBER OF F3		SHARE OF F3	SHARE OF 2000 FUND
SCHEDULE	SYSTEMS	 ROYALTIES	ROYALTIES	\$120,679,297
BASE RATE	1,595	\$ 102,542,014	88.3%	85.0%
3.75	232	\$ 13,517,280	11.6%	11.2%
SYNDEX	9	\$ 84,796	0.1%	0.1%
TOTAL	1,836	\$ 116,144,090	100.0%	96.2%

		 2002		
FEE SCHEDULE	AVERAGE NUMBER OF F3 SYSTEMS	ROYALTIES	SHARE OF F3 ROYALTIES	SHARE OF 2000 FUND \$129,761,808
BASE RATE	1,474	\$ 109,361,432	87.0%	84.3%
3.75	263	\$ 16,371,409	13.0%	12.6%
SYNDEX	6	\$ 32,761	0.0%	0.0%
TOTAL	1,743	\$ 125,765,602	100.0%	96.9%

	······	 2003		
FEE SCHEDULE	AVERAGE NUMBER OF F3 SYSTEMS	ROYALTIES	SHARE OF F3 ROYALTIES	SHARE OF 2000 FUND \$130,423,773
BASE RATE	1,393	\$ 109,983,369	86.8%	84.3%
3.75	271	\$ 16,707,622	13.2%	12.8%
SYNDEX	6	\$ 35,426	0.0%	0.0%
TOTAL	1,670	\$ 126,726,417	100.0%	97.2%

## SOURCE: CABLE DATA CORPORATION

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	NOTES						SECTION 111 RATE CHANGED				ADDED SATELLITE TIER, GROSS RECEIPTS INCREASED				PROVIDED SATELLITE TIER FOR FREE		
	3.75 1.00 DSE FEES GEN	\$ 2,879	\$ 3,033	\$ 2,934	\$ 3,108	\$ 3,037	N/A	NIA	\$ 3,219	\$ 24,479	\$ 61,259	\$ 58,236	\$ 58,205	\$ 60,586	A/A	NA	
	BASE RATE 1.00 DSE FEES GEN	\$ 1,744	\$ 1,744	\$ 1,798	\$ 2,642	\$ 1,744	NA	N/A	\$ 2,161	\$ 2,180	\$ 6,909	\$ 6,568	\$ 4,281	\$ 4,456	NIA	AN	
KIRK, NY*	BASE RATE ROYALTY 1st DSE	\$ 2,671 \$	\$ 3,477 \$	\$ 3,455	\$ 3,463 (	\$ 3,428	AN	N/A	\$ 3,664	\$ 6,241	\$ 15,617	\$ 14,846	\$ 14,838	\$ 15,445	NA	N/A	
FEE GEN ANALYSIS - DUNKIRK, NY*	RATE, 1st DSE	0.893%	0.893%	0.893%	0.893%	0.893%	(F2)	(F2)	0.956%	0.956%	0.956%	0.956%	0.958%	0.956%	(F2)	(F2)	the set of the
EN ANAL	TOTAL	5.75	5.75	5.75	5.75	5.75	AN	NIA	4.75	4.75	3.75	3.75	5.75	5.75	, NA	MA	4 L. 4
FEE G	# DISTANT STATIONS	œ	8	Ø	œ	80	(8)	Ē	7	7	9	Q	ø	8	. (9)	(9)	
	GROSS RECEIPTS	•	389,374	386,923	387,839	383,820	365,6 <u>96</u>	349,237	383,219		\$ 1,633,584	\$ 1,552,965	1,552,118	1,615,618	327,320	338,144	f
	ROYALTY		21,992 \$	21,583 \$	21,947 \$	22,048 \$	2,854 \$	2,605	19,353 \$	: 82,365 \$	133,113	126,543	242,883 \$	: 252,820 \$	2,324 \$	2,432 \$	100 F = 4 - 50 - 1
	SUBSCRIBERS	12,711 \$	13,647 \$	13,912 \$	7,479 \$	7,773	7,638	7,659	7,589 \$	7,589 \$	7,438 \$	7,213 \$	6,957   \$	6,810 \$	6.561	6,387 \$	<b>,</b>
	ACCOUNT	1998-1	1998-2	1999-1	1999-2*	2000-1	2000-2	2001-1	2001-2	2002-1	2002-2	2003-1	2003-2	2004-1	2004-2	2005-1	

\*Data were taken from photocopies of microfiched SOA. The microfiche was difficult to read, but was the only copy available. The information offered in this chart is based on a good-faith effort at reading the problematic SOA.

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APPENDIX F

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# DIRECT TESTIMONY OF MARSHA E. KESSLER

I declare, under penalty of perjury, that the foregoing testimony is true and correct and of my personal knowledge.

Executed on February 2, 2009

Marsha E. Kessle

# KESSLER APPENDIX B

1PAA-REPRESENTED CLAIMANTS 000 US CABLE RETRANSMISSION ROYALTIES	
COULD BE ADDEE RETRAININGSION ROTAETIES	
000 CLAIMANT	
B DOLLY LLC	
FMA COLLECTIONS	
LLIED COMMUNICATIONS INC	
MERICAN BROADCASTING COMPANIES, INC.	<u>u</u>
MERICAN HEALTH & FITNESS LLC	
UDIO-VISUAL COPYRIGHT SOCIETY LIMITED	
& A PRODUCTIONS LLC	
ABE WINKELMAN PRODUCTIONS INC.	·
IG LEAGUE GOLF INC	<u> </u>
IG TICKET TELEVISION INC	
ODYBLADE INC	
UENA VISTA TELEVISION	
ABLE NEWS NETWORK	
ALIFON PRODUCTIONS, INC	
BS BROADCASTING, INC.	
ESARI RESPONSE TELEVISION, INC. F ENTERTAINMENT	
INAR CORPORATION	
OLUMBIA PICTURES TELEVISION INC	
ICK CLARK PRODUCTIONS, INC.	
L TAFFNER, LTD	
INTAGE PUBLISHING AND COLLECTION B.V.	
IREWORKS ENTERTAINMENT INC	
OX ENTERTAINMENT GROUP INC.	· ····
OX FAMILY WORLDWIDE INC	
TM PRODUCTIONS	
ENERAL MILLS SALES INC	
ENESIS DISTRIBUTION INC	
ENESIS INTERMEDIA, INC.	
T MERCHANDISING & LICENSING LLC	
UTHY-RENKER	
ALLMARK ENTERTAINMENT DISTRIBUTION INC	
ASBRO, INC.	
AWTHORNE COMMUNICATIONS, INC.	
EARST ENTERTAINMENT INC.	
OME BOX OFFICE	
NTERSPORT INC	
ALBERT PRODUCTIONS INC	
EOPARDY PRODUCTIONS, INC	
OST BROADCAST SALES	
ARRY HARMON PICTURES CORP.	
EVY-GARDNER-LAVEN PRODUCTIONS, INC.	
IONS GATE ENTERTAINMENT CORP	
AJOR LEAGUE BASEBALL PROPERTIES, INC.	
IG/PERIN, INC.	
IODERN ENTERTAINMENT, LTD.	

MPAA-REPRESENTED CLAIMANTS 2000 US CABLE RETRANSMISSION ROYALTIES	
100 03 CABLE RETRANSINGSION ROTALITES	
2000 CLAIMANT	******
MORGAN CREEK PRODUCTIONS INC	
VATIONAL BASKETBALL ASSOCIATION	
VATIONAL BROADCASTING COMPANY INC	
VATIONAL GEOGRAPHIC TELEVISION INC	
NATIONAL HOCKEY LEAGUE	
NELVANA LIMITED	
NEW LINE CINEMA CORPORATION	
NEW WEST PRODUCTS	
NFL FILMS	<u>ue e e e e e e e e e e e e e e e e e e </u>
DRANGE GLO, INC.	·
PARAMOUNT PICTURES, A VIACOM COMPANY	
PATHE IMAGE SNC	
PEARSON TELEVISION INC	
PRODUCTIONS ZONE3 INC	
QUICK N BRITE	
RICHARD SIMMONS INC	
RYSHER ENTERTAINMENT	
SCREEN MEDIA VENTURES LLC	
SCRIPT TO SCREEN PRODUCTIONS, INC.	
SESAME WORKSHOP	
	·
SPECTACOR FILMS SPELLING TELEVISION, INC	
SPORTS LEGENDS INC	
STEVE ROTFELD PRODUCTIONS, INC.	
STEVE WHITE FILMS	
STUDIOS USA TELEVISION DISTRIBUTION	
TALL PONY PRODUCTIONS	
TELCO PRODUCTIONS, INC.	
THE CANADIAN BROADCASTING CORPORATION	
THE CARSEY WERNER COMPANY	
THE GOODMAN GROUP, LLC.	·····
THE LANDSBURG COMPANY	
THE RECORDING INDUSTRY ASSOCIATION OF AME	RICA INC
THE SUMMIT MEDIA GROUP INC	
TIME LIFE FILMS	
TORSO TRACK INC	
TOTAL GYM FITNESS LLC	
TRANSWORLD INTERNATIONAL, INC.	
TRIBUNE ENTERTAINMENT COMPANY	
UNIVISION NETWORK LIMITED PARTNERSHIP	
US SKI & SNOWBOARD ASSOCIATION	
WARNER BROS	
	· · · · · · · · · · · · · · · · · · ·
WESTERN INTERNATIONAL SYNDICATION	
WESTERN INTERNATIONAL SYNDICATION	

Page 2 of 11

MPAA-REPRESENTED CLAIMANTS	
2001 US CABLE RETRANSMISSION ROYALTIES	
	<u> </u>
2001 CLAIMANT	
AB DOLLY LLC	
ABC FAMILY WORLDWIDE, INC.	
AFMA COLLECTIONS	
ALLIED COMMUNICATIONS INC	· · · · · · · · · · · · · · · · · · ·
AMERICAN BROADCASTING COMPANIES, INC.	
AUDIO-VISUAL COPYRIGHT SOCIETY	
BABE WINKELMAN PRODUCTIONS INC.	······
BENNETT PRODUCTIONS INC.	
BIG LEAGUE GOLF INC	
BIG TICKET TELEVISION INC	
BUENA VISTA TELEVISION	
CABLE NEWS NETWORK LP LLP	
CALIFON PRODUCTIONS, INC.	
CARSEY-WERNER-MANDABACH LLC	<u></u>
CARSET-WERNER-MANDABACH LLC CBS BROADCASTING, INC.	
CES BROADCASTING, INC. CF ENTERTAINMENT, INC	
CLASSIC MEDIA LLC	
CLASSIC MEDIA LLC	
COLUMBIA PICTURES TELEVISION INC	
COMPACT COLLECTIONS LIMITED	
CRYSTAL PICTURES INC	
DL TAFFNER, LTD DREAMWORKS LLC	
EUROPEAN PICTURES BV	
FAMILY PRODUCTS LLP	
FINTAGE PUBLISHING & COLLECTION BV	
FOX ENTERTAINMENT GROUP INC.	
FREMANTLEMEDIA NORTH AMERICA, INC. GRIZZLY ADAMS PRODUCTIONS INC	
GT MERCHANDISING & LICENSING LLC	
GUTHY-RENKER	
HARMONY GOLD U.S.A.	
HASBRO, INC.	
HAWTHORNE COMMUNICATIONS	
HEARST ENTERTAINMENT INC.	
HOME BOX OFFICE	
JAFFE BRAUNSTEIN FILMS LTD	
JALBERT PRODUCTIONS, INC.	
JASINSKI TV	
JEOPARDY PRODUCTIONS, INC.	
KELLER ENTERTAINMENT CORP	
KOST BROADCAST SALES	
LARRY HARMON PICTURES CORP.	·
LEVY-GARDNER-LAVEN PRODUCTIONS, INC.	
LITTON SYNDICATIONS	
MAJOR LEAGUE BASEBALL PROPERTIES, INC.	

2001 US CABLE	RETRANSMISSION ROYALTIES
*	
2001 CLAIMANT	
	RT LIVING OMNIMEDIA, INC.
	ER PRODUCTIONS
	YN-MAYER STUDIOS INC.
MG/PERIN, INC.	
MODERN ENTER	TAINMENT, LTD.
MOSO PRODUCT	
NASCAR DIGITAI	_ ENTERTAINMENT LTD
NATIONAL BASK	ETBALL ASSOCIATION
NATIONAL BROA	DCASTING COMPANY INC
NATIONAL GEOC	BRAPHIC TELEVISION
NATIONAL HOCK	EY LEAGUE
NBC ENTERPRIS	ES, INC.
NELVANA LIMITE	D
NEW LINE CINEM	1A CORPORATION
NFL FILMS	
O. ATLAS ENTER	PRISES, INC.
OLIVER PRODUC	TIONS, INC.
OVERVIEW PRO	DUCTIONS INC
PARAMOUNT PIC	TURES, A VIACOM COMPANY
PRODUCTIONS Z	ONE3 INC.
RED HORSE	······································
RYSHER ENTER	TAINMENT
SANDRA CARTEI	R PRODUCTIONS
SCHOLASTIC EN	TERTAINMENT INC.
SCREEN MEDIA	VENTURES, LLC
SCRIPT TO SCRE	EEN PRODUCTIONS, INC
SESAME WORKS	SHOP
SFM ENTERTAIN	MENT LLC
SFX TELEVISION	
SPECTACOR FIL	
SPELLING TELE	
STEPHEN J CAN	NELL PRODUCTIONS INC
STEVE ROTFELD	PRODUCTIONS, INC.
STEVE WHITE FI	
STUDIOS USA TE	ELEVISION
<b>TELCO PRODUC</b>	TIONS, INC.
THE CANADIAN I	BROADCASTING CORPORATION
THE GOODMAN	
THE LANDSBURG	G COMPANY
THE PROGRAM	
THE SUMMIT ME	
TIME LIFE FILMS	
TOTAL GYM FITM	
	NTERNATIONAL, INC.
	TAINMENT COMPANY
UNIVERSAL CITY	
	VORK LIMITED PARTNERSHIP
	DOMESTIC TELEVISION DISTRIBUTION

## MPAA-REPRESENTED CLAIMANTS 2001 US CABLE RETRANSMISSION ROYALTIES

2001 CLAIMANT

WESTERN INTERNATIONAL SYNDICATION WNBA ENTERPRISES LLC

WORLDVISION ENTERPRISES, INC.

\*MPAA represents all claimants within joint claims

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200	2 US CABLE RETRANSMISSION ROYALTIES
200-	2 CLAIMANT
	FAMILY WORLDWIDE, INC.
	A COLLECTIONS
	COA (GENEVA)
	COA (MUNICH)
	IED COMMUNICATIONS INC
	ERICAN BROADCASTING COMPANIES, INC.
	DIO-VISUAL COPYRIGHT SOCIETY
	BE WINKELMAN PRODUCTIONS INC.
	TER GRADES SEMINARS LLC
	LEAGUE GOLF INC
	TICKET TELEVISION INC.
	INA VISTA TELEVISION
	IFON PRODUCTIONS, INC.
	RSEY WERNER COMPANY LLC
	BROADCASTING, INC.
	ENTERTAINMENT, INC.
	AR CORPORATION
	ISSIC MEDIA LLC
	BSIC MEDIA ELC
	MPACT COLLECTIONS LIMITED
	INFACT COLLECTIONS LIMITED
	ENTERTAINMENT
	K CLARK PRODUCTIONS, INC.
	TAFFNER, LTD.
	EAMWORKS LLC
	IPSE TELEVISION AND SPORTS MARKETING, LLC
	PRODUCTIONS INC
	TAGE PUBLISHING & COLLECTION B.V.
	CENTERTAINMENT GROUP INC.
	EMANTLEMEDIA NORTH AMERICA, INC.
	NERAL MILLS SALES INC
_	NESIS INTERMEDIA INC
	ZZLY ADAMS PRODUCTIONS, INC.
	MERCHANDISING & LICENSING LLC
	THY-RENKER
	LIMARK ENTERTAINMENT DISTRIBUTION LLC
	WTHORNE COMMUNICATIONS INC
	PANIC HERITAGE AWARDS FOUNDATION, INC.
	ERSPORT INC BERT PRODUCTIONS, INC.
	PARDY PRODUCTIONS, INC.
	ST BROADCAST SALES
	JOR LEAGUE BASEBALL PROPERTIES, INC.
	RTHA STEWART LIVING OMNIMEDIA, INC.
	RTY STOUFFER PRODUCTIONS LTD.
ME	TRO-GOLDWYN-MAYER STUDIOS INC.

and the second s	PRESENTED CLAIMANTS ABLE RETRANSMISSION ROYALTIES
2002 03 0	ABLE RETRANSIVISSION ROTAL HES
	*
2002 CLAI	
MG/PERIN	
	JAFFE FILMS LTD
	ENTERTAINMENT, LTD.
	IGITAL ENTERTAINMENT LTD.
	BASKETBALL ASSOCIATION
	BROADCASTING COMPANY
NATIONAL	GEOGRAPHIC SOCIETY
NBC ENTE	RPRISES, INC.
NELVANA	LIMITED
NEW LINE	CINEMA CORPORATION
NEW YOR	K ROAD RUNNERS CLUB INC
NFL FILMS	)
O. ATLAS	ENTERPRISES INC
OLIVER PI	RODUCTIONS, INC.
	V PRODUCTIONS INC.
	NT PICTURES, A VIACOM COMPANY
	BENNETT PRODUCTIONS
PGA TOUF	
	SE FITNESS LLC
	IONS ZONE3 INC
RED HORS	
	NTERTAINMENT
	ARTER PRODUCTIONS
the second s	1EDIA VENTURES, LLC
	D SCREEN PRODUCTIONS, INC
	RTAINMENT LLC
	VISION (same as SFX Sports Group?)
	TURES TELEVISION INC.
SPECTAC	
	TELEVISION, INC.
	J CANNELL PRODUCTIONS INC
	TFELD PRODUCTIONS, INC.
	HITE FILMS
STUDIOS	
	Y PRODUCTIONS LLC
	ODUCTIONS, INC.
	DMAN GROUP LLC
	ORDING INDUSTRY ASSOCIATION OF AMERICA
	MIT MEDIA GROUP
	M FITNESS, LLC
	DRLD INTERNATIONAL, INC.
	ENTERTAINMENT COMPANY
	EATURE SYNDICATE INC
	TATES OLYMPIC COMMITTEE
UNIVERS/	AL CITY STUDIOS PRODUCTIONS LLLP

Page 7 of 11

2002 CLAIMA	NT
<b>UNIVISION N</b>	ETWORK LIMITED PARTNERSHIP
URBAN LATIN	NO TV, LLC
WARD PROD	UCTIONS, INC.
WARNER BR	OS. DOMESTIC TELEVISION DISTRIBUTION
WESTERN IN	TERNATIONAL SYNDICATION
WNBA	
WORLD WRE	STLING ENTERTAINMENT, INC.
WORLDVISIC	ON ENTERPRISES INC.

MPAA-REPRESENTED CLAIMANTS	
2003 US CABLE RETRANSMISSION ROYALTIES	
·	
2003 CLAIMANT	
ABC FAMILY WORLDWIDE INC	
AGICOA	
ALLIED COMMUNICATIONS INC	
AMERICAN BROADCASTING COMPANIES INC	
ARTIST & IDEA MANAGEMENT LTD	
AUDIO-VISUAL COPYRIGHT SOCIETY	
3 & A PRODUCTIONS LLC	
BABE WINKELMAN PRODUCTIONS, INC.	
BETTER GRADES SEMINARS LLC	
BIG TICKET TELEVISION INC	
BUENA VISTA TELEVISION	
CALIFON PRODUCTIONS, INC.	
CBS BROADCASTING, INC.	
OF ENTERTAINMENT INC	
CHAMPION ENTERTAINMENT, INC.	
CLASSIC MEDIA INC	
CLEAR CHANNEL ENTERTAINMENT INC	
COMPACT COLLECTIONS LIMITED	
D.L. TAFFNER LTD	
DIC ENTERTAINMENT, LP	·····
DICK CLARK PRODUCTIONS, INC.	
DRAGON HOUSE PRODUCTIONS	
DREAMWORKS LLC	***
ECLIPSE TELEVISION & SPORTS MARKETING LLC	
GEDA	
EURO-PRO	
EYE PRODUCTIONS INC	
INTAGE PUBLISHING AND COLLECTION B.V.	
OX ENTERTAINMENT GROUP INC	
REMANTLE MEDIA NORTH AMERICA INC	
GENERAL MILLS SALES INC	
GRIZZLY ADAMS PRODUCTIONS INC	****
ST MERCHANDISING & LICENSING CORP.	
GUTHY-RENKER	
HAWTHORNE COMMUNICATIONS INC	
HISPANIC HERITAGE AWARDS FOUNDATION INC	
HOME BOX OFFICE, INC.	
HORTUS LTD	· · · · · · · · · · · · · · · · · · ·
.F.T.A. COLLECTIONS	
NTERTAINMENT LICENSING GMBH	
JAFFE BRAUNSTEIN FILMS LTD	
JALBERT PRODUCTIONS INC	
JEOPARDY PRODUCTIONS, INC.	
MAJOR LEAGUE BASEBALL PROPERTIES INC	
MARTHA STEWART LIVING OMNIMEDIA, INC.	

MPAA-REPRESENTED CLAIMANTS			
003 US CABLE RETRANSMISSION ROYALTIES			
003 CLAIMANT			
METRO-GOLDWYN-MAYER STUDIOS INC.			
AG / PERIN, INC			
MICHAEL JAFFE FILMS LTD			
ODERN ENTERTAINMENT LTD.			
IASCAR DIGITAL ENTERTAINMENT LTD			
IATIONAL BASKETBALL ASSOCIATION			
IATIONAL HOCKEY LEAGUE			
IBC ENTERPRISES INC			
IBC UNIVERSAL INC			
IELVANA LIMITED			
IEW LINE CINEMA CORPORATION			
IEW YORK ROAD RUNNERS CLUB INC			
IFL FILMS INC			
IGHT INC			
D. ATLAS ENTERPRISES INC			
DLIVER PRODUCTIONS, INC.			
PARAMOUNT PICTURES, A VIACOM COMPANY			
RODUCTIONS ZONE3 INC			
ED HORSE LLC			
REMODELING TODAY INC			
RL 101 INC			
YSHER ENTERTAINMENT			
ANDRA CARTER PRODUCTIONS			
CHOLASTIC ENTERTAINMENT INC			
CREEN MEDIA VENTURES, LLC			
ESAME WORKSHOP			
FM ENTERTAINMENT LLC			
ONY PICTURES TELEVISION INC			
PECTACOR FILMS			
PELLING TELEVISION, INC.			
STEVE ROTFELD PRODUCTIONS, INC.			
STEVE WHITE FILMS			
ELCO PRODUCTIONS, INC.			
HE CANADIAN BROADCASTING CORPORATION			
HE CARSEY WERNER COMPANY, LLC			
HE GOODMAN GROUP LLC			
HE HERITAGE NETWORKS LLC			
HE LANDSBURG COMPANY			
HE RECORDING INDUSTRY ASSOCIATION OF AMERICA INC	).		
HE SUMMIT MEDIA GROUP			
OTAL GYM FITNESS LLC			
RANSWORLD INTERNATIONAL, INC .			
RIBUNE ENTERTAINMENT COMPANY			
ILTIMATE CHOICE INC			
JLTIMATE CHOICE INC JNIVERSAL CITY STUDIOS PRODUCTIONS LLP			
INIVERSAL CITY STUDIOS PRODUCTIONS LLP			

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# APPENDIX B

# MPAA-REPRESENTED CLAIMANTS 2003 US CABLE RETRANSMISSION ROYALTIES 2003 CLAIMANT WARNER BROTHERS DOMESTIC TELEVISION DISTRIBUTION WESTERN INTERNATIONAL SYNDICATION WORLD WRESTLING ENTERTAINMENT, INC. WORLDVISION ENTERPRISES, INC. \*MPAA represents all claimants within joint claims

# KESSLER APPENDIX C

ABDUCTION (1975)

227 **\$TREET** ...AT FIRST SIGHT (1995) **¡FELIZ MILENIO!** ZA QUÉ NO TE ATREVES? ¿SOY HOMBRE Y QUÉ? 10 MILLION DOLLAR GETAWAY, THE (1991) 102 DALMATIANS: CRUELLA UNLEASHED! 12:01 (1993) 1984 (1956) 1984 (1984) 21 STARS FOR THE 21ST CENTURY 21ST CENTURY 2B BY JAKE 3 NINJAS (1992) **3RD ROCK FROM THE SUN** 48 HRS. (1982) 4PK TAE BO LIVE 7 DAYS **7TH HEAVEN** 83 HOURS 'TIL DAWN (1990) 976-EVIL (1989) 976-EVIL II (1991) AB DOLLY AB DOLLY II AB DOLLY PLUS AB ROCKER AB ROCKER 16 AB ROCKER 2 AB ROCKER 3 AB SLIDE AB SLIDER **AB TWISTER** AB TWISTER 2 ABBOTT AND COSTELLO AB-DOER

ABDUCTION, THE (1996) ABOUT LAST NIGHT ... (1986) ABOVE THE RIM (1994) ABSLIDE ABSLIDE 2 ACADEMY AWARDS PREVIEW ACCESS HOLLYWOOD ACCIDENTAL MEETING (1994) ACCIDENTAL TOURIST, THE (1988) ACCIÓN EXTRA ACCUSED, THE (1988) ACE 3 ACROSS THE GREAT DIVIDE (1976) ACROSS THE TRACKS (1991) ACTION JACKSON (1988) ACTION MAN ADDICTED TO LOVE (1995) ADDICTED TO LOVE (1997) ADRENALIN: FEAR THE RUSH (1996) ADVENTURES OF BLACK BEAUTY ADVENTURES OF FORD FAIRLANE, THE (1990) ADVENTURES OF JIM BOWIE ADVENTURES OF SHERLOCK HOLMES, THE (1939) ADVENTURES OF THE WILDERNESS FAMILY, THE (1975) AERO BED AERO EXTRA BED IN A MINUTE AERO IMAGINAIR AEROBED AFTER HOURS (1985) AFTERMATH (1990) AGAINST HER WILL: AN INCIDENT IN BALTIMORE (1992) AGAINST THEIR WILL: WOMEN IN PRISON (1994)

AGATHA (1979) AINSLEY HARRIOTT AIR AMERICA (1990) AL CAER LA NOCHE AL FILO DEL TERROR ALFIN DE SEMANA AL FIN DE SEMANA EN AÑO NUEVO AL FIN DE SEMANA EN NAVIDAD ALAN & NAOMI (1992) ALBINO ALLIGATOR (1996) ALCHEMIST, THE (1985) ALGUNAS NUBES ALI: AN AMERICAN HERO (2000) ALICE IN WONDERLAND \$.99 MOVIE (1951) ALICE IN WONDERLAND (1951) ALIEN 3 (1992) ALIEN FURY (2000) ALIEN INTRUDER (1993) ALL GOD'S CHILDREN (1980) ALL IN THE FAMILY ALL MADDEN TEAM ALL SHE EVER WANTED (1996) ALLEGRO ALLEGRO REVISED ALLY MCBEAL ALMA REBELDE ALMOST AN ANGEL (1990) ALMOST DEAD (1994) AM GOLD AM GOLD VERSION 2 **AMADEUS (1984)** AMAZING PANDA ADVENTURE, THE (1995) AMAZON AMERICAN ADVENTURER AMERICAN ATHLETE AMERICAN BANDSTAND

AMERICAN BORN (1990)

AMERICAN COMEDY AWARDS

AMERICAN CYBORG: STEEL WARRIOR (1994)

AMERICAN GOTHIC (1988)

AMERICAN HIGH

AMERICAN HOT WAX (1978)

AMERICAN MARKETING SYSTEMS

AMERICAN NINJA 5 (1995)

**AMERICAN ROULETTE (1988)** 

AMERICAN SAMURAI (1992)

AMERICAN SKI CLASSIC

AMERICAN STORY, AN (1992)

AMERICAN SUMMER, AN (1990)

AMERICA'S DUMBEST CRIMINALS

AMERICA'S FUNNIEST HOME VIDEOS

AMERICA'S FUNNIEST HOME VIDEOS SALUTE TO BONEHEADS

AMERICA'S FUNNIEST HOME VIDEOS UNCENSORED

AMERICA'S FUNNIEST HOME VIDEOS: KIDS AND ANIMALS

AMERICA'S MOST WANTED: AMERICA FIGHTS BACK

AMIGO

AMITYVILLE 1992: IT'S ABOUT TIME (1992)

AMOR GITANO

ANASTASIA (1997)

AND GOD CREATED WOMAN (1988)

ANDROMEDA

ANDY GRIFFITH

ANGEL

ANGEL ON MY SHOULDER (1980)

ANGELA ANACONDA

ANGELITO MÍO

ANIMAL RESCUE

ANIMAL RESCUE - A CHRISTMAS SPECIAL

ANNA KARENINA (1948)

MPAA CLAIMED WORKS - 2000 ANOTHER 48 HRS. (1990) ANOTHER STAKEOUT (1993) ANOTHER YOU (1991) AOL APPOINTMENT FOR A KILLING (1993) AQUÍ Y AHORA ARABIAN KNIGHT (1995) ARACHNOPHOBIA (1990) ARCHIE BUNKER'S PLACE ARCTIC BLUE (1993) ARISTOCATS, THE (1970) ARTHUR (1981) ARTHUR 2: ON THE ROCKS (1988) AS GOOD AS DEAD (1995) ASESINATO EN PLAZA GARIBALDI ASSAULT AT WEST POINT: THE COURT-MARTIAL OF JOHNSON WHITTAKER (1994) ASSIGNMENT, THE (1997) AT HOME WITH THE WEBBERS (1993) ATTEMPT TO KILL (1961) ATTICA (1980) AUSSIE HAIR OFFER

AUSSIE NADS

AUSTIN POWERS: INTERNATIONAL MAN OF MYSTERY (1997)

AUTO LOCK

AUTO LOCK PRO

AUTOBIOGRAPHY OF MISS JANE PITTMAN, THE (1974)

AUTOCLOCK PRO

AUTOLOCK

AUTOLOCK PRO 2

AUTOLOCK UNBREAKABLE

AVENGERS

AWAKE TO DANGER (1995)

AWAKENINGS (1990)

AWESOME ADVENTURES

AXIS AXIS HELP AXIS MARKETING BABE RUTH (1991) BABE WINKELMAN'S GOOD FISHING BABE WINKELMAN'S OUTDOOR SECRETS BABY BLUES BABY HUEY'S GREAT EASTER ADVENTURE (1999) BABY OF THE BRIDE (1991) BABY, IT'S YOU (1983) BABY'S DAY OUT (1994) BACHELOR'S BABY, THE (1996) BACK IN BUSINESS (1997) BACKSTREET DREAMS (1990) BACKSTROKE BACKSTROKE 2 BAD BLOOD (1981) BAD BLOOD (1994) BAD BOYS (1995) BAD COMPANY (1994) BAD NEWS BEARS, THE (1976) BAJA OKLAHOMA (1988) BANJO MINNOW BANNED IN AMERICA: THE WORLD'S SEXIEST COMMERCIALS 2 BASIC INSTINCT (1992) BATMAN (1989) BATMAN BEYOND BATMAN RETURNS (1992) BATTLE BEYOND THE STARS (1980) BATTLE DOME BATTLE OF THE CHILD GENIUSES: WHO IS THE SMARTEST KID IN AMERICA?

BATTLING FOR BABY (1992)

**BAYWATCH HAWAII** 

BEACON

BEACON CHITO BEAKMAN'S WORLD BEAR, THE (1989) BEAST MACHINES BEAST WARS BEASTMASTER BEASTMASTER, THE (1982) BEAT THE DEVIL (1954) BEAT, THE BEAT, THE (1987) BEAUTICIAN AND THE BEAST, THE (1997) BEAUTY & DENISE (1989) BED OF LIES (1992) BED OF ROSES (1996) **BEDKNOBS AND BROOMSTICKS (1971)** BEDROOM WINDOW, THE (1987) **BELL JAR, THE (1979)** BENEATH THE 12-MILE REEF (1953) BENEFIT OF THE DOUBT (1993) BENJI (1974) BENSON BEST FRIENDS (1982) **BEST OF ANIMAL RESCUE** BEST OF DEAN MARTIN BEST OF HARD ROCK LIVE: HARD ROCKERS BEST OF HARD ROCK LIVE: ROCK & POP BEST OF HARD ROCK LIVE BEST OF SESSIONS AT WEST 54TH BEST OF THE BEST (1989) BETTER HOMES AND GARDENS BETTY FORD STORY, THE (1987) BEVERLY HILLBILLIES BEVERLY HILLS COP II (1987) **BEVERLY HILLS, 90210** BEVERLY HILLS, 90210: THE FINAL GOODBYE

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ICE

ILLINOIS' LUCKIEST

IMAGES

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**IRONFREE ORBETRECK IRON-FREE ORBITREK** ISLAND OF DR. MOREAU, THE (1996) IT TAKES TWO (1995) IT'S SHOWTIME AT THE APOLLO IT'S YOUR CHANCE OF A LIFETIME IZZY AND MOE (1985) JACK & JILL JACK AND THE BEANSTALK (1952) JACKIE CHAN ADVENTURES JACK'S BACK (1988) JADE (1995) JAGGED EDGE (1985) JAMIE FOXX **JANE DOE (1996)** JAPANESE WAR BRIDE (1952) JASON GOES TO HELL: THE FINAL FRIDAY (1993)JAW DROPPERS JAWDROPPERS **JEFFERSON IN PARIS (1995)** JEFFERSONS JENNY JONES JEOPARDY! JEREMIAH (1998) JEREMIAH JOHNSON (1972) JERICHO FEVER (1993) JERKY BOYS, THE (1995) JERRY MAGUIRE (1996) JESSE OWENS STORY, THE (1984) JESUS (1979) JESÚS, EL NIÑO DIOS JEWEL OF THE NILE, THE (1985) JFK (1991) JFK ASSASSINATION FILES JIMMY THE KID (1982)

JOAN OF PARIS (1942) JOE VERSUS THE VOLCANO (1990) JOHNNY BELINDA (1982) JOHNNY CARSON COLLECTION JOSEPHINE BAKER STORY, THE (1991) JOSHUA TREE (1993) JOURNEY INTO LIGHT (1951) JOURNEY'S END: THE SAGA OF ``STAR TREK: THE NEXT GENERATION" JOY LUCK CLUB, THE (1993) JUAN GABRIEL EN EL ESTADIO AZTECA JUDGE HATCHETT JUDGE JOE BROWN JUDGE HUDY JUDGE MATHIS JUDGE MILLS LANE JUICE (1992) JUICE LADY JUICE LADY 2 JUICELADY JUICELADY 2 JUICEMAN JUICEMAN II JUICEMAN POWER OF JUICING JULIO SABALA EN NAVIDAD JUMANH JUMANJI (1995) JUST KIDDING JUST KIDDING 2 JUSTICE FOR THE INNOCENT (1994) KANSAS CITY (1996) KANSAS CITY MASSACRE (1975) KANSAS PACIFIC (1953) **KENNY ROGERS AS THE GAMBLER (1980)** KENNY ROGERS AS THE GAMBLER, PART II -- THE ADVENTURE CONTINUES (1983)

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LA PIÑATA LOCA

LA PUERTA NEGRA LA PURA LA QUEBRADITA LA RISA EN VACACIONES 10 LA RISA EN VACACIÓNES II LA RISA EN VACACIONES III LA RISA EN VACACIONES IV LA TUMBA DEL MOJADO LA VIDA DE NUESTRO SEÑOR JESUCRISTO LABERINTOS DE PASIÓN LABOR OF LOVE: THE ARLETTE SCHWEITZER STORY (1993) LADIES COURAGEOUS (1944) LADY DRAGON (1992) LADY DRAGON 2 (1993) LADY FROM LOUISIANA (1941) LADY IN RED, THE (1979) LADY IN WHITE (1988) LADY MOBSTER (1988) LAS DELICIAS DEL PODER LAS NOCHES DEL BLANQUITA LASSIE (1994) LAST BOY SCOUT, THE (1991) LAST CHASE, THE (1981) LAST FLING, THE (1987) LAST MAN STANDING (1996) LAST OF SHEILA, THE (1973) LAST OF THE MOHICANS, THE (1992) LAST PICTURE SHOW, THE (1971) LAST WAVE, THE (1978) LATE FOR DINNER (1991) LATE SHIFT, THE (1996) LAWMAN LAWNMOWER MAN 2: BEYOND CYBERSPACE (1996)

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LITTLE BIG MAN (1970) LITTLE HOUSE ON THE PRAIRIE LITTLE HOUSE: A NEW BEGINNING LITTLE ODESSA (1994) LITTLE PIECE OF HEAVEN, A (1991) LITTLE PRINCESS, THE (1939) LIVE -- REGIS & KATHIE LEE LIVE FROM THE ACADEMY AWARDS LIVE WITH REGIS LIVING IN PERIL (1997) LIVING SINGLE LO QUE SE VIO Y NO SE VIO DE SOÑADORAS LO QUE SE VIÓ Y NO SE VIÓ DE SOÑADORAS LOCK UP (1989) LOCURA DE AMOR LONG SUMMER OF GEORGE ADAMS, THE (1981) LONG WALK HOME, THE (1990) LOOK WHO'S TALKING (1989) LORD OF THE FLIES (1990) LOS HERMANOS BUENA ONDA LOS PELOTONES Y JUAN CAMANEY LOS REYES DEL PALENQUE LOSE WEIGHT AND CELEBRATE WITH RICHARD SIMMONS LOST HONOR OF KATHRYN BECK, THE (1984) LOST IN SPACE FOREVER LOST WORLD LOVE AFFAIR (1994) LOVE AND A .45 (1994) LOVE AT FIRST BITE (1979) LOVE CAN BE MURDER (1992) LOVE IS A GUN (1994) LOVE IS NEVER SILENT (1985) LOVE JONES (1997)

LOVE, CHEAT & STEAL (1994) LOVE, MARY (1985) LOVERBOY (1989) LOVING COUPLES (1980) LUCHA POR LA CASA BLANCA LUCY SHOW LYING EYES (1996) M\*A\*S\*H MACKINTOSH MAN, THE (1973) MAD ABOUT YOU MAD MAX 2 (1981) MAD MAX BEYOND THUNDERDOME (1985) MAD TV MADE FOR EACH OTHER (1971) MADONNA: TRUTH OR DARE (1991) MAGIC ISLAND (1995) MAGIC KID (1993) MAGIC OF CHRISTMAS MAGIC SCHOOL BUS MAID TO ORDER (1987) MAITE MAJOR LEAGUE BASEBALL 99: A SEASON OF HEROES MAJOR LEAGUE II (1994) MAKER, THE (1997) MAKING LOVE WORK MALCOLM & EDDIE **MALCOLM (1986)** MALCOLM IN THE MIDDLE MALCOLM X (1992) MALIBU, CA MAMA'S FAMILY MAMBO KINGS, THE (1992) MAN CALLED HORSE, A (1970) MAN FROM FRISCO (1944) MAN IN THE BROWN SUIT, THE (1989)

MAN NEXT DOOR, THE (1996) MAN TROUBLE (1992) MAN WHO WOULD BE KING, THE (1975) MAN WITH TWO BRAINS, THE (1983) MAN WITHOUT A FACE, THE (1993) MAÑANITAS A LA VIRGEN MANDELA AND DE KLERK (1997) MANGLER, THE (1995) MANHUNT: SEARCH FOR THE NIGHT STALKER (1989) MANHUNTER (1986) MAREA SUAVE MARILYN: THE UNTOLD STORY (1980) MARIMAR MARKED FOR DEATH (1990) MARKED MAN (1996) MARKETWATCH MARRIED... WITH CHILDREN MARRYING MAN, THE (1991) MARSHAL DILLON MARTA SUSANA MARTHA STEWART LIVING MARTHA STEWART LIVING WEEKEND MARTIN SHORT MARTIN MARVIN AND TIGE (1983) MARY POPPINS (1964) MÁS QUE ALCANZAR UNA ESTRELLA MASK OF DEATH (1995) MASQUE OF THE RED DEATH (1989) MASTER RACE, THE (1944) MATLOCK MATLOCK: THE ASSASSINATION (1992) MATLOCK: THE DON (1986) MATLOCK: THE EVENING NEWS (1992) MATLOCK: THE HUNTING PARTY (1989)

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MIDNIGHT COP (1989) MIDNIGHT IN SAINT PETERSBURG (1997) MIDNIGHT MAN (1995) MIDNIGHT RIDE (1995) MIGHTY DUCKS, THE (1992) MIGHTY JOE YOUNG (1949) **MIGHTY JOE YOUNG (1998)** MIGHTY PRO GRILL MIKE'S MURDER (1984) MILLENNIUM SILVER DOLLAR MILLER'S CROSSING (1990) MILLION DOLLAR MYSTERIES MILLÓN, A MINORITY BUSINESS REPORT **MIRACLE LANDING (1990)** MIRACLE OF THE FIRST CHRISTMAS MIRACLE ON 34TH STREET (1994) MIRRO MIRRO WEAREVER MISA DE PASCUA DEL PAPA **MISERY (1990)** MISS HAWAIIAN TROPIC INTERNATIONAL PAGEANT MISS HAWAIIAN TROPIC UNITED STATES PAGEANT MISS ROSE WHITE (1992) MISS VENEZUELA MISSING CHILDREN: A MOTHER'S STORY (1982) **MISSION HILL** MLB '99: A SEASON OF HEROES MO' MONEY (1992) MODEL BEHAVIOR (2000) MOESHA MONDAY NIGHT LIVE MONEY (1991) MONEY TALKS (1997)

MONKEES **MONKEY TROUBLE (1994)** MONSTER MASH MONSTER RANCHER MONTE WALSH (1970) MONTEL WILLIAMS MORAL COURT MORE TRUE STORIES FROM TOUCHED BY AN ANGEL MORELIA MORNING AFTER, THE (1986) MORTAL FEAR (1994) MORTAL SINS (1992) MOSCOW ON THE HUDSON (1984) MOSQUITO COAST, THE (1986) MOST WANTED (1997) MOTHER NIGHT (1996) MOTHER OF THE BRIDE (1993) MOTHER'S JUSTICE, A (1991) MOTOR UP **MOUNTAIN FAMILY ROBINSON (1979)** MOUNTIES: TRUE STORIES OF THE ROYAL CANADIAN MOUNTED POLICE MOVE GROOVE SIMMONS MOVE, GROOVE AND LOSE MOVE, GROOVE AND LOSE 2 **MOVIE STARS** MR. AND MRS. LOVING (1996) MR. BLANDINGS BUILDS HIS DREAM HOUSE (1948) MR. DESTINY (1990) MR. SATURDAY NIGHT (1992) MR. SMITH GOES TO WASHINGTON (1939) MR. WRITE (1994) MRS. DOUBTFIRE (1993) MUJERES ENGAÑADAS MUMMIES ALIVE!

MUMMY LIVES, THE (1996) MUPPET CHRISTMAS CAROL, THE (1992) MURDER BY NATURAL CAUSES (1979) MURDER IN MISSISSIPPI (1990) MURDER IN NEW HAMPSHIRE: THE PAMELA SMART STORY (1991) MURDER IN THREE ACTS (1986) MURDER ON THE ORIENT EXPRESS (1974) MURDER WITHOUT MOTIVE: THE EDMUND PERRY STORY (1992) MURDEROUS AFFAIR: THE CAROLYN WARMUS STORY, A (1992) **MURDEROUS VISION (1991)** MUREAL MURPHY BROWN MUSIC SYSTEM MÚSICA DE VIENTO MY BLUE HEAVEN (1990) MY BOYFRIEND'S BACK (1989) MY COUSIN VINNY (1992) MY LEFT FOOT (1989) MY LITTLE GIRL (1986) **MYSTERIOUS WAYS MYSTERY MANSION (1984)** NAACP IMAGE AWARDS NAD'S NADS 2000 NADS OVERFLOW NAKED GUN 2 1/2: THE SMELL OF FEAR, THE (1991) NANNY NASCAR RACERS NASCAR RACERS: THE MOVIE (1999) NASH BRIDGES NATIONAL GEOGRAPHIC ON ASSIGNMENT

NATIONAL LAMPOON'S CHRISTMAS VACATION (1989)

NATIONAL LAMPOON'S EUROPEAN VACATION (1985)

NATIONAL LAMPOON'S LAST RESORT (1994)NATIONAL LAMPOON'S SENIOR TRIP (1995) NATIONAL LAMPOON'S VACATION (1983) NATIONAL MEDIA NATURAL ADVANTAGE NATURAL COVER NATURAL, THE (1984) NAVIDAD EN VIENA NECESSITY (1988) **NEMESIS (1993)** NET MACHINE **NEVERENDING STORY III, THE (1994)** NEW ADVENTURES OF WINNIE THE POOH **NEW BATMAN/SUPERMAN ADVENTURES** NEW JACK CITY (1991) NEW MAVERICK, THE (1978) NEW SWISS FAMILY ROBINSON, THE (1999) NEW TRUE LIFE ADVENTURES NEW VO AUTOLOCK NEWLYWED GAME NEWSIES (1991) **NEWSRADIO** NEXT OF KIN (1989) NEL EUROPE FOOTBALL NFL PLAYERS FANTASY FOOTBALL WEEKLY NEL PRESEASON SPECIAL NFL UNDER THE HELMET NFL YEARBOOK NI CHANA, NI JUANA NI DE AQUÍ NI DE ALLÁ NIGHT IN PARADISE, A (1946) NIGHT OF THE COMET (1984) **NIGHT OF THE HUNTER (1991)** NIGHT OF THE RUNNING MAN (1994) **NIGHT OF THE WARRIOR (1991)** 

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NIGHT THE LIGHTS WENT OUT IN GEORGIA, THE (1981) NIGHT VISION (1998) NIGHTMAN NIGHTMAN, THE (1992) NIGHTMARE ON ELM STREET 2: FREDDY'S **REVENGE**, A (1985) NIGHTMARE ON ELM STREET 5: THE DREAM CHILD (1989) NIGHTMARE ON ELM STREET, A (1984) NIKKI NINJA: THE AMERICAN SAMURAI (1992) NO CONTABAN CON MI ASTUCIA NO CONTEST (1994) NO HOLDS BARRED (1989) NO MERCY (1986) NO PLACE TO HIDE (1993) NO SAFE HAVEN (1989) NO SMALL AFFAIR (1984) NOCHE DE BIENVENIDOS NOCHE DE CARNAVAL 2000 NOCHE DE ELECCIONES NOCHE DE ESTRELLAS NOCHE DE PÁNICO NOISES OFF (1992) NORMAL LIFE (1996) NORMAL, OHIO NORTH (1994) NOTICIERO UNIVISIÓN NOTICIERO UNIVISIÓN -- FIN DE SEMANA NOTICIERO UNIVISIÓN ÚLTIMA HORA NOTICIERO UNIVISIÓN: BOLETÍN ESPECIAL NOW OR NEVER

NIGHT OWL (1993)

NIGHT SHIFT (1982)

NIGHT STALKER, THE (1971)

NIGHT STRANGLER, THE (1973)

ONEWORLD MUSIC BEAT

NOWHERE TO HIDE (1987) NOWHERE TO RUN (1993) NRA NRA 3 NSYNC 'NTIMATE HOLIDAY NUESTRA BELLEZA DE MÉXICO NUFIT NUNCA TE OLVIDARÉ NUNS ON THE RUN (1990) NURSE, THE (1997) NUTCRACKER: THE MOTION PICTURE (1986) NYPD BLUE O PIONEERS! (1992) OCCASIONAL HELL, AN (1996) OCTAGON, THE (1980) ODD COUPLE ODD JOBS (1986) OF PURE BLOOD (1986) OH, HEAVENLY DOG! (1980) O'HARA'S WIFE (1982) OLIVE, THE OTHER REINDEER OLIVER & COMPANY (1988) OLYMPIC GOLD ON DANGEROUS GROUND (1996) ON THE WATERFRONT (1954) ON THIN ICE: THE DARK SIDE OF SKATING ONASSIS: THE RICHEST MAN IN THE WORLD (1988) ONCE UPON A CHRISTMAS ONCE UPON A TEXAS TRAIN (1988) ONCE UPON A TIME IN AMERICA (1984) ONE GOOD COP (1991) ONE MAN'S WAR (1991) ONE NIGHT STAND (1997) **ONE SPECIAL VICTORY (1991)** 

ONE TOUGH BASTARD (1995)

**ONION FIELD, THE (1979)** ONLY THE LONELY (1991) **ONLY YOU (1992) ONLY YOU (1994) OPENING THE TOMBS OF THE GOLDEN** MUMMIES **OPERATION CONDOR (1991) OPERATION CONDOR 2: THE ARMOUR OF** THE GODS (1986) **OPERATION SANDMAN: WARRIORS IN** HELL (2000) OPPOSITE SEX, THE (1956) OPPOSITE SEX **OPRAH WINFREY** ORBITREK **ORDINARY MAGIC (1993)** ORIGINAL SIN (1989) OSCAR (1991) **OSTERMAN WEEKEND, THE (1983)** OTHER PEOPLE'S MONEY (1991) OUR HOUSE OUT FOR BLOOD (1992) OUT FOR JUSTICE (1991) OUT OF SYNC (1995) OUT TO SEA (1997) **OUTLAND (1981) OUTRAGE (1973) OUTRAGEOUS FORTUNE (1987)** OVER THE LINE (1995) OVERBOARD (1978) **OVERNIGHT DELIVERY (1996)** OWL AND THE PUSSYCAT, THE (1970) OXYCISE PACHANGA LATINA PACHANGA LATINA EXTRA PACIFIC HEIGHTS (1990)

PAINT MATE PAPÁ 2000 PAPER MASK (1990) PARADE, THE (1984) PARADISE (1991) PARADISE, HAWAIIAN STYLE (1966) PARENT 'HOOD PARENT TRAP PARENT TRAP, THE (1961) PARENTHOOD PARIS TROUT (1991) PARKERS PARTRIDGE FAMILY PARTY GRILL PARTY GRILL 4 PARTY OF FIVE PASSED AWAY (1992) PASSENGER 57 (1992) PASSPORT TO MURDER (1993) PAST MIDNIGHT (1991) PAST TENSE (1994) PASTA PASTA 99 PASTA MAKER PATRIOTS (1994) PENSACOLA: WINGS OF GOLD PENTATHLON (1995) PENTHOUSE, THE PEOPLE NEXT DOOR, THE (1996) PEOPLE'S COURT PEPPER ANN **PERFECT (1985)** PERFECT BODY (1997) PERFECT FAMILY (1992) PERFECT WEAPON, THE (1991) PERFECT WOMAN

### PERRY MASON

PERRY MASON RETURNS (1985)

PERRY MASON: THE CASE OF THE ALL-STAR ASSASSIN (1989)

PERRY MASON: THE CASE OF THE AVENGING ACE (1988)

PERRY MASON: THE CASE OF THE DEFIANT DAUGHTER (1990)

PERRY MASON: THE CASE OF THE **DESPERATE DECEPTION (1990)** 

PERRY MASON: THE CASE OF THE FATAL FASHION (1991)

PERRY MASON: THE CASE OF THE FATAL FRAMING (1992)

PERRY MASON: THE CASE OF THE GLASS COFFIN (1991)

PERRY MASON: THE CASE OF THE HEARTBROKEN BRIDE (1992)

PERRY MASON: THE CASE OF THE KILLER KISS (1993)

PERRY MASON: THE CASE OF THE LADY IN THE LAKE (1988)

PERRY MASON: THE CASE OF THE LETHAL LESSON (1989)

PERRY MASON: THE CASE OF THE LOST LOVE (1987)

PERRY MASON: THE CASE OF THE MALIGNED MOBSTER (1991)

PERRY MASON: THE CASE OF THE MURDERED MADAM (1987)

PERRY MASON: THE CASE OF THE MUSICAL MURDER (1989)

PERRY MASON: THE CASE OF THE NOTORIOUS NUN (1986)

PERRY MASON: THE CASE OF THE POISONED PEN (1990)

PERRY MASON: THE CASE OF THE RECKLESS ROMEO (1992)

PERRY MASON: THE CASE OF THE **RUTHLESS REPORTER (1991)** 

PERRY MASON: THE CASE OF THE SCANDALOUS SCOUNDREL (1987)

PERRY MASON: THE CASE OF THE SHOOTING STAR (1986)

PERRY MASON: THE CASE OF THE SILENCED SINGER (1990)

PERRY MASON: THE CASE OF THE SINISTER **SPIRIT (1987)** 

# MPAA CLAIMED WORKS - 2000

PONTIAC MOON (1994)

POR TU MALDITO AMOR

POPULAR MECHANICS FOR KIDS

POSTCARDS FROM THE EDGE (1990)

POPEYE (1980)

POR TU AMOR

**POWDER (1995)** 

POWER OF ATTORNEY

POWER OF JUICING SHOW II

POWER OF ONE, THE (1992)

POWER OF ONE: THE POKEMON 2000

POWER RANGERS LIGHTSPEED RESCUE

POWERS OF THE PARANORMAL: LIVE ON

PRAYER OF THE ROLLERBOYS (1991)

POWER RANGERS LOST GALAXY

POWER WITHIN, THE (1995)

PRAYING MANTIS (1993)

**PREDATOR 2 (1990)** 

PREFONTAINE (1997)

PRELUDE TO A KISS (1992)

PREMIOS "EL HERALDO"

PREMIOS FURIA MUSICAL

PREMIOS TV Y NOVELAS

PRETTY IN PINK (1986)

PRETTY WOMAN (1990)

PRIMARY MOTIVE (1992)

PRIME TARGET (1991)

PREY OF THE CHAMELEON (1992)

PRIDE AND EXTREME PREJUDICE (1990)

PRESUMED INNOCENT (1990)

PREMIOS ERES

PRETENDER

POWER OF JUICING

POWER GYM

MOVIE

STAGE

POPULAR

PERRY MASON: THE CASE OF THE SKIN-DEEP SCANDAL (1993)

PERRY MASON: THE CASE OF THE TELL-TALE TALK SHOW HOST (1993)

PERSONAL POWER

PERSONS UNKNOWN (1996)

PEST OFFENSE

PHANTOM OF THE OPERA, THE (1989)

PICARDÍA MEXICANA

PICKING UP THE PIECES (1985)

PICTURE PERFECT (1997)

**PINKY & THE BRAIN** 

**PINOCCHIO'S REVENGE (1996)** 

PIRANHA (1995)

PJS

PLACE FOR ANNIE, A (1994)

PLAGUE, THE (1992)

PLATO'S RUN (1997)

PLAY IT AGAIN, SAM (1972)

PLAYERS CLUB, THE (1998)

PLAYMATES (1941)

PLAZA SÉSAMO

POBRE DIABLA

POKEMON

(1986)

(1994)

POLICE STORY

POLICE VIDEOS

POLICE WOMAN

POLTERGEIST (1982)

POBRE NIÑA RICA

POETIC JUSTICE (1993)

POLICE ACADEMY (1984)

POINT BREAK (1991)

POISON IVY: THE NEW SEDUCTION (1997)

POKEMON: THE JOHTO JOURNEYS

POLICE ACADEMY 3: BACK IN TRAINING

POLICE ACADEMY: MISSION TO MOSCOW

PRIMER IMPACTO PRIMER IMPACTO EDICIÓN ESTELAR PRIMER IMPACTO EXTRA PRIMER IMPACTO: EDICIÓN ESPECIAL PRIMER IMPACTO: EDICIÓN NOCTURNA PRINCE AND THE PAUPER, THE (1978) PRINCE OF TIDES, THE (1991) PRINCESS BRIDE, THE (1987) PRINCIPAL SECRET PRINCIPAL SECRET 5 PRINCIPAL SECRET 8 PRISM AWARDS PRISONER OF SECOND AVENUE, THE (1975) PRIVATE EYES, THE (1980) PRIVATE WARS (1993) PRIZE FIGHTER, THE (1979) PRO ACTIVE **PRO ACTIVE 4** PRO ACTIVE 5 PRO GRILL PROACTIV **PROACTIV 4 PROACTIV 5** PROACTIV FOUR PROACTIV SOLUTION SKIN CARE PROACTIV SOLUTIONS PROACTIVE **PROACTIVE FOUR PROACTIVE SOLUTIONS PRO-ACTIVE SOLUTIONS** PROACTIVE SOLUTIONS FOUR PROFILER PROFITS PROGRILL PROJECT A (1983) **PROMISE (1986)** 

PROMISE OF LOVE, THE (1980) PROMISE TO KEEP, A (1990) PROMISE, THE (1999) PROMISED LAND • PRONTO (1997) PROPHECY, THE (1995) PROTEIN FREE PROTEIN POWER PROTEIN POWER FREE PROTEIN POWER THREE PROTEVA **PROTEVA INTERNET** PROTIVA COMPUTER PROVOCATEUR (1997) PSI FACTOR: CHRONICLES OF THE PARANORMAL PSYCHIC (1991) **PUBLIC ENEMIES (1995)** PULP FICTION (1994) PUMP UP THE VOLUME (1990) PUMPKINHEAD II: BLOOD WINGS (1994) PUNISHER, THE (1990) PUPPET MASTER (1989) PUPPET MASTERS, THE (1994) PURE COUNTRY (1992) PURE DANGER (1996) PURE SPIN DRIVER PURE SPIN WEDGE PURSUIT (1972) PURSUIT (1975) PURSUIT TO ALGIERS (1945) PUSHING UP DAISIES (1974) PYROMANIAC'S LOVE STORY, A (1995) Q & A (1990) Q-SLIM QUANTUM

QUÉ NOS PASA QUEEN LATIFAH QUEEN OF SWORDS QUEENS LOGIC (1991) QUERIDA QUICK & BRITE QUICK AND BRITE QUICK CHANGE (1990) **OUICK N BRITE** QUICK N BRITE 14 QUICKSILVER (1986) QUIERO SER ESTRELLA QUIET FIRE (1991) **R2 CARSON** RADIANT HEALTH RAGE AND HONOR (1992) RAGTIME (1981) RAINBOW DRIVE (1990) RAMBO RAMBO III (1988) RAMBO: FIRST BLOOD PART II (1985) RAPID FIRE (1989) RAPID FIRE (1992) RAPTURE, THE (1991) RATINGS GAME, THE (1984) **RAVEN (1996)** RAW DEAL (1986) RAWHIDE RAZOR'S EDGE, THE (1984) READY TO WEAR (1994) REAL ADVENTURES OF JONNY QUEST REAL TV **REASON TO BELIEVE, A (1995) REBEL (1985)** RECESS **RECKLESS MOMENT, THE (1949)** 

RED DEVIL RED DEVIL GRILL RED DRAGON, THE (1946) RED FURY, THE (1984) RED HEAT (1988) RED PONY, THE (1949) RED ROCK WEST (1993) **RED SCORPION (1989) REDEMPTION, THE (1995) REDLINE (1997)** REIVERS, THE (1969) REJUVENIQUE **REJUVENIQUE 2** RELENTLESS (1989) **RELENTLESS III (1993) RELIC HUNTER REMINGTON STEELE REMOTE (1993)** REPLAY TV **REPÚBLICA DEPORTIVA** REPÚBLICA DEPORTIVA EXTRA **RESCUE FROM GILLIGAN'S ISLAND (1978)** RESCUE ME (1993) **RESTORE 4** RESTORE FOUR RESTORE FOUR II **RESTORE FOUR THREE PAY RETURN OF ELIOT NESS, THE (1991)** RETURN OF SHERLOCK HOLMES, THE (1987) RETURN OF THE SECAUCUS 7 (1980) **RETURN TO MAYBERRY (1986) RETURN TO THE BLUE LAGOON (1991)** REVALLEGRO REVENGE (1990)

**REVENGERS, THE (1972)** 

**REVERSAL OF FORTUNE (1990) REVOLUTION (1985)** REVOLUTIONIZER **RICHIE RICH'S CHRISTMAS WISH (1998)** RICKI LAKE RIDE TO GLORY (1964) RIDER ON THE RAIN (1970) RIFLEMAN RING OF FIRE (1991) RING OF FIRE II: BLOOD AND STEEL (1992) RIO LOBO (1970) RIO SHANNON (1993) RISING SUN (1993) RIVER RAT, THE (1984) ROAD HUSTLERS, THE (1968) ROAD TO GALVESTON, THE (1996) ROAD WARRIOR, THE (1981) ROBBIE KNIEVEL HEAD-ON TRAIN JUMP ROBIN HOOD (1991) ROCK 'N' ROLL HIGH SCHOOL (1979) ROCKET CHEF ROCKET CHEF 2 ROCKET CHEF 2 FOR 1 ROCKETEER, THE (1991) ROCKY HORROR PICTURE SHOW, THE (1975)**ROGER EBERT & THE MOVIES** ROLUNG MAN (1972) RON HAZELTON'S HOUSE CALLS RONCO RONCO 3 RONCO FAB 50S RONCO INTERNATIONAL **RONCO INVENTIONS** RONCO SHOW

RONCO SHOW 4 RONCO SHOW CHRISTMAS RONCO SHOWTIME ROTISSERIE & BBQ ROOKIE OF THE YEAR (1993) ROOKIE, THE (1990) ROSALINDA ROSEANNE ROSEANNE SHOW ROSEMARY'S BABY (1958) ROSIE O'DONNELL ROSWELL ROSWELL: THE ALIENS ATTACK (1999) ROTO ZIP ROTO ZIP SPIRAL SAW ROTOZIP ROTOZIP CIRCULAR SAW ROTOZIP SAW ROTOZIP SPIRAL SAW ROUGHNECKS: STARSHIP TROOPERS CHRONICLES ROUSTABOUT (1964) **ROXANNE: THE PRIZE PULITZER (1989) ROYAL WEDDING (1951)** RUBDOWN (1993) RUBY JEAN AND JOE (1996) RUN (1991) RUN OF THE COUNTRY, THE (1995) **RUNAWAY HEART (1990)** RUNNING MAN, THE (1987) RUSSKIES (1987) S.W.A.T. SÁBADO DE BIENVENIDOS SÁBADO GIGANTE SÁBADO GIGANTE INTERNACIONAL SABRINA, THE ANIMATED SERIES SABRINA, THE TEENAGE WITCH

RONCO SHOW 1199

SAFE HARBOR SAFE HOUSE (1998) SAILOR MOON SALTON INC. SALTON MAXIM SANDLOT, THE (1993) SANDS OF IWO JIMA (1949) SANFORD AND SON SANTA CLAUS (1985) SANTA CLAUSE, THE (1994) SANTA FE TRAIL (1940) SANTA'S FUNNIEST MOMENTS SANTO ENREDO SARAFINA! (1992) SATURDAY NIGHT FEVER (1977) SAY ANYTHING ... (1989) SAY GOODBYE, MAGGIE COLE (1972) SCAM (1993) SCARECROW AND MRS. KING SCARLET CLAW, THE (1944) SCENES FROM A MALL (1990) SCHEMES (1995) SCORPION SPRING (1995) SCOUT'S HONOR (1980) SCREAM (1996) SCREAMERS (1995) SCROOGED (1988) SE EQUIVOCÓ LA CIGÜEÑA SECRET AGENT MAN SECRET GARDEN, THE (1987) SECRET KGB SCANDAL FILES SECRET KGB SEX FILES SECRET PASSION OF ROBERT CLAYTON, THE (1992) SECRET RAPTURE, THE (1993)

SECRETS OF STREET MAGICIANS FINALLY REVEALED

SECRETS TO PLAYING GREAT GUITAR SEDUCED AND BETRAYED (1995) SEDUCED BY EVIL (1994) SEE JANE RUN (1995) SEE YOU IN THE MORNING (1989) SEEDS OF DECEPTION (1994) SEINFELD SELECCA SOL 9 SELLECA SOLUTIONS SELLECA SOLUTIONS TWO **SELLECCA 8 SELLECCA SOLUTION 2** SELLECCA SOLUTIONS SELLECCA SOLUTIONS FIVE SELLICCA SOLUTION SENIOR TRIP (1981) SEÑORITA VENEZUELA 2000 SENSACIONALÍSIMO SENTIMIENTOS AJENOS SEPARATE LIVES (1995) **SEPARATED BY MURDER (1994)** SERAFIN SERAFÍN SERVANTS OF TWILIGHT, THE (1991) SET IT OFF (1996) SEVEN (1995) SEVEN HOURS TO JUDGMENT (1988) SEVENTH COIN, THE (1993) SEVENTH FLOOR (1994) SEX, LIES, AND VIDEOTAPE (1989) SEXIEST BACHELOR IN AMERICA SHAFT IN AFRICA (1973) SHAKING THE TREE (1991) SHAKMA (1990) SHALLOW GRAVE (1995) SHAME, SHAME ON THE BIXBY BOYS (1979) SHASTA

SHATTERED IMAGE

SHE WORE A YELLOW RIBBON (1949)

SHEENA

SHEENA (1984)

SHERLOCK HOLMES

SHERLOCK HOLMES AND THE HOUSE OF FEAR (1945)

SHERLOCK HOLMES AND THE PEARL OF DEATH (1944)

SHERLOCK HOLMES AND THE SECRET WEAPON (1942)

SHERLOCK HOLMES AND THE SPIDER WOMAN (1944)

SHERLOCK HOLMES AND THE VOICE OF **TERROR (1942)** 

SHERLOCK HOLMES AND THE WOMAN IN GREEN (1945)

SHERLOCK HOLMES FACES DEATH (1943)

SHERLOCK HOLMES IN THE 22ND CENTURY

SHERLOCK HOLMES IN WASHINGTON (1943)

SHE'S IN THE ARMY NOW (1981)

SHOOT TO KILL (1988)

SHOOTFIGHTER 2 (1996)

SHOP 'TIL YOU DROP

SHOW 11

SHOW 1199

SHOW CHRISTMAS

SHOW FOUR

SHOW XMAS

SHOWBIZ TODAY

SHOWDOWN (1993)

SHOWDOWN IN LITTLE TOKYO (1991)

SHOWTIME

SHOWTIME 1199

SHOWTIME CHRISTMAS

SHOWTIME 159

SHOWTIME 4

SHOWTIME FOUR SHOWTIME OVEN SHOWXMAS SIBLING RIVALRY (1990) SIDE OUT (1990) SIDNEY SHORR: A GIRL'S BEST FRIEND (1981)SIEMPRE TE AMARÉ SÍGANME LOS BUENOS SIGHT UNSEEN (1990) SILENCERS, THE (1996) SILENT FALL (1994) SILENT PARTNER, THE (1978) SILENT TONGUE (1994) SILENT TRIGGER (1996) SILVER SPOONS SILVERADO (1985) SIMPSONS SINCE YOU'VE BEEN GONE SINGLES (1992) SINNERS (1989) SISTER ACT (1992) SISTER ACT 2: BACK IN THE HABIT (1993) SISTER, SISTER SISTER-IN-LAW, THE (1995) SKEETER (1994) SKELETONS (1997) SKIN CARE **SKIN GAME (1971) SKYLARK (1993)** SKYSCRAPER (1996) SKYWARD (1980) **SLANDER (1957)** SLEEPING WITH THE ENEMY (1991) SLEEPWALKERS (1992) SLEUTH (1973)

SHM DOWN SLIM DOWN EXPRESS SLIMDOWN EXPRESS SLYMAR ABS SLYMARK GRILL SMALL SACRIFICES (1989) SMC SMC IN ACTION SMC LAVINES SMCTV SMOKEY BITES THE DUST (1981) SNAKE TREATY (1989) SNIPER (1993) SNORENZ **SNORENZ 2 SNORENZ 8** SNORENZE SNOWBOUND (1947) SNOWBOUND: THE JIM AND JENNIFER STOLPA STORY (1994) SNOWS OF KILIMANJARO, THE (1952) SOAPDISH (1991) SOLAR CRISIS (1990) SOLDIER'S TALE, A (1989) SOLE SURVIVOR (2000) SÓLO BOXEO SOLOMON (1998) SOMEBODY KILLED HER HUSBAND (1978) SOMERSIZE SOMERSIZE GET SKINNY SOMETHING BIG (1971) SOMETIMES THEY COME BACK ... AGAIN (1996) SOMMERSIZE GET SKINNY SOÑADORAS SONIC TOOTHBRUSH SONIC UNDERGROUND

SONICARE TOOTHBRUSH SON-IN-LAW (1993) SOUL TRAIN SOUL TRAIN CHRISTMAS STARFEST SOUL TRAIN LADY OF SOUL AWARDS SOUL TRAIN MUSIC AWARDS SPACE BAG SPACE BAG 2000 SPACE RAGE (1986) SPACEBAG SPANISH MAIN, THE (1945) SPARKLE (1976) SPECIAL EDITION SPECIALTY MERCHANDISE SPEED (1994) SPHINX (1981) SPIDER AND THE FLY, THE (1994) SPIDER-MAN UNLIMITED SPIES LIKE US (1985) SPILL (1996) SPIN CITY SPIRAL SAW SPLIT DECISIONS (1988) SPLIT IMAGES (1992) SPM SPM SMC IN ACTION SPORT ENTERTAINMENT AWARDS SPORT MAGAZINE: SPORT ENTERTAINMENT AWARDS SPORT TV MAGAZINE SPORTS MAGAZINE SPORTS MAGAZINE ON TV SPORTS SUNDAY SPRING, THE (2000) SQUARE PEGS SQUEEZE, THE (1987)

ST. ELMO'S FIRE (1985) ST. HELENS (1981) ST. JUDE'S CHILDREN'S HOSPITAL ST. JUDE'S HOSPITAL ST. JUDE'S RESEARCH HOSPITAL ST. JUDE'S: CITY OF HOPE STAKEOUT (1987) STALKING LAURA (1992) STAND AND DELIVER (1987) **STAR TREK GENERATIONS (1994)** STAR TREK: DEEP SPACE NINE STAR TREK: FIRST CONTACT (1996) STAR TREK: THE NEXT GENERATION STAR TREK: VOYAGER STAR WARS (1977) STARSKY AND HUTCH STATIC SHOCK STATION WEST (1948) STAY TUNED (1992) STEALING HOME (1988) STEAM WIZARD STEEL FRONTIER (1995) **STEEL MAGNOLIAS (1989)** STEP BY STEP STEPFATHER II (1989) STEPFORD WIVES, THE (1975) STEPPING OUT (1991) STEVE HARVEY STEVE HARVEY STIM-U-LURE STONE COLD (1991) STORMY MONDAY (1988) STRAIGHT TALK (1992) STRAIGHT TIME (1978) STRANGER STRANGER AMONG US, A (1992)

STRANGER WAITS, A (1987) STRANGER, THE (1994) STREET CRIMES (1992) STREET KNIGHT (1993) STREET SHARKS STREET SMARTS STRICTLY BUSINESS (1991) **STRIKING DISTANCE (1993)** STRIP, THE STROKER ACE (1983) STUPIDS, THE (1996) SUDDENLY SUSAN SUEÑOS SUMERSIZE GET SKINNY 4 SUMMER DREAMS: THE STORY OF THE BEACH BOYS (1990) SUMMER OF '42 (1971) SUMMER SCHOOL (1987) SUNSET (1988) SUNSET GRILL (1992) SUNSET PARK (1996) SUNSTROKE (1992) SUPER BLUE SUPER BLUE STUFF SUPER CHEF SUPER CHEF KNIFE SUPER CHEF PRO KNIVES SUPER SÁBADO SENSACIONAL SUPERCOP (1992) SUPERCOP 2 (1993) SUPERGIRL (1984) SUPERMAN III (1983) SURPRISE WEDDING SURVIVE THE NIGHT (1993) SURVIVORS, THE (1983) SUSPICION (1941)

SWEEPER, THE (1996) SWEET LORRAINE (1987) SWEET TEMPTATION (1996) SWINGERS (1996) SWISS FAMILY ROBINSON (1960) SWORD IN THE STONE, THE (1963) SWORD OF HONOR (1994) SWORN ENEMIES (1996) SYLMAR ABS SYLMARK INC SYLVESTER & TWEETY MYSTERIES SYLVESTER & TWEETY T2 LIVE **T2 TAE BO LIVE** TAE BO LIVE TAE-BO LIVE OMAHA TAI CHI MASTER, THE (1993) TAILS YOU LIVE, HEADS YOU'RE DEAD (1995)TAINTED BLOOD (1993) TAKE MY DAUGHTERS, PLEASE (1988) TAKING CARE OF BUSINESS (1990) TAKING THE HEAT (1993) TALES FROM THE CRYPTKEEPER TALES FROM THE DARKSIDE TALK YOURSELF THIN TANGO & CASH (1989) TAP (1989) TAQUITO DE OJO **TARGET (1985)** TAXI TE SIGO AMANDO TEARS IN THE RAIN (1988) TEEN CHOICE AWARDS TEEN FILES: THE TRUTH ABOUT DRUGS TEEN WOLF (1985)

**TEENAGE MUTANT NINJA TURTLES (1990) TENDER COMRADE (1943)** TENNESSEE TUXEDO TERMINAL JUSTICE (1995) TERMINAL RUSH (1995) **TERMINATOR 2: JUDGMENT DAY (1991)** TEXASVILLE (1990) T-FAL 3 TFAL EXPRESSWARE **T-FAL INGENIO** T-FORCE (1994) THAT '70S SHOW THAT'S LIFE THEODORE REX (1996) THERE WAS A CROOKED MAN (1970) THERMOSUM THIEF WHO CAME TO DINNER, THE (1973) THINGS TO DO IN DENVER WHEN YOU'RE DEAD (1995) THIS LAND IS MINE (1943) THIS OLD HOUSE THIS WEEK IN BASEBALL THREE HUNDRED MILES FOR STEPHANIE (1981)THREE MEN AND A LITTLE LADY (1990) THREE STEPS NORTH (1951) THREE STOOGES THREE'S COMPANY THUNDER POINT (1996) THUNDER STICK THUNDERHEART (1992) THUNDERSTICK MIXER TIGER HEART (1996) TIGER WARSAW (1988) TIGHTROPE (1984) TIM (1979) TIME OF YOUR LIFE

TIME RUNNER (1992) TIME TO DIE, A (1991) TIN MEN (1987) TINY TOON ADVENTURES TINY TOONS TITUS TO DIE FOR (1995) TO GRANDMOTHER'S HOUSE WE GO (1992)TO MY DAUGHTER (1990) TO RACE THE WIND (1980) TO TELL THE TRUTH TO THE LIMIT (1995) TOMA TAN TOMA'S TAN TOMBSTONE (1993) **TONE 2000** TOO CLOSE FOR COMFORT TOP GUN (1986) TOPPER TORSO TIGER TORSO TIGER 3 PAY TORSO TRAC EXERCISER TORSO TRACK TORSO TRACK 3 TORSO TRACK SEQUEL TORSO TRACK YR 2000 TOTAL GYM TOTAL GYM 2 TOTAL GYM 3000 LONG FORM TOTAL GYM 99 TOTAL GYM CHALLENGE TOTAL GYM CHALLENGE 3 TOTAL GYM CHALLENGE THREE TOTAL GYM CHALLENGE TWO TOTAL GYM III

TOTAL RECALL (1990) TOTALLY ANIMALS TOTALLY ANIMALS 2 TOUCH OF HOPE, A (1999) TOUCHED BY AN ANGEL **TOWERING INFERNO, THE (1974)** TRADING MOM (1994) TRADING PLACES (1983) TRAIN ROBBERS, THE (1973) TRASH OR TREASURE TRAVEL UPDATE TREACHEROUS CROSSING (1992) TREES LOUNGE (1996) TRES MUJERES TRIAL BY FIRE (1995) TRICK OF THE EYE (1994) TRICKS OF THE TRADE (1988) TRIMMING AMERICA'S WAISTLINE TROUBLE BOUND (1993) TROUBLE IN THE GLEN (1954) TRU VANTAGE **TRUCKS (1997)** TRUE IDENTITY (1991) TRUE LIES (1994) TRUE STORIES FROM TOUCHED BY AN ANGEL TRUE VANTAGE TRUTH BEHIND THE RUMORS TRUTH BEHIND THE SITCOMS TRUTH BEHIND THE SITCOMS 2 TRUTH BEHIND THE SITCOMS 3 TRUTH BEHIND THE SITCOMS 4 TRUTH BEHIND THE SITCOMS 5 TRUTH OR CONSEQUENCES, N.M. (1997) TUCKER: THE MAN AND HIS DREAM (1988) TURBO: A POWER RANGERS MOVIE (1997)

TURBULENCE (1997) TURNER & HOOCH (1989) TV GUIDE AWARDS TV'S FUNNIEST GAME SHOW MOMENTS TWENTY ONE TWIN WARRIORS (1993) TWO OF A KIND (1982). TWO WORLDS OF JENNIE LOGAN, THE (1979) **U.S. FARM REPORT** U.S. OLYMPIC GOLD UFOS: THE BEST EVIDENCE CAUGHT ON TAPE 2 **ULTERIOR MOTIVES (1992)** ULTIMATE BETRAYAL (1994) ULTIMATE PIZZA OVEN UN BAÚL LLENO DE MIEDO UN CORAZÓN PARA DOS UN HOMBRE LLAMADO EL DIABLO UNA PAPA SIN CATSUP UNAUTHORIZED: BRADY BUNCH THE FINAL DAYS UNBREAKABLE AUTOLOCK UNCLE WAS A VAMPIRE (1959) UNCONQUERED (1989) **UNDER CAPRICORN (1949)** UNDER CAPRICORN (1982) UNDER THE HULA MOON (1995) UNDER THE INFLUENCE (1986) **UNDERCOVER ANGEL (1999)** UNDERDOG UNDERTOW (1996) UNDERWORLD (1996) UNHAPPILY EVER AFTER UNHOLY, THE (1988) UNITED STATES AIR SHOW UNIVERSAL SOLDIER (1992)

UNTOUCHABLES UNTOUCHABLES, THE (1987) UPDATED RS BOWFLEX URBAN COWBOY (1980) V.I. WARSHAWSKI (1991) V.I.P. V2 CLOCK VAC CAN VALLEY GIRL (1983) VALUE AMERICA VANISHING WILDERNESS (1974) VAP-CM3 VENGEANCE (1986) VENTURE MEDIA VERNON JOHNS STORY, THE (1994) VEROMAX VERSION 500 VERSION 700 VERSION 801 VERY BRADY CHRISTMAS, A (1988) VICE VERSA (1988) VICTIM OF LOVE (1991) VICTORIA JACKSON VICTORIA JACKSON COSMETICS 6 VIEJO ZORRO VILLAGE TALE (1935) VILLAIN, THE (1979) VIÑA DEL MAR VIOLATION OF TRUST (1991) VIRTUAL NIGHTMARE (2000) VIRTUAL SEDUCTION (1995) **VIRUS (1995)** VISIONS (1996) VITAL BASICS VITAL SIGNS (1986) VITAL SIGNS (1990)

VIVIANA A LA MEDIANOCHE VOODOO (1995) VOW TO KILL, A (1995) VOYAGE OF TERROR (1998) VOYAGE OF TERROR: THE ACHILLE LAURO AFFAIR (1990) VOYAGER (1991) **VP SNORENZ** W.B., BLUE AND THE BEAN (1989) WAGNER PAINTMATE 89.95 WAGNER POWER PAINTER WAIST 219 WAITING FOR THE LIGHT (1990) WAKKO'S WISH (1999) WALKING TALL (1973) WALL STREET JOURNAL REPORT WAR AT HOME, THE (1996) WAR BETWEEN THE TATES, THE (1977) WAR OF THE ROSES, THE (1989) WARLORDS (1987) WASHBALL FREE WATERMELON MAN (1970) WAY WE WERE, THE (1973) WAYANS BROS. WCW WORLD WIDE WRESTLING WE LOVE LUCY WEAREVER ALLEGRO WFB TV WEB TV 7 WEB TV CLASSIC WEEDS (1987) WELCOME TO SPRING BREAK (1989) WE'RE TALKIN' SERIOUS MONEY (1993) WES CRAVEN'S NEW NIGHTMARE (1994) WEST SIDE WALTZ, THE (1995) WE'VE NEVER BEEN LICKED (1943)

# MPAA CLAIMED WORKS - 2000

WHAT EVER HAPPENED TO BABY JANE? (1991)WHAT'S EATING GILBERT GRAPE (1993) WHAT'S HAPPENING NOW! WHAT'S HAPPENING! WHAT'S UP, DOC? (1972) WHEEL OF FORTUNE WHEN ARE YOU COMING BACK, RED RYDER? (1979) WHEN HARRY MET SALLY (1989) WHEN HELL WAS IN SESSION (1979) WHEN THE PARTY'S OVER (1992) WHERE ON EARTH IS CARMEN SANDIEGO? WHITE CHRISTMAS (1954) WHITE FANG 2: MYTH OF THE WHITE WOLF (1994)

WHAT ABOUT BOB? (1991)

WHITE HOT: THE MYSTERIOUS MURDER OF THELMA TODD (1991)

WHITE MEN CAN'T JUMP (1992)

WHITE SANDS (1992)

WHITE TIGER (1996)

WHO FRAMED ROGER RABBIT (1988)

WHO GETS THE FRIENDS? (1988)

WHO WANTS TO MARRY A MULTI-MILLIONAIRE?

WHO'S HARRY CRUMB? (1989)

WHO'S THAT GIRL? (1987)

WHO'S THE BOSS?

WHY SHOOT THE TEACHER? (1977)

WILD ABOUT ANIMALS

WILD AMERICA

WILD BUNCH, THE (1969)

WILD GEESE, THE (1978)

WILD HEARTS CAN'T BE BROKEN (1991)

WILD HORSE HANK (1979)

WILD HORSES (1985)

WILD THINGS

WILD, WILD WEST WILDCATS (1986) WILDER NAPALM (1993) WILDERNESS FAMILY, PART 2, THE (1978) WILDFIRE (1988) WIND (1992) WINDWALKER (1980) WINGS WINNER, THE (1996) WINTER CELEBRITY SPORTS INVITATIONAL WINTER SPORTSCAST WINTER SPORTSCAST II WINTER SPORTSCAST III WINTER SPORTSCAST IV WINTER SPORTSCAST V WINTER SPORTSCAST VI WITH HONORS (1994) WITH SIX YOU GET EGGROLL (1968) WITH STYLE WITH THIS RING WITHOUT HER CONSENT (1990) WKRP IN CINCINNATI WOMEN AT RISK WOMEN AT RISK: CYCLE OF LIFE WOMEN AT RISK: FOREVER YOUNG WOMEN AT RISK: HEALTHY MIND, HEALTHY BODY WOMEN AT RISK: NUTRITION AND FITNESS WOMEN AT RISK: PREVENTION. **DETECTION & SURVIVAL** WOMEN OF WRESTLING WONDER OF IT ALL, THE (1974) WONDER STEAMER WORKING GIRL (1988)

**RESCUES 3** WORLD'S NASTIEST NEIGHBORS WORLD'S WILDEST POLICE VIDEOS WORTH WINNING (1989) WRAITH, THE (1986) WYATT EARP (1994) WYATT EARP: RETURN TO TOMBSTONE (1994)X-EILES X-MEN X-MEN: EVOLUTION X-MEN: THE MUTANT WATCH XXI FOREMAN GRILL **Y SIGUE LA FURIA DANDO** YEAGERS, THE (1980) YEAR IN SPORTS YEAR OF THE COMET (1992) YEARLING, THE (1994) YO, TÚ, ÉL Y EL OTRO YOUNG AMERICANS **YOUNG AMERICANS** YOUNG AND FREE (1978) YOUNG GUNS II (1990) YOUNG PIONEERS (1976) YOUNG PIONEERS' CHRISTMAS (1976) YOUNG SHERLOCK HOLMES (1985) YOUR BIG BREAK ZAPATOS VIEJOS ZERO TOLERANCE (1994) ZIP8 ROTOZIP 20E...

WORLD'S MOST INCREDIBLE ANIMAL

ZONE TROOPERS (1985)

WORLD MAGIC AWARDS

WORLD VISION

WORLD'S EUNNIESTI

...AT FIRST SIGHT (1995) 10 TO MIDNIGHT (1983) 100 AB **100TH ANNIVERSARY OF THE AMERICAN** LEAGUE 12:01 (1993) 19.95 POWER 90 1969 (1988) 1GHZ ATHLON 227 24 3 NINJAS (1992) 39 STEPS, THE (1959) 39 STEPS, THE (1978) **3RD ROCK FROM THE SUN 6 WEEK BODY MAKEOVER** 7 DAYS 7TH HEAVEN A QUE NO TE ATREVES? AB AWAY PRO AB AWAY AB DOLLY AB DOLLY PLUS AB ENERGIZER AB LIFTER PLUS AB ROCKER AB SLIDE AB TWISTER 2 AB TWISTER AB-DOER ABERRATION (1998) ABRAZAME MUY FUERTE ABSLIDE ABSOLUTE STRANGERS (1991) ABTRONIC FITNESS ABTRONIC ABTRONICS

ACADEMY AWARDS PREVIEW ACCESS HOLLYWOOD ACCIDENTAL MEETING (1994) ACCIDENTAL TOURIST, THE (1988) ACCION EXTRA ACKERMAN MCQUEEN: NRA ACROSS THE TRACKS (1991) ACTION JACKSON (1988) ACTION MAN ADVENTURES OF BLACK BEAUTY ADVENTURES OF FORD FAIRLANE, THE (1990) ADVENTURES OF KIT CARSON ADVENTURES OF PRISCILLA, QUEEN OF THE DESERT, THE (1994) ADVENTURES OF SHERLOCK HOLMES, THE (1939)ADVENTURES OF SONIC THE HEDGEHOG AERO BED AERO EXTRA BED IN A MINUTE AERO IMAGINAIR AERO JUMP AFI LIFE ACHIEVEMENT AWARD: A TRIBUTE TO BARBRA STREISAND AGAINST HER WILL: AN INCIDENT IN BALTIMORE (1992) AGAINST THE ODDS AGAINST THEIR WILL: WOMEN IN PRISON (1994) AHI VIENE VERONICA (1999) AIR AMERICA (1990) AIR CORE AIR SPEED (1998) AIR UP THERE, THE (1994) AIRCORE AIRE CORE 10 AIRE CORE SHOW AIRE CORE AL DERECHO Y AL DERBEZ

AL FIN DE SEMANA

ALADDIN (1992)

ALADDIN AND THE KING OF THIEVES (1996)

ALAN & NAOMI (1992)

ALASKA (1996)

ALCHEMIST, THE (1985)

ALFRED HITCHCOCK PRESENTS

ALICE (1990)

ALICE IN WONDERLAND (1951)

ALIEN INTRUDER (1993)

ALIEN NATION (1988)

ALIENATORS: EVOLUTION CONTINUES

ALL DOGS CHRISTMAS CAROL, AN (1998)

ALL DOGS GO TO HEAVEN (1989)

ALL IN THE FAMILY

ALL MADDEN TEAM

ALL SOULS

ALLAN QUATERMAIN AND THE LOST CITY OF GOLD (1987)

ALLEGRO COOKWARE

ALLEGRO

ALLY MCBEAL

ALMOST DEAD (1994)

ALMOST PERFECT BANK ROBBERY, THE (1996)

ALONE IN THE DARK (1982)

AMDEN

AMEN

AMERICA: A TRIBUTE TO HEROES

AMERICA: UN TRIBUTO A LOS HEROES

AMERICAN ADVENTURER

AMERICAN ATHLETE, THE

AMERICAN BORN (1990)

AMERICAN CYBORG: STEEL WARRIOR (1994)

AMERICAN DREAM

AMERICAN HEART (1992)

AMERICAN MARKETING SYSTEMS

## AMERICAN NINJA 5 (1995)

AMERICAN SKI CLASSIC

AMERICAN STORY, AN (1992)

AMERICAN WEREWOLF IN PARIS, AN (1997)

AMERICAS BEST SMC

AMERICA'S BEST SMC

AMERICA'S BEST

AMERICA'S FUNNIEST HOME VIDEOS SALUTE TO BONEHEADS

AMERICA'S FUNNIEST HOME VIDEOS

AMERICA'S MOST WANTED PRESENTS ---JUDGMENT NIGHT: DNA THE ULTIMATE TES

AMERICA'S MOST WANTED: AMERICA FIGHTS BACK

AMERICA'S MOST WANTED: TERRORISTS ---A SPECIAL EDITION

AMIGAS Y RIVALES

AMITYVILLE DOLLHOUSE (1996)

AMOROSOS FANTASMAS (1993)

AMOS & ANDREW (1993)

ANANDA LEWIS SHOW, THE

AND GOD CREATED WOMAN (1988)

ANDRE (1994)

ANDROMEDA

ANDY GRIFFITH SHOW, THE

ANGEL AND THE BADMAN (1947)

ANGEL FACE (1953)

ANGEL ON MY SHOULDER (1946)

ANGEL

ANGELICA MARIA: EL GRAN HOMENAJE

ANIMAL ADVENTURES

ANIMAL BLOOPERS

ANIMAL RESCUE

ANNA KARENINA (1948)

ANNIE OAKLEY

ANOTHER 48 HRS. (1990)

ANOTHER STAKEOUT (1993)

MPAA CLAIMED WORKS - 2001 APEX CREATIVE APEX MEDIA APPOINTMENT FOR A KILLING (1993) AQULY AHORA ARACHNOPHOBIA (1990) ARMED FOR ACTION (1992) **ARREST & TRIAL** ARREST AND TRIAL ARTHUR 2: ON THE ROCKS (1988) AS GOOD AS DEAD (1995) ASESINO DEL METRO (1991) ASPEN EXTREME (1992) ASSASSINATION (1987) ASSAULT AT WEST POINT: THE COURT-

ASSEENONTVPC.COM

MARTIAL OF JOHNSON WHITTAKER (1994)

ASSIGNMENT, THE (1997)

AT CLOSE RANGE (1986)

AT FIRST SIGHT (1999)

AT HOME WITH THE WEBBERS (1993)

AT WAR WITH THE ARMY (1950)

ATHELON 1 GIG

ATHLON 1.2 GIG

ATHLON 1.4 GHZ

ATHLON 1.4 GIG

ATHLON 1700 ATHLON PC

ATHLON XP 1700

ATHLON

ATKINS ANSWER

ATKINS C 2000

ATKINS DIET

ATKINS

AUSSIE NADS

ATLANTIC CITY (1980)

AUGUST FIRES (1994) AUSSIE NADS WILD

MYSTERY (1997) AUTO CLUB 300 AUTO LOCK PRO AUTO LOCK AUTOLOCK PRO 2 AUTOLOCK AVALANCHE (1999) AVALON: BEYOND THE ABYSS (1999) AWAKENINGS (1990) AWESOME ADVENTURES AXIS HELP AXIS MARKETING AXIS **BAND T ROCKER** BABE WINKELMAN'S GOOD FISHING BABE WINKELMAN'S OUTDOOR SECRETS BABES IN TOYLAND (1986) BABY OF THE BRIDE (1991) BABY, IT'S YOU (1983) BABYCAKES (1989) **BABYSITTER'S SEDUCTION, THE (1996)** BACK FLFX BACK IN BUSINESS (1997) BACKBEAT (1994) BACKSTREET DREAMS (1990) BAD BLOOD (1994) **BAD BOYS (1982) BAD BOYS (1995)** BAD NEWS BEARS, THE (1976) BANACEK BANJO MINNOW

BARBIE SPECTACULAR

**BARBRA STREISAND -- TIMELESS** 

**BASIC INSTINCT (1992)** 

AUSSIE WILD

AUSTIN POWERS: INTERNATIONAL MAN OF

**BARB WIRE (1996)** 

BASIC PRESS BASKETBALL DIARIES, THE (1995) BAT, THE (1959) BATMAN (1966) BATMAN (1989) BATMAN BEYOND **BATMAN FOREVER (1995) BATMAN RETURNS (1992)** BATTLE BEYOND THE STARS (1980) BATTLE DOME BATTLING FOR BABY (1992) BAYWATCH HAWAII BEACH BASH BEAKMAN'S WORLD BEAR, THE (1989) **BEAST MACHINES** BEASTMASTER, THE (1982) BEASTMASTER **BEAT GIRL (1960)** BEAT STREET (1984) BEAT THE DEVIL (1954) BEDKNOBS AND BROOMSTICKS (1971) BEDROOM WINDOW, THE (1987) BEETHOVEN'S 2ND (1993) **BEETLEJUICE (1988) BEFORE AND AFTER (1996)** BELOVED ENEMY BENEATH THE 12-MILE REEF (1953) BENEFIT OF THE DOUBT (1993) BENJI (1974) BENNY & JOON (1993) BENSON **BERLIN EXPRESS (1948)** BERNIE MAC SHOW, THE BEST OF THE BEST (1989) BEST OF THE BEST (1996)

BEST OF THE BEST 3: NO TURNING BACK (1996)BEST OF THE BEST II (1993) BETTER HOMES AND GARDENS **BEVERLY HILLBILLIES, THE (1993)** BEVERLY HILLBILLIES BEWITCHED **BEYOND GOLDEN BEYOND THE GOLDEN YEARS** BEYOND THE LAW (1992) **BEYOND THE STARS (1989) BGY BIENVENIDOS** BIG (1988) **BIG BUSINESS (1988)** BIG DADDY (1999) BIG GREEN, THE (1995) **BIG GUY AND RUSTY THE BOY ROBOT** BIG JAKE (1971) BIG SKY, THE (1952) **BIG SPIN 2000** BIG TREES, THE (1952) **BIG TROUBLE (1986)** BILL & TED'S BOGUS JOURNEY (1991) BILL O'REILLY: IN DEFENSE OF AMERICA BILLBOARD MUSIC AWARDS BILLBOARD'S ROCK 'N' ROLL NEW YEAR'S EVE BILLY BATHGATE (1991) BILLY GALVIN (1987) BINGO LONG TRAVELING ALL-STARS AND MOTOR KINGS, THE (1976) BIONIC MINNOW BIOSLIM **BITTER VENGEANCE (1994)** BLACK BIRD, THE (1975) BLACK RAIN (1989) BLACK RIVER (2001)

BLACK WIDOW (1987) BLACKBEARD, THE PIRATE (1952) BLAME IT ON RIO (1983) BLAME IT ON THE BELLBOY (1992) BLANK CHECK (1994) BLIND DATE (1934) **BLIND DATE** BLIND FAITH (1998) BLIND FURY (1990) BLIND SPOT (1993) BLIND VISION (1991) BLOCKBUSTER ENTERTAINMENT AWARDS BLOOD AND STEEL (1959) BLOOD FOR BLOOD (1995) BLOOD MOON (1990) BLOOD SPORT (1989) BLOODMOON (1997) BLOODSPORT (1988) **BLUE 2 REVISED** BLUE 2 BLUE DESERT (1991) BLUE STEEL (1934) BLUE STUFF BLUE THUNDER (1983) BLUE TIGER (1994) BOB HOPE BODY BY JAKE: BUN & THIGH BODY BY JAKE BODY COUNT (1998) BODY FLEX 3 BODY FLEX II BODY FLEX **BODY MAKEOVER** BODY SNATCHER, THE (1945) BODYFLEX 2 BONANZA

BONFIRE OF THE VANITIES, THE (1990) BOOK OF LOVE (1991) BOOT CAMP BOOTY CALL (1997) BORDER PATROL (2001) BORIS AND NATASHA (1988) BORN AGAIN (1978) BORN TO KILL (1974) BORN TO RACE (1988) BOSLEY CG BOSLEY HAIR **BOSLEY INTERNET BOSLEY MEDICAL 5** BOSLEY MEDICAL BOSLEY **BOSOM BUDDIES** BOSTON MARATHON PREVIEW **BOSTON PUBLIC** BOUND (1996) BOUNTY HUNTER, THE (1989) BOW FLEX 2 BOW FLEX BOWFLEX NEW LEGS BOWFLEX BOYS CLUB, THE (1997) BOYS WILL BE BOYS (1997) BOYZ N THE HOOD (1991) BRADDOCK: MISSING IN ACTION III (1988) **BRAIN FROM PLANET AROUS, THE (1958)** BRAINIAC, THE (1961) BRANDED BRAVEST, THE BREAKER! BREAKER! (1977) **BREATHLESS (1983) BRILLIANT LIES (1996) BRINGING UP BABY (1938)** 

**BROADWAY ON BROADWAY BROKEN ARROW (1996) BROTHERS MCMULLEN, THE (1995) BUCK AND THE PREACHER (1972)** BUCKET OF BLOOD, A (1959) **BUD POLE QUALIFYING** BUDDY HOLLY STORY, THE (1978) **BUDWEISER SHOOTOUT BUFFALO SOLDIERS (1997)** BUFFY THE VAMPIRE SLAYER BUGSY (1991) BULL DURHAM (1988) BULLET (1997) BULLSEYE! (1989) **BUN & THIGH ROCKER BUN & THIGH** BUN AND THIGH SCULPTOR BUNS AND THIGH SCULPTOR **BUNS AND THIGHS BURGLAR (1987)** BURNS AND ALLEN SHOW, THE BUSHWHACKED (1995) BUSINESS WEEK BUSINESSWEEK MONEYTALKS BUZZ LIGHTYEAR OF STAR COMMAND BYE BYE, LOVE (1995) C.I.A. CODENAME: ALEXA (1992) C.I.A. II: TARGET ALEXA (1994) CABALGANDO CON LA MUERTE (1987) CACERIA DE UN FUGITIVO **CADENCE (1990)** CADILLAC RANCH (1997) CAL MAX CALENDAR GIRL, COP, KILLER? THE BAMBI **BEMBENEK STORY (1992)** CALIENTE

CALL OF THE WILD (1993)

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CALLE OCHO CALMAX 2 CALMAX TV V.2 CALMAX VITAMINS CALMAX CAMARA INFRAGANTI CAMINO A LA COPA CAMINO AL INFIERNO (1986) CAMP NOWHERE (1994) CAMPBELLS, THE CANDY MAN, THE (1968) CANDYMAN (1992) CANNIBAL WOMEN IN THE AVOCADO JUNGLE OF DEATH (1988) CANNONBALL RUN II (1984) CANNONBALL RUN, THE (1981) CAPTAIN AMERICA (1990) CAPTAIN RON (1992) CAPTURED (1999) CAR 54, WHERE ARE YOU? (1994) CARA A CARA CON VICENTE FOX CARAS PINTADAS (1992) CARD SHARKS CARDCAPTORS CARE AND HANDLING OF ROSES. THE (1996) CAREFREE (1938) CARITA DE ANGEL CARLETON \$47 CARLETON SHEETS \$22 **CARLETON SHEETS \$47 CARLETON SHEETS 13** CARLETON SHEETS REAL ESTATE CARLETON SHEETS CARLTON SHEETS REAL ESTATE CARLTON SHEETS

CARNIVAL OF SOULS (1998)

**CARNIVAL STORY (1954) CAROLINA DODGE DEALERS 400** CAROLINE IN THE CITY CARQUEST AUTO PARTS 300 CARSON 1 PAY CARSON R2 CARTEL (1990) CASH FLOW CONVERGIS CASH FLOW GENERATOR CASH FLOW CASUALTIES (1997) CASUALTIES OF WAR (1989) CAT'S EYE (1985) CELEBRATION OF GOLD, A **CELEBRATION OF GOLD** CELEBRITY DIET CELEBRITY SUM CELEBRITY SPORTS INVITATIONAL CELERON **CELINE DION: THE CONCERT** CENTER OF THE WEB (1992) **CENTURY (1993)** CEREMONIA ESPECIAL DESDE WASHINGTON, D.C. **CERO EN CONDUCTA** CHAIN OF COMMAND (1993) CHAINS OF LOVE CHAMELEON 3: DARK ANGEL (2000) CHANCES ARE (1989) CHANGE OF HEART, A CHANGE OF HEART CHAPLIN (1992) CHARADE (1963) CHARLES IN CHARGE CHARLIE'S ANGELS CHARLTON HESTON BIBLE BOOKS CHARLTON HESTON PRESENTS THE BIBLE

CHARLTON HESTON CHARMED CHASE (1988) CHASE, THE (1991) CHEAPER POWER PASTE CHEATERS CHEATING SPOUSES CAUGHT ON TAPE 2 CHEATING SPOUSES CAUGHT ON TAPE CHEECH & CHONG'S NEXT MOVIE (1980) CHEERS CHERRY 2000 (1988) CHICKEN SOUP FOR THE SOUL CHICKEN SOUP CHINA GIRL (1987) CHITO 5 CHITO CHITOGENICS CHITOSOL 5 CHITOSOL 6 CHITOSOL CHOOSE TO BE RICH CHORUS LINE, A (1985) CHRISTMAS CAROL, A (1984) CHRISTMAS LILIES OF THE FIELD (1979) CHRISTMAS ROMANCE, A (1994) CHRISTMAS STALLION, THE (1992) CHRISTMAS WISH, THE (1998) CHRISTMAS WITHOUT SNOW, A (1980) CHRISTOPHER COLUMBUS: THE DISCOVERY (1992) CHRONICLE **CIMARRON STRIP** CINDY MARGOLIS **CIRCULAR SAW ROTOZIP CIRCUMSTANCES UNKNOWN (1995)** CITY HEAT (1984) CITY ON FIRE (1979) 31

CLAN OF THE CAVE BEAR, THE (1986) CLARA'S HEART (1988) CLASICOS DE LENTE LOCO CLASS ACT (1992) CLASS ACTION (1991) CLASSIC COUNTRY COLLECTION CLASSIC COUNTRY CLASSIC R&B CLASSIC RHYTHM AND BLUES CLAUDINE (1974) CLEAN AND SOBER (1988) CLEOPATRA 2525 CLIMB, THE (1997) **CLUB AMERICA** CLUB FED (1990) CLUELESS CMEDIA COACH (1978) COACH COCA-COLA 600 COCKTAIL (1988) COCOON (1985) COCOON: THE RETURN (1988) CODE NAME VENGEANCE (1989) CODE RED: THE RUBICON CONSPIRACY (2001)CODE RED COINS IN THE FOUNTAIN (1990) COLD HEAVEN (1992) COLDBLOODED (1995) COLLEGE ALL-STAR SKILLS CHALLENGE COLLEGE BOWL PREVIEW COLLEGE FOOTBALL PREVIEW COLOR PURPLE, THE (1985) COLORS (1988) COLUMBO

CITY SLICKERS (1991)

COME TOGETHER: A NIGHT FOR JOHN LENNON'S WORDS & MUSIC, DEDICATED TO N

COMING TO AMERICA (1988)

COMMANDO (1985)

COMMISSIONER, THE (1998)

COMMITMENTS, THE (1991)

COMP FORMULA

COMP VER 10

COMPREHENSIVE CLOCK

COMPREHENSIVE FORMULA

COMPREHENSIVE V.8 CLOCK

COMPREHENSIVE VITAMIN

COMPREHENSIVE

CONCRETE COWBOYS, THE (1979)

CONCRETE WAR (1991)

CONNECTICUT YANKEE IN KING ARTHUR'S COURT, A (1989)

**CONSENTING ADULTS (1992)** 

CONSPIRACY THEORY: DID WE LAND ON THE MOON?

CONSTANTINE AND THE CROSS (1962)

CONTROL

CONVECTIONAIRE

COOKIE (1989)

COPA HAIR

COPA REVISED

COPA

COP-OUT (1991) COPS: THE TOP 15 MOMENTS OF ALL TIME COPS COPYCAT (1995)

COSBY SHOW

COSBY

COUNTDOWN TO DAYTONA

COUNTRY CLASSICS

COUNTRY GOLD

COUNTRY MUSIC SHOWDOWN

COUNTRY SHOWDOWN COURAGE MOUNTAIN (1989) COVER GIRL MURDERS, THE (1993) COX CHALLENGE COYOTE EMPLUMADO (1983) CRACKER BARREL OLD COUNTRY STORE 500 CRAFT, THE (1996) CRAWLING EYE, THE (1958) CRAWLING HAND, THE (1963) CRAZY PEOPLE (1990) CREATURE FROM THE HAUNTED SEA (1961)**CRI-CRI EL GRILLITO CANTOR** CRIME STRIKE CRIMES AND MISDEMEANORS (1989) **CRIMINAL HEARTS (1995)** CRIMINAL LAW (1988) CRISTINA... EDICION ESPECIAL CRISTINA **CRITTER GITTERS** CRITTERS 2: THE MAIN COURSE (1988) **CRITTERS 3 (1992)** CROSSCUT (1995) **CROSSING DELANCEY (1988)** CROSSING GUARD, THE (1995) CROSSING OVER WITH JOHN EDWARD CROSSING OVER **CROSSING THE BRIDGE (1992) CROSSING THE LINE (1989)** CROSSING THE LINE (1990) CROSSROADS (1942) CROSSROADS (1986) CROSSWORLDS (1996) CRUSH, THE (1993) CRY FREEDOM (1987) CRY IN THE DARK, A (1988)

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CRY IN THE WILD: THE TAKING OF PEGGY ANN (1991) CUANTO VALE EL SHOW CUBIX CURLY SUE (1991) CURSE OF THE PINK PANTHER (1983) CURSE OF THE TALISMAN (2001) CURTAIN CALL (1998) CURTIS COURT CUTTING CLASS (1989) CYBER 99 CYBER SONIC CYBER TOOTHBRUSH CYBERDAY **CYBERSONIC \$99 CYBERSONIC 99** CYBERSONIC TOOTHBRUSH CYBERSONIC CYBER-TRACKER (1994) CYBER-TRACKER 2 (1995) CYBORG (1989) CYBORG 2: GLASS SHADOW (1993) CYBORG COP (1993) CYBORG COP II (1994) CYRANO DE BERGERAC (1950) D.O.A. (1949) D2: THE MIGHTY DUCKS (1994) DAD 4 YOU CAN CHOOSE TO BE RICH DAD 4 YOU DAD 7 DAD4 YOU CAN BE RICH DANCE, GIRL, DANCE (1940) DANCES WITH WOLVES (1990) DANCING WITH DANGER (1994) DANGER ZONE (1996) **DANGEROUS GROUND (1997)** 

**DANGEROUS LIAISONS (1988)** 

**DANGEROUS PASSION (1990)** DANIEL BOONE DARK ANGEL DARK BACKWARD, THE (1991) DARK BREED (1996) DARK CITY (1998) DARK SIDE OF THE SUN, THE (1988) **DARK STAR (1974)** DARK VENGEANCE (1992) DARK WIND, THE (1991) DAVE (1993) DAVINCI'S WAR (1993) DAWN RIDER, THE (1935) DAWSON'S CREEK DAY IN OCTOBER, A (1990) DAY IT ALL CHANGED DAY MY PARENTS RAN AWAY, THE (1993) DAY OF THE COBRA, THE (1980) DAY OF THE TRIFFIDS, THE (1963) DAYS OF THUNDER (1990) DAYTONA 500 DE CABEZA DE FIESTA CON EL GORDO Y LA FLACA DE PAISANO A PAISANO DEAD BEFORE DAWN (1993) **DEAD CALM (1988) DEAD END (1998)** DEAD END CITY (1988) DEAD FUNNY (1995) DEAD LAST DEAD MEN CAN'T DANCE (1997) DEAD POETS SOCIETY (1989) DEAD ZONE, THE (1983) DEADBOLT (1992) DEADFALL (1993) DEADLY BET (1991)

DEADLY BREED (1989) DEADLY DANCER (1990) **DEADLY HEROES (1993) DEADLY PREY (1987) DEADLY REACTOR (1989) DEADLY SURVEILLANCE (1991) DEADLY TARGET (1994) DEADLY WHISPERS (1995)** DEAN MARTIN CELEBRITY ROAST DEAN MARTIN II DEAN MARTIN III DEAN MARTIN ROAST DEAN MARTIN DEAR JOHN DEATH CAR ON THE FREEWAY (1979) DEATH IN SMALL DOSES (1994) DEATH MACHINE (1995) DEATH RACE 2000 (1975) DEATH RING (1992) DEATH SHIP (1980) DEATH WISH 3 (1985) DEATH WISH 4: THE CRACKDOWN (1987) DEATH WISH V: THE FACE OF DEATH (1994) DECEIVED (1991) DEER HUNTER, THE (1978) DEF COMEDY ALL STAR JAM DEF COMEDY JAM DELI, THE (1997) DELIRIOUS (1991) DELIVERANCE (1972) DELTA FORCE 2 (1990) DELTA FORCE, THE (1986) **DEMOLITION MAN (1993) DENNIS THE MENACE (1993)** DENTIST, THE (1996) DERECHO DE NACER

DERMAL TONE 2000 DERMAL TONE 2001 DERMAL TONF DERMAL DERNAL TONE DESASTRE AEREO EN NUEVA YORK DESCENDANT, THE (1998) DESERT TRAIL (1935) DESFILE DE LAS ROSAS DESIGNING WOMEN DESPERATE MOTIVE (1993) DESPIERTA AMERICA DETENTION **DETOUR (1945)** DEUDA SALDADA (1989) DEVIL'S BED, THE (1994) DEVIL'S CANYON (1953) DIAGNOSIS MURDER DIANA: HER TRUE STORY (1993) DIARY OF A SERIAL KILLER (1997) DICK TRACY (1990) DIE HARD 2 (1990) DIE HARD WITH A VENGEANCE (1995) DIET ZX DIFFERENT WORLD DIFF'RENT STROKES DIGGSTOWN (1992) DIRECT HIT (1994) DIRTY HARRY (1971) **DIRTY ROTTEN SCOUNDRELS (1988) DISASTER IN TIME (1992)** DISENADOR AMBOS SEXOS DISH DOGS (1998) **DISTURBING BEHAVIOR (1998)** DIVAS & KINGS 2000 & BEYOND: SOUL

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DIVORCE COURT DM COMMUNICATIONS DMI CHITO II DMI DOC HOLLYWOOD (1991) DOCTOR, THE (1991) DODGE/SAVE MART 350 DOGMATIC (1996) DON FRANCISCO PRESENTA DOOMSDAY GUN (1994) DOPPELGANGER (1993) DOPPELGANGER: THE EVIL WITHIN (1993) DOUBLE CHAMPION GRILL 2 DOUBLE CHAMPION GRILL DOUBLE CHAMPION DOUBLE EDGE (1992) DOUBLE JEOPARDY (1992) DOUBLE THREAT (1992) DOUG DOWNTOWN (1990) DR. LAURA DRAGONSLAYER (1981) DREMEL TOOLS DREMEL DRESSED TO KILL (1946) DREW CAREY SHOW, THE **DRIVING MISS DAISY (1989)** DUMB & DUMBER (1994) **DUNGEONMASTER (1984)** DUNSTON CHECKS IN (1996) **DURA-LUBE 400** DURALUBE **DVD R2 CARSON** DYING TO LOVE YOU (1993) DYING TO REMEMBER (1993)

DYING YOUNG (1991)

EAGLE EYES FOREVER EAGLE EYES EARLY EDITION EARTH: FINAL CONFLICT EASY RIDER (1969) EBERT & ROEPER AND THE MOVIES EBERT & ROEPER EBERT AND ROEPER OSCAR ECO MODA EDWARD SCISSORHANDS (1990) ELAMOR DE TU VIDA (1994) EL ANIMA DE SAYULA (1982) EL BLABLAZO EL CASO PACO STANLEY: EL VEREDICTO EL CHAVO EL CONTEO FINAL: DESFILE DE LAS ROSAS EL CUATRERO (1987) EL ENVIADO DEL SENOR (1989) EL FISGON DEL HOTEL (1993) EL GORDO Y LA FLACA EL GRAN BLABLAZO EL GRAN FINAL DE CAMINO A LA COPA EL GRAN FINAL DE CUENTO DE NAVIDAD EL GRAN FINAL DE MUJER BONITA EL GRAN FINAL DE POR UN BESO EL GRAN FINAL DE VINA DEL MAR EL GRAN FINAL DEL PRECIO DE TU AMOR EL GRAN SORTEO DE LA COMPA MUNDIAL 2002: KOREA VS. JAPON EL GRANDE DE LA IMITACION: GILBERTD GLESS EL LOBO NEGRO (1980) EL NOVENO MANDAMIENTO EL OSCURO SECRETO DE LA GLORIA EL PREMIO LO NUESTRO EL PREMIO MAYOR EL RECUENTO DE LOS DANOS

EL TESORO DE CLOTILDE (1993) ELIMIDATE DELUXE EUMIDATE EMC ENTERPRISE EMC PRO EMC PRODUCTS EMERCHANT EMINENT DOMAIN (1990) EN PIE DE GUERRA: EL PRESIDENTE HABLA ENCHANTED COTTAGE, THE (1945) ENCINO MAN (1992) ENCUENTRO DE TITANES **ENDLESS YOUTH 4** ENDLESS YOUTH ENEMY OF THE PEOPLE, AN (1977) ENTERPRISE ENTERTAINERS, THE ENTERTAINING ANGELS: THE DOROTHY DAY STORY (1996) ENTERTAINMENT STUDIOS.COM ENTERTAINMENT TONIGHT EPICENTER (2000) **EPIL STOP & SPRAY** EPIL STOP AND SPRAY HAIR REMOVAL **EPIL STOP CITRUS** EPIL STOP PLUS EPIL STOP WITH ROBE EPIL STOP ER ERASABLE YOU (1998) ERNEST GOES TO JAIL (1990) ERNEST SCARED STUPID (1991) ESCAPE FROM ALCATRAZ (1979) ESCUADRON COUNTERFORCE (1990) ESSENCE AWARDS ESTADOS UNIDOS BAJO ATAQUE

EL SUPER BLABLAZO

**FSTÁDOS UNIDOS DE DUELO** ESTADOS UNIDOS EN PIE DE GUERRA ESTAMOS UNIDOS ET CHEF 2 ET CHEF ETERNAL EVIL (1987) ETERNITY (1990) EVERY 9 SECONDS (1997) EVERY GIRL SHOULD BE MARRIED (1948) EVERY TIME WE SAY GOODBYE (1986) EVERY WHICH WAY BUT LOOSE (1978) EVERY WOMAN EVERYBODY LOVES RAYMOND EVOLVER (1995) EXECUTIVE POWER (1997) FXFRCARE **EXPERIMENT PERILOUS (1944)** EXPRESS 1352 EXPRESSWARE EXTRA WEEKEND EXTRA EXTREME ADVENTURES OF SUPER DAVE, THE (2000) **EXTREME PREJUDICE (1987)** FAB 2 FABS 2 FABULOUS FIFTIES FAITHFUL (1996) FALL TIME (1995) FAMILY BUSINESS (1989) FAMILY FEUD FAMILY GUY FAMILY MATTERS FAMILY PRAYERS (1993) FAMILY TIES FAMILY, THE (1970) FAMILY, THE (1987)

FAMOUS HOMES AND HIDFAWAYS FAR FROM HOME (1988) FAR OUT MAN (1990) FAREWELL TO THE KING (1989) FARGO (1996) FAST BREAK (1979) FAST CASH FAT ALBERT CHRISTMAS FATAL ATTRACTION (1987) FATAL BOND (1992) FATAL SKIES (1990) FATHER AND SCOUT (1994) FATHER OF THE BRIDE (1991) FATHERLAND (1994) FATHER'S LITTLE DIVIDEND (1951) FEAR INSIDE, THE (1992) FEAR OF A BLACK HAT (1993) FEAR, THE (1995) FELICITY **FELONY (1995)** FENCE, THE (1994) FERRIS BUELLER'S DAY OFF (1986) **FESTIVAL ACAPULCO** FESTIVAL VINA DEL MAR FEW GOOD MEN, A (1992) FIERA SOLITARIA FIESTA DE CARNAVAL FIFTH AVENUE GIRL (1939) FIFTH ELEMENT, THE (1997) FIFTH MONKEY, THE (1990) FIGHTER, THE (1994) FIN DE SEMANA EN GARIBALDI (1991) FINAL ANALYSIS (1992) FINAL ASSIGNMENT (1980) FINAL COUNTDOWN, THE (1980) FINAL IMPACT (1991)

FINAL SANCTION, THE (1990) FINANCIAL SERVICES FINE MESS, A (1986) FIRE BIRDS (1990) FIRE, ICE AND DYNAMITE (1990) FIREPOWER (1994) FIREWALKER (1986) FIRST BLOOD (1982) FIRST DEGREE (1995) FISHER KING, THE (1991) FIST OF HONOR (1993) FIST OF THE NORTH STAR (1995) FIT AB 529 FIT AB FITAB 529 FITAB FITNESS QUEST FIVE HEARTBEATS, THE (1991) FLASHDANCE (1983) FLASHFIRE (1994) FLATLINERS (1990) FLAVOR WAVE OVEN FLAVOR WAVE FLAVORWARE OVEN FLAVORWAVE 3 PAY 39 FLAVORWAVE OVEN 2 FLAVORWAVE OVEN FLIGHT FOR FREEDOM (1943) FLIGHT OF THE INTRUDER (1991) FLINCH (1993) FLYING DEUCES, THE (1939) FLYING DOWN TO RIO (1933) FOCUS FACTOR 2 FOCUS FACTOR BILL FOCUS FACTOR CASE STUDIES FOCUS FACTOR

FOLKSI (1992) FOLLOW THE RIVER (1995) FOOD 2 PAY FOOD 2-PAY FOOD CITY 500 FOOD SAVER COMPACT II FOOD SAVER COMPACT FOOD SAVER FOODSAVER COMPACT II FOODSAVER COMPACT FOODSAVER FOOL FOR LOVE (1985) FOOLISH (1999) FOOL'S GOLD (1998) FOOTLOOSE (1984) FOR A FEW DOLLARS MORE (1965) FOR HIRE (1997) FOR LOVE ALONE (1996) FOR THE BOYS (1991) FOR YOUR LOVE FORCE 10 FROM NAVARONE (1978) FORCE OF ONE, A (1979) FORCED TO KILL (1994) FOREMAN GRILL 3 FOREMAN GRILL FOREVER WHITE FORT APACHE, THE BRONX (1981) FOURTH PROTOCOL, THE (1987) FOURTH STORY (1991) FOX AMERICA UNDER ATTACK FOX AUTO RACING FOX GOLF FRANK & JESSE (1995) FRANK AND JESSE (1995) FRANKLIN FRASIER

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FREAKYLINKS FREE AND CLEAR FREE WILLY (1993) FREE WILLY 2: THE ADVENTURE HOME (1995) FREEDOM FREEJACK (1992) FRENCH CONNECTION, THE (1971) FRENCH SILK (1994) FRESH PRINCE OF BEL-AIR FRESHMAN, THE (1990) FRIDAY (1995) FRIENDS AND NEIGHBORS FRIENDS FRIGHT NIGHT PART 2 (1988) FRIGHTENERS, THE (1996) FROM THE FILES OF JOSEPH WAMBAUGH: JURY OF ONE (1992) FROM THE SECRET MIXED-UP FILES OF MRS. BASIL E. FRANKWEILER (1995) FUERA DE SERIE FULL HOUSE FUNNIEST MOST OUTRAGEOUS SPORTS MOMENTS EVER FUNNY LADY (1975) FUTURAMA FUTURE FORCE (1989) FUTURE ZONE (1990) GALA DE LA HISPANIDAD GARDENS OF STONE (1987) GARFIELD AND FRIENDS GARY & MIKE GATE, THE (1987) GATEWAY AND IBM LIQUIDATION GATEWAY CELERON GATEWAY CLEAR **GATEWAY CLEARANCE 2** GATEWAY CLEARANCE

**GATEWAY INTEL CELERON** GATEWAY INTEL GATEWAY GAVILAN O PALOMA (1985) GAY DIVORCEE, THE (1934) GAZ FREESTYLE GAZE PRO FREESTVLE GAZELLE FITNESS QUEST GAZELLE GLIDER GAZEPRO FREESTYLER GAZEPRO **GENERATION O!** GENERATIONS GEORGE BALANCHINE'S THE NUTCRACKER (1993) GEORGE FOREMAN GRILL GEORGE MICHAEL SPORTS MACHINE GETTING A TICKET IN AMERICA **GETTING TOGETHER** GHOST (1990) **GHOSTBUSTERS II (1989)** GILMORE GIRLS GIRL IN EVERY PORT, A (1952) GIRL MOST LIKELY TO ..., THE (1973) GIRL WITH SOMETHING EXTRA, THE GIRLFRIENDS GLADIATOR (1992) **GLOBAL BUSINESS PEOPLE** GLORY (1989) GO FOR BROKE! (1951) GO TELL THE SPARTANS (1978) GODZILLA VS. MEGALON (1976) GOING ALL THE WAY (1997) GOING UNDERGROUND (1993) GOLD RUSH, THE (1925) GOLDEN CHILD, THE (1986) GOOD COP, BAD COP (1998)

GOOD DAY LIVE GOOD GUYS WEAR BLACK (1978) GOOD LIFE, THE GOOD LUCK (1996) GOOD MORNING BABYLON (1987) GOOD TIMES GOOD, THE BAD AND THE UGLY, THE (1967) GOODFELLAS (1990) GOONIES, THE (1985) GORDY (1995) GORGO (1961) GORILLA, THE (1939) GRACE UNDER FIRE GRAMMY PREVIEW **GRAN FIESTA DE ACAPULCO** GRANDMA GOT RUN OVER BY A REINDEER **GREASE (1978)** GREAT AMERICAN SEX SCANDAL, THE (1990)**GREAT BALLS OF FIRE! (1989)** GREAT MOM SWAP, THE (1995) **GREAT WHITE HYPE, THE (1996) GREEN PROMISE, THE (1949)** GREENSTONE & CO. GREENSTONE GUITAR GREENSTONE GREMLINS 2: THE NEW BATCH (1990) GRIDLOCK'D (1997) GRILL TO GO GRIND (1996) **GROSSE POINTE GROUNDED FOR LIFE GROUNDHOG DAY (1993) GUARDIAN ANGEL (1994) GUILTY AS CHARGED (1991)** GUILTY AS SIN (1993)

# **GUINNESS WORLD RECORDS: PRIMETIME** GUN IN BETTY LOU'S HANDBAG, THE (1992) GUNCRAZY (1992) GUNGA DIN (1939) **GUNS OF WILL SONNETT** GUNSMOKE **GUTHY RENKER PRESENTS GUTHY-RENKER.COM** GUYVER 2: DARK HERO (1994) HAIR CLUB FOR MEN HAIR LOSS ANSWERS HAIR LOSS OPTIONS HAIR LOSS UPDATE HALLOWEEN: THE CURSE OF MICHAEL HAND THAT ROCKS THE CRADLE, THE HARDWARE (1990)

HART TO HART: HOME IS WHERE THE HART IS (1994) HART TO HART: TILL DEATH DO US HART (1996) HART TO HART: TWO HARTS IN THREE-QUARTER TIME (1995) HASTA EN LAS MEJORES FAMILIAS HAVE GUN WILL TRAVEL HAVEN HAWAII FIVE-D HAWK, THE (1993) HAWK'S VENGEANCE (1997) HCM POWERHOUSE HEADLINE NEWS HEADS (1994) HEAR MY SONG (1991) HEARTLAND COUNTRY HEARTLAND MUSIC HEARTLAND HEAT (1987) HEATSEEKER (1995) HEAVY GEAR HEIST, THE (1996) HELL BOUND (1957) HELLBOUND (1993) HELLRAISER: BLOODLINE (1996) HELLRAISER: INFERNO (2000) HERCULES (1959) HERCULES IN NEW YORK (1970) HERO (1992) HERO AND THE TERROR (1988) HEXED (1993) HIGH SCHOOL HIGH (1996) HIGHER AND HIGHER (1943)

HART TO HART: CRIMES OF THE HART

HART TO HART: HARTS IN HIGH SEASON

(1994)

(1996)

GUY (1996)

GUYANA, CULT OF THE DAMNED (1980)

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GUYVER, THE (1992)

GYM CHALLENGE

GYM FIT

HABIA UNA VEZ UNA ESTRELLA (1989)

HAIR CLUB

HAIR LOSS

HAIR

MYERS (1995)

(1991)

HANGFIRE (1991)

HANGIN' WITH MR. COOPER

HARD PROMISES (1991)

HARD TO KILL (1990)

HARD TRUTH, THE (1994)

HARLEM GLOBETROTTERS -- 75TH ANNIVERSARY GAME

HARRAH'S 500

HART TO HART (1979)

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3 X 39 WITH BAG **30 SECONDS TO FAME 30 YEARS OF GREATEST SPORTS LEGENDS:** A PRODUCER'S SCRAPBOOK **3M CHAMPIONSHIP 3RD ROCK FROM THE SUN 4 POWER JUICER** 48 HRS. (1982) 49 FW PLUS 4TH PJ **.5 SMART TECHNIQUE 5 SMART TECHNIQUES 5TH WHEEL, THE** 6 TORNADO **6 WEEK BODY** 60'S GOLD 605 GOLD 7 PAAWS 7TH HEAVEN 80'S BY TIMELIFE 80'S 9 TO 5 (1980) 9/11 ANNIVERSARY 9/11: THE DAY AMERICA CHANGED **AARON'S 312** AARON'S 499 AB AWAY PRO AB AWAY WITH BELT AB AWAY AB ENERGIZER **AB FITNESS AB LIFTER PLUS** AB TRONIC **ABBOTT & COSTELLO** ABBOTT AND COSTELLO ABDUCTED: A FATHER'S LOVE (1996) ABERRATION (1997) 55

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AL DERECHO Y AL DERBÉZ

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C.I.A. II: TARGET ALEXA (1994)

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MPAA CLAIMED WORKS - 2002

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DAD J 9.95 DAD4 YOU CAN BE RICH DALBEY'S WIN CASH FLOW DALBY CASH DALBY'S WIN CASH FLOW DALBY'S WIN CASHFLOW DANCE, GIRL, DANCE (1940) DANCING WITH DANGER (1994) DANGER ZONE (1996) DANGEROUS CURVES (1988) DANGEROUS GROUND (1997) DANGEROUS LIAISONS (1988) DANGEROUS MINDS (1995) **DANGEROUS PASSION (1990)** DANGEROUS PLACE, A (1995) DANIEL EL TRAVIESO II (1998) DANIELA DARK ANGEL DARK BACKWARD, THE (1991) DARK BREED (1996) DARK CITY (1998) DARK COMMAND, THE (1940) DARK SIDE OF THE SUN, THE (1988) DARK WIND, THE (1991) DAVE'S WORLD DAVINCI'S WAR (1993) DAWSON'S CREEK DAY IN OCTOBER, A (1990) DAY MY PARENTS RAN AWAY, THE (1993) DAY OF THE TRIFFIDS, THE (1963) DAYS OF JESSE JAMES (1939) DAYS OF THUNDER (1990) DE FIESTA CON EL GORDO Y LA FLACA DE MALA MUERTE (1990) DE RUMBA CON EL GORDO Y LA FLACA **DE SANGRE CHICANA (1974)** 

DEAD AHEAD (1996) DEAD AHEAD: THE EXXON VALDEZ DISASTER (1992) DEAD BEFORE DAWN (1993) **DEAD CALM (1988)** DEAD END CITY (1988) DEAD FUNNY (1995) DEAD MAN ON CAMPUS (1998) DEAD MEN CAN'T DANCE (1997) **DEAD PRESIDENTS (1995)** DEADBOLT (1992) DEADFALL (1993) **DEADLY DANCER (1990) DEADLY HEROES (1993) DEADLY SURVEILLANCE (1991)** DEADLY TARGET (1994) **DEADLY WHISPERS (1995) DEAN MARTIN 4** DEAN MARTIN CELEBRITY ROAST DEAN MARTIN III DEAN MARTIN ROAST DEAN MARTIN DEAR JOHN DEATH BY MAGIC (2000) DEATH IN SMALL DOSES (1994) DEATH OF OCEAN VIEW PARK, THE (1979) DEATH OF RICHIE, THE (1977) DEATH WISH V: THE FACE OF DEATH (1994) DEATHTRAP (1982) DEATHWATCH (1980) DECEIVED (1991) **DECONSTRUCTING HARRY (1997) DED** '60S DED LC ELAB 4 **DED SIXTIES** DEDICATED 60'S GOLD DEDICATED FABS

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LAS BODAS DEL 2002 LAS BRUJAS (1990) LAS BRUJAS DE EASTWICK (1987) LAS CUATRO BODAS DE MARISOL (1967) LAS ESTRELLAS DE TV Y NOVELAS LAS INTERESADAS (1952) LAS SIRVIENTAS ARDIENTES (1988) LAS TRAVESURAS DE DUNSTON (1996) LAS VEGAS STORY, THE (1952) LAS VÍAS DEL AMOR LAST BOY SCOUT, THE (1991) LAST CALL 329 LAST CALL LAST DANCE (1996) LAST MAN STANDING (1996) LAST OF THE MOHICANS, THE (1992) LAST RIDE, THE (1991) LAST WORD, THE (1995) LATE FOR DINNER (1991) LAURA EN AMÉRICA LAURO PUÑALES (1966) LAVADORES DE DINERO (1993) LAVERNE & SHIRLEY LAW & ORDER: CRIMINAL INTENT LAWS OF DECEPTION (1998) LAYOVER (2000) LE PRESSE LEAVING LAS VEGAS (1995) LEAVITT MANAGEMENT LEAVITT: MEDICAL LEGACY (1998) LEGADO DE VALOR (1986) LEGEND (1985) LEGEND OF TARZAN LEIGH VALENTINE LEIGHT VALENTINE COLLECTION

LEIGHT VALENTINE LENCHA LA TAXISTA (1990) LENTE LOCO LEPRECHAUN 2 (1994) LEPRECHAUN 3 (1995) LEPRECHAUN 4 IN SPACE (1996) LEPRESSE LESLIE SANSONE HOME WALKING LESUE SANSONE LESS THAN ZERO (1987) LETHAL WEAPON (1987) LETHAL WEAPON 2 (1989) LETHAL WEAPON 3 (1992) LETHAL WEAPON 4 (1998) LEVIATHAN (1989) LIAR'S EDGE (1991) LIBEREN A WILLY (1993) LIFE AND TIMES OF JUDGE ROY BEAN, THE (1972)LIFE LESS ORDINARY, A (1997) LIFE MOMENTS LIFE WITH FATHER (1947) LIFT OFF LIGHT HIS FIRE LIGHT SLEEPER (1992) LIGHTER SIDE OF SPORTS LIGHTNING IN A BOTTLE (1994) LIGHTPATH LONG ISLAND CLASSIC LIGHTS OF OLD SANTA FE, THE (1944) LILY IN WINTER (1994) LINCOLN (1988) LITTLE ARK, THE (1972) LITTLE BIG MAN (1970) LITTLE GIANTS (1994) LITTLE HOUSE ON THE PRAIRIE LITTLE HOUSE: A NEW BEGINNING LITTLE MONSTERS (1989)

LOOKING FOR LOVE: BACHELORETTES IN

LOVE, CHEAT & STEAL (1994)

LOVIN' MOLLY (1974)

LS ABS DROP 39.95

LS ABS DROP

**LS TO PAY 3995** 

LS: 1 PAY WEIGH

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LUCKY DAY (2002)

LUCY SHOW, THE

LUSH LIFE (1994)

M\*A\*S\*H: 30TH ANNIVERSARY REUNION

MACY'S THANKSGIVING DAY PARADE

MAD MAX III: MÁS ALLÁ DE LA CÚPULA DEL

M BRITE 2002

M BRITE

SPECIAL

M\*A\*S\*H

MACE (1987)

MAD ABOUT YOU

MAD LOVE (1995)

MAD MAX (1979)

MAD MAX 2 (1981)

MADHOUSE (1990)

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MAGIC KID (1993)

MAGNASSAGER

MAFIA MEXICANA (1990)

MAGIC SCHOOL BUS, THE

MAGIC'S BIGGEST SECRETS FINALLY REVEALED: ESCAPE FROM THE ICE

**TRUENO (1985)** 

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LS: 1 PAY

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LS WALK AWAY THE POUNDS

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LOVES MUSIC, LOVES TO DANCE (2001)

LOOK WHO'S TALKING NOW (1993)

LORD OF THE RINGS: MYSTERIES OF

LORD OF THE RINGS: THE TWO TOWERS,

LOS ÆNGELES DE LA MUERTE (1995)

LORD OF ILLUSIONS (1995)

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LOS ARCHIVOS DE CRISTINA

LOS BUENOS DIAS DE HTV

LOS CAMPEONES III (1996)

LOS CARGADORES (1995)

LOS COMEDIANTES EN AÑO NUEVO

LOS CUATES DEL PIRRURIS (1990)

LOS DUEÑOS EN LA CALLE (1991)

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LOS HUMILLADOS (1985)

LOS PANADEROS (1983)

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LOST IN SPACE (1998)

LOST IN SPACE FOREVER

LOST WORLD, THE (1998)

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LIVIN' LARGE

LIVING BETTER

LIVING IN PERIL (1997)

LIVING SINGLE

LLORENTE BAKEWARE

LLORENTE

LO MEJOR DE CRISTINA

LO MEJOR DE LA ACADEMIA

LO MEJOR DE LOS PREMIOS BILLBOARD A LA MÚSICA LATINA

LO QUE CALLAMOS LAS MUJERES

LO QUE ES EL AMOR

LO QUE NO VIO DE PREMIO LO NUESTRO

LO QUE SE VIÓ Y NO SE VIÓ DE AMIGAS Y RIVALES

LOBOS (1981)

LOCA ACADEMIA DE PILOTOS (1991)

LOCA ACADEMIA DE POLICÍA 3 (1986)

LOCA ACADEMIA DE POLICÍA 3: LOS NUEVOS RECLUTAS (1986)

LOCA ACADEMIA DE POLICÍA 5: MISIÓN MIAMI (1988)

LOCA ACADEMIA DE POLICÍA 6: CIUDAD BAJO SITIO (1989)

LOCA ACADEMIA DE POLICÍAS 4: LOS **CIUDADANOS SE DEFIENDEN (1987)** 

LOCK UP (1989)

LOCOS Y SUELTOS

LONELY HEARTS (1991)

LONG KISS GOODNIGHT, THE (1996)

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MAID TO ORDER (1987) MAIN FLOOR **MAKER, THE (1997)** MAKING MONEY VERSION 1000 MAKING MONEY MAKING OF E.T. MAKING OF SCORPIO KING MALCOLM & EDDIE MALCOLM IN THE MIDDLE MALCOLM X (1992) MAMÁ NO TE LO PIERDAS MAMÁ SOLITA (1980) MAMA'S FAMILY MAN IN THE IRON MASK, THE (1998) MAN OF THE HOUSE (1995) MAN WHO WOULD BE KING, THE (1975) MAN WHO WOULDN'T DIE, THE (1995) MANANITAS A LA VIRGEN MANHUNT: SEARCH FOR THE NIGHT **STALKER (1989)** MANKILLERS (1987) MARCH OF THE WOODEN SOLDIERS (1934) MAREA BRAVA MARÍA BELÉN MARÍA CELINA MARÍA FÉLIX: UNA CONVERSACIÓN MARIA I A DEL BARRIO MARÍA ROSA BÚSCAME UNA ESPOSA MARIACHI (1977) MARKED FOR DEATH (1990) MARKETING CANISTER MARKETWATCH WEEKEND MARKETWATCH MARRIED TO THE MOB (1988) MARRIED ... WITH CHILDREN MARRYING MAN, THE (1991) MARS (1996)

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MATLOCK MATRIX, THE (1999) MAURY MAX DUGAN RETURNS (1983) MAX STEEL MÁXIMA VELOCIDAD (1994) MAXIMUM EXPOSURE MAYBE IT'S ME MBNA AMERICA MCCLOUD MCHALE'S NAVY MCLAUGHLIN GROUP MCMILLAN AND WIFF MCMILLAN MCQ (1974) MDR VITAL FACTORS MDR VITAMINS MEAN STREETS (1973) MEATBALLS 4 (1992) MEDABOTS MEDIA POWER MEDICAL HAIR REPLACEMENT MEDICAL HAIR RESTORATION MEDICAL HAIR TRANSPLANT MEDICAL HAIR MEDICUS MEDIDAS DESESPERADAS (1997) MEET JOHN DOE (1941) MEET THE MARKS MEGA MEMORY MEMOIRS OF AN INVISIBLE MAN (1992) **MEMPHIS BELLE (1990)** MEN AT WORK (1990) MEN IN BLACK MEN, WOMEN & DOGS

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MI POBRE DIABLILLO (1990)

MIAMI COPS (1989)

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MICKEY SPILLANE'S MIKE HAMMER: MURDER ME, MURDER YOU (1983)

MICKEY SPILLANE'S MIKE HAMMER: MURDER TAKES ALL (1989)

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MIGHTY DUCKS, THE (1992)

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**MIJARES: MARÍA BONITA** 

MIL CAMINOS TIENE LA MUERTE (1976)

MIL MILLAS AL SUR (1980)

MILAGRO EN LA CALLE 34 (1994)

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MINORITY BUSINESS REPORT

MINUTE BRITE TRIAL

MINUTE BRITE

**MIRA QUIEN HABLA (1989)** 

MIRACLE BEACH (1992)

MIRACLE BLADE 11

**MIRACLE BLADE 13** 

MIRACLE BLADE 2 **MIRACLE BLADE 3 VERSION 11** MIRACLE BLADE II MIRACLE BLADE III **MIRACLE BLADE V.13** MIRACLE BLADE MIRACLE OF THE CARDS, THE (2001) MIRACLE ON 34TH STREET (1994) MIRADA DE MUJER MIRAGE (1995) **MIS PADRES SE DIVORCIAN (1959)** MISA DE BEATIFICACIÓN MARTIRE DE OAXACA BASÍLICA DE GUADALUPE MISA DE CANONIZACIÓN DEL BEATO JUAN DIEGO MISA DE PASCUA DEL PAPA **MISERY (1990)** MISIÓN ALIEN (1988) MISS HAWAIIAN TROPIC INTERNATIONAL PAGEANT MISS HAWAIIAN TROPIC UNITED STATES PAGEANT MISS VENEZUELA

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MONEY MAKING

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MORONS FROM OUTER SPACE (1985) MORTAL FEAR (1994) MORTAL KOMBAT (1995) MOTHER OF THE BRIDE (1993) MOTHER, MAY I SLEEP WITH DANGER? (1996) MOTHER'S PRAYER, A (1995) MOTÍN EN LA CÁRCEL (1986) MOTOR SPORTS WEEKLY MOTORAMA (1991) MR. AND MRS. SMITH (1941) MR. FROST (1990) MR. LUCKY (1943) MR. SATURDAY NIGHT (1992) MR. WRITE (1994) MRS. DOUBTFIRE (1993) MUCHA LUCHA MUERTE EN EL BARRIO JAPONÉS (1991) MUERTE POR PARTIDA DOBLE (1991) MUJER... CASOS DE LA VIDA REAL EDICIÓN ESPECIAL MUJER... CASOS DE LA VIDA REAL **MUJERES DE MEDIANOCHE (1968) MULHOLLAND FALLS (1996)** MUMMY LIVES, THE (1996) MUMMY, THE (1999) MUMMY, THE MUNSTERS, THE MUPPETS 10 MUPPETS COMPLETE MUPPETS DISCOUNTED SET OFFER MUPPETS MURDER 101 (1991)

MURDER AMONG FRIENDS (2001)

MURDER, MY SWEET (1945)

MURDEROUS AFFAIR: THE CAROLYN WARMUS STORY, A (1992)

MURIERON A MITAD DEL RÍO (1988)

MUSCLE MASSAGE MUSIC MAN, THE (1962) MUSIC OF THE 80'S MUSIC OF THE '80S MUSIC OF THE EIGHTIES MUSIC SYSTEM MÚSICO, POETA Y LOCO (1947) MUTANT (1984) MUTANT X MY BOYFRIEND'S BACK (1989) MY DOG SKIP (2000) MY FAVORITE WIFE (1940) MY GUIDE TO BECOMING A ROCK STAR MY LEFT FOOT (1989) MY TEACHER'S WIFE (1995) **MYORX OF JUICING 4** MYORX SHOW 3 MYORX **MYROX SHOW 11** MYROX SHOW 3 MYROX SHOW 9 MYSTERIOUS WAYS NAACP IMAGE AWARDS NADIE TE QUERRÁ COMO YO (1972) NADS 2002 NAD'S NAKED GUN 2 1/2: THE SMELL OF FEAR, THE (1991) NAKED GUN, THE (1988) NAKED IN NEW YORK (1993) NALGADA DE ORO (1991) NANNY, THE NAPA AUTO PARTS 500 NARROW MARGIN (1990) NASCAR PRE-RACE NASCAR RACING NASH BRIDGES

NATIONAL LAMPOON'S CHRISTMAS VACATION (1989) NATIONAL LAMPOON'S LAST RESORT (1994)NATURAL ADVANTAGE 2 NATURAL ADVANTAGE NATURE OF THE BEAST (1995) NAVIDAD EN VIENA NAVIDAD MAGICA DISNEY NAVIDAD SIN FIN NBA MAX NDM MIRACLE BLADE NECESSITY (1988) **NEEDFUL THINGS (1993)** NEGRO ES UN BELLO COLOR (1974) NEIGHBOR, THE (1993) NEIGHBORHOOD SMC NEPHEW, THE (1998) NET, THE (1995) NEVADA CITY (1941) NEVER 2 BIG (1998) **NEVER A DULL MOMENT (1950)** NEVER TALK TO STRANGERS (1995) NEW ADVENTURES OF WINNIE THE POOH, THE NEW ENGLAND PGA.COM NEW FRESH START NEW JACK CITY (1991) NEW MDR VITAL FACTORS NEW MDR NEW PASTA NEW SCOOBY & SCRAPPY-DOO SHOW, THE NEW SCOOBY-DOO MOVIES **NEW STRATEGIES** NEWSRADIO NFL EUROPE FOOTBALL NFL GOLF CLASSIC NFL PRESEASON SPECIAL

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NIGHT HEAT NIGHT OF THE DEMONS (1988) NIGHT OF THE RUNNING MAN (1994) NIGHT TRAIN TO MUNICH (1940) NIGHT VISION (1998) NIGHT VISIONS (1990) **NIGHTMARE CASTLE (1965)** NIGHTMARE ON ELM STREET 2: FREDDY'S **REVENGE, A (1985)** NIGHTMARE ON ELM STREET 4: THE DREAM MASTER, A (1988) NIGHTMARE ON ELM STREET 5: THE DREAM CHILD (1989) NIGHTMARE ON ELM STREET, A (1984) NIGHTMARE ROOM, THE ΝΙΚΚΙ NINE MONTHS (1995) NITTI: THE ENFORCER (1988) NO BOUNDARIES NO CONTEST II: ACCESS DENIED (1995) NO ESCAPE, NO RETURN (1993) NO HAY QUINTO MALO (1990) NO HOLDS BARRED (1989) NO LOOKING BACK (1998) NO THANE NOCHE DE CARNAVAL NOCHE DE ESTRELLAS DE TV Y NOVELAS NOCHE DE ESTRELLAS NOCHE ESPECIAL DE EL PRIVILEGIO DE AMAR NOCHE ESPECIAL DE GATA SALVAJE NOCHE ESPECIAL DE LAS VÍAS DEL AMOR NOCHE HISTÓRICA CON EL PRESIDENTE NOISES OFF (1992)

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NICKEL & DIME (1992)

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NGONE'S STORY: A TALE OF AFRICA'S

NONE BUT THE LONELY HEART (1944)

NORTH (1994) NORTH DALLAS FORTY (1979) NORTH SHORE (1987) NOTICIARIO HECHOS NOTICIAS UNIVISION NOTICIERO HECHOS NOTICIERO TELEMUNDO EDICIÓN NOCTURNA NOTICIERO TELEMUNDO NOTICIERO UNIVISION NOWHERE IN SIGHT (2000) NOWHERE TO HIDE (1987) NOWHERE TO RUN (1993) NSYNC: BIGGER THAN LIVE NU WAVE OVEN 1 NU WAVE OVEN 2 NUESTRA BELLEZA DE MEXICO NUESTRA NAVIDAD NUNS ON THE RUN (1990) NUTCRACKER: THE MOTION PICTURE (1986) NUTTY PROFESSOR, THE (1996) NU-ZYMES V5 NU-ZYMES VERSION 41 NU-7YMES O'REILLY 300 OCCASIONAL HELL, AN (1996) ODD COUPLE, THE OF MICE AND MEN (1992) OFF CENTRE OH GOD! BOOK II (1980) OH GOD! YOU DEVIL (1984) OH, GOD! (1977) OJO DEL HURACÁN OLD GRINGO (1989) OLIVE, THE OTHER REINDEER

OLIVER & COMPANY (1988)

OMEN IV: THE AWAKENING (1991) ON HOLY GROUND: PILGRIMS IN A SACRED PLACE ON THE BORDER (1998) ON THE LINE (1998) ON THE RECORD WITH GRETA VAN SUSTEREN ONCE A THIEF ONCE AGAIN (1986) ONCE UPON A HONEYMOON (1942) ONCE UPON A TEXAS TRAIN (1988) ONE IN A MILLION: THE RON LEFLORE STORY (1978) ONE MAN'S JUSTICE (1995) ONE MAN'S WAR (1991) ONE ON ONE ONE TOUGH BASTARD (1995) ONLY THE LONELY (1991) ONLY YOU (1992) **OPERACIÓN DRAGÓN (1973) OPERATION DELTA FORCE (1997) OPERATION DUMBO DROP (1995) OPERATION SANDMAN: WARRIORS IN** HELL (2000) **OPERATION WAR ZONE (1989) OPRAH WINFREY** ORANGE 80'S ORANGE CLEAN 3 **ORANGE CLEAN ORANGE GLO ORANGE GLOW** ORCA (1977) ORCA LA BALLENA ASESINA (1977) ORDER OF THE EAGLE (1988) ORDINARY MAGIC (1993) O'REILLY FACTOR SPECIAL: O'REILLY VS. HOLLYWOOD O'REILLY FACTOR SPECIAL: THE CORRUPTION OF THE AMERICAN CHILD

OSCURAS ME DA RISA, A (1994) OTHER HALF, THE OTRA OTRO CASO DE VIOLACIÓN (1991) OTRO ROLLO OUT FOR JUSTICE (1991) OUT OF SYNC (1995) OUT OF THE PAST (1947) OUT TO SEA (1997) OUTBREAK (1995) OUTER LIMITS, THE OUTLAW, THE (1989) OUTSIDE OZONA (1998) OVER THE LINE (1995) OVER THE TOP (1987) 077Y & DRIX P. ALLEN SMITH GARDENS P.K. AND THE KID (1982) PAAWS 7 PAAWS PACIFIC HEIGHTS (1990) PACKAGE, THE (1989) PACT, THE (1999) PALMETTO (1998) PANDILLEROS ASESINOS (1990) PAPER BULLETS (1999) PAPERHOUSE (1988) PAPITO QUERIDO (1989) PARALLEL LIVES (1994) PARENT 'HOOD, THE PARENT TRAP, THE (1998) PARENTS (1989) PARIS TROUT (1991) PARKERS, THE PARKERS

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PARTNERS IN CRIME (2000)

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PEEL AWAY THE POUNDS

PEEL AWAY

PEEL/POUNDS

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PERRY MASON RETURNS (1985)

PERRY MASON: THE CASE OF THE ALL-STAR ASSASSIN (1989)

PERRY MASON: THE CASE OF THE AVENGING ACE (1988)

PERRY MASON: THE CASE OF THE DEFIANT DAUGHTER (1990)

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PERRY MASON: THE CASE OF THE DESPERATE DECEPTION (1990)

PERRY MASON: THE CASE OF THE FATAL FASHION (1991)

PERRY MASON: THE CASE OF THE FATAL FRAMING (1992)

PERRY MASON: THE CASE OF THE GLASS COFFIN (1991)

PERRY MASON: THE CASE OF THE HEARTBROKEN BRIDE (1992)

PERRY MASON: THE CASE OF THE KILLER KISS (1993)

PERRY MASON: THE CASE OF THE LADY IN THE LAKE (1988)

PERRY MASON: THE CASE OF THE LETHAL LESSON (1989)

PERRY MASON: THE CASE OF THE LOST LOVE (1987)

PERRY MASON: THE CASE OF THE MALIGNED MOBSTER (1991)

PERRY MASON: THE CASE OF THE MURDERED MADAM (1987)

PERRY MASON: THE CASE OF THE MUSICAL MURDER (1989)

PERRY MASON: THE CASE OF THE NOTORIOUS NUN (1986)

PERRY MASON: THE CASE OF THE POISONED PEN (1990)

PERRY MASON: THE CASE OF THE RECKLESS ROMEO (1992)

PERRY MASON: THE CASE OF THE RUTHLESS REPORTER (1991)

PERRY MASON: THE CASE OF THE SCANDALOUS SCOUNDREL (1987)

PERRY MASON: THE CASE OF THE SHOOTING STAR (1986)

PERRY MASON: THE CASE OF THE SILENCED SINGER (1990)

PERRY MASON: THE CASE OF THE SINISTER SPIRIT (1987)

PERRY MASON: THE CASE OF THE SKIN-DEEP SCANDAL (1993)

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PERSONAL POWER

#### PERSONALS (1990)

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PHASE 4 ORTHOTICS

PHASE 4

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PLAZA SESAMO (1971)

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POISON IVY (1985)

POISON IVY (1992)

POISON IVY II: LILY (1996) POKEMON: JOHTO LEAGUE CHAMPIONS POKEMON POLICE STORY (1985) POLICE STORY PART 2 (1988) POLICE STORY: BURNOUT (1988) POLICE STORY: COP KILLERS (1988) POLICE STORY: GLADIATOR SCHOOL (1988) POLICE STORY: MONSTER MANOR (1988) POLICE STORY: THE WATCH COMMANDER (1988)POLICÍAS DE LA GENERACIÓN X (1999) PONDEROSA, THE PONTIAC MOON (1994) POPEIL INVENTIONS POPSTARS 2 POR LA PUERTA GRANDE POR OUÉ DIABLOS PORTRAITS OF A KILLER (1996) POSEIDON ADVENTURE, THE (1972) POSSE FROM HELL (1961) POST MORTEM POT O' GOLD (1941) POWDER (1995) POWER 90 POWER BASE POWER JUICER POWER OF ATTORNEY POWER OF JUICE POWER OF JUICING 4 POWER OF JUICING SHOW II POWER OF JUICING POWER RANGERS TIME FORCE POWER RANGERS WILD FORCE POWER TOOL SYSTEM POWER WITHIN, THE (1995) POWER YOGA

POWERHOUSE **POWERPUFF GIRLS!** PRACTICE, THE PREFONTAINE (1997) PRELUDE TO A KISS (1992) PREMIOS EL HERALDO 2002 PREMIOS ERES PREMIOS FURIA MUSICAL PREMIOS TV Y NOVELAS 2002 PRESIDIO, THE (1988) PRESS RUN (1998) PRESUMED GUILTY (1991) PRESUMED INNOCENT (1990) PRETEND YOU DON'T SEE HER (2002) PRETENDER, THE PRETTY WOMAN (1990) PREVIO PRICE OF KISSING, THE (1997) PRIMER IMPACTO EXTRA PRIMER IMPACTO: EDICION ESPECIAL PRIMER IMPACTO: EDICIÓN MUNDIAL PRIMER IMPACTO: FIN DE SEMANA PRIMER IMPACTO PRIMETIME THURSDAY PRIMROSE PATH (1940) PRINCE OF TIDES, THE (1991) PRINCE VALIANT (1997) PRINCIPAL SECRET 10 **PRINCIPAL SECRET 7 PRINCIPAL SECRET 8** PRINCIPAL SECRET PRISM AWARDS PRIVATE WARS (1993) **PRO ACTIVE 5** PRO ACTIVE PRO FIX 30 MINUTE

PROACTIV 5 PROACTIV 7 V.1 W/MUSIC PROACTIV 7 V.5 **PROACTIV 7** PROACTIV SOLUTIONS PROACTIV PROACTIVE 7 VERSION 1 **PROACTIVE 7 VERSION 5** PROACTIVE 7 **PROACTIVE SOLUTIONS 5 VERSION 18 PROACTIVE SOLUTIONS 5 PROACTIVE SOLUTIONS 7 VERSION 1 PROACTIVE SOLUTIONS 7 VERSION 5** PROACTIVE SOLUTIONS 7 **PROACTIVE SOLUTIONS** PROACTIVE PROFILER PROFITS BECK PROGRAM, THE (1993) PROGRAMADO PARA MORIR (1987) PROMISED LAND PROPOSITION, THE (1998) PROSTRONG PROTAGONISTAS PROTECT YOURSELF PROTECTOR (1998) PROTECTOR, THE (1985) PROVIDA MT. LOHAN PROVIDA PROVIDENCE PROVIDIA MOUNTAIN PSICOSIS III (1986) **PUBLIC ENEMIES (1995)** PUERTO MALDITO (1978) PULSE, THE PUMP AND SEAL

PUMP UP THE VOLUME (1990) PUMPKINHEAD (1988) PUMPKINHEAD II: BLOOD WINGS (1994) PUNISHER, THE (1990) PUÑO DE SANGRE (1989) PUÑO DE SANGRE V (1993) PUÑO DE SANGRE VI: ZONA DE IMPACTO (1994) PUÑOS DE SANGRE II (1990) PUPPET MASTER (1989) PURE DANGER (1996) PURO LOCO, PICOSO Y SABROSO PURO LOCO PURPLE RAIN (1984) PYRAMID PYRAMIDS LIVE: SECRET CHAMBERS REVEALED Q COOKER 2 FOR 1 QUADRA VS QUADRA V6 QUADRA QUANDRA QUE BODAS QUÉ LOCURA QUE ME SIGA LA TAMBORA (1994) QUE NOS PASA QUE TE VAYA BONITO (1978) QUEENS LOGIC (1991) QUEST I: A NEW MEDAL STANDARD, THE QUEST II: SUPER SERIES, THE QUICK & BRITE QUICK AND BRITE QUICK COOKER QUICKER COOKER QUIEN CORRESPONDA, A QUIET MAN, THE (1952) QUIGLEY DOWN UNDER (1990)

QUINCY, M.E. QUIZ SHOW (1994) **R & B CLASSICS** R & B R.S. BLAST OFF, VER 2 **R2 CARSON** RACING WITH THE MOON (1984) RADIANT HEALTH RADIO INSIDE (1994) RAGE (1995) RAGE AND HONOR (1992) RAGE AND HONOR II: HOSTILE TAKEOVER (1993) RAGE AT DAWN (1955) RAGE TO KILL (1987) **RAINBOW DRIVE (1990)** RAISED AEROBED RAISED TWIN AEROBED RAISING DAD RAMBO III (1988) RAMBO: FIRST BLOOD PART II (1985) **RANCH, THE (1988)** RANDOM YEARS, THE RANSOM (1996) RAPID FIRE (1989) RAPID FIRE (1992) RAPTURE, THE (1991) RATINGS GAME, THE (1984) RATS, THE (2001) **RAVEN (1996)** RAVEN HAWK (1996) RAW NERVE (1991) REACCIÓN EN CADENA (1996) REAL ESTATE RICH DAD **REAL MEN (1987)** REAL TV **REAL WORLD --- ROAD RULES CHALLENGE** 79

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REAL WORLD I

RENDEZ-VIEW **REPUBLICA DEPORTIVA** RESCÁTAME (1997) **RESCATE EXPLOSIVO (1999) RESCUE HEROES: GLOBAL RESPONSE TEAM** RESCUERS, THE (1977) **RESTORATION HOME FOR THE HOLIDAYS RESTORE 4 2ND KIT FREE RESTORE 4 4 RESTORE 4 DELUXE RESTORATION KIT RESTORE 4 SUPERSIZE RESTORE 4 RESTORE 5 DELUXE** RESTORE DELUXE RESUMEN MUNDIAL **RETOS Y TRIUNFOS EN EL APRENDIZAJE RETURN OF MICKEY SPILLANE'S MIKE** HAMMER, THE (1986) **RETURN OF THE BAD MEN (1948)** RETURN OF THE CHAMPIONS 2002 **RETURN OF THE CHAMPIONS** RETURN OF THE GIANT MONSTERS, THE (1967)RETURN OF THE JEDI (1983) **RETURN OF THE SECAUCUS 7 (1980) RETURN TO MAYBERRY (1986)** REV 3 REVO **REV POWER** REV. LS ABS REVANCHA (1990) REVENGER, THE (1990) **REVENGERS, THE (1972)** REVISED AEROBED **REVISED BLOUSSANT REVISED BUN & THIGH** REVISED EPIL SPRAY REVISED JAKE

REVISED LS ABS DROP **REVISED POWER 90** REVISED Q C **REVISED QUICK COOKER REVISED RSBO REVISED TURBO PLUS** REVO 12 REVO 16 **REVO 3 BRUSH WEST REVO 3 BRUSH REVO ONE CLIP REVO STYLER REVO TURBO REVO V12 REVO V14 ONE CLIP REVO VERSION 12 WITH SPRAY REVO VERSION 12 REVO VERSION 9 REVO WITH SPRAY** REVO REWORKED STORY KEEPER REY DEL FÚTBOL (1987) RHYTHM AND BLUES **RICH DAD TRIAL OFFER** RICH DAD TRIAL RICH DAD, POOR DAD: YOU CAN CHOOSE TO BE RICH RICH DAD **RICHARD SIMMONS RICKI LAKE** RIDER ON THE RAIN (1970) RIDIN' ON A RAINBOW (1941) **RIGHT CONNECTIONS, THE (1997)** RING OF FIRE 3: LION STRIKE (1995) **RIO BRAVO (1959)** RIO LOBO (1970) RIOT (1996)

**RIPLEY'S AUNQUE USTED NO LO CREA RIPPING FRIENDS, THE RISK FREE RAISED AEROBED** RISK FREE RAISED **RISK FREE SONIC RITES OF PASSAGE (1999) RIVER NIGER, THE (1976)** RIVER RAT, THE (1984) **RIR CHAMPIONSHIP** ROAD RULES ROAD TO THE ACADEMY AWARDS ROAD TO THE SUPER BOWL ROAD TO WELLVILLE, THE (1994) ROAD WARRIOR, THE (1981) **ROB NELSON SHOW, THE** ROBIN HOOD (1991) ROBIN HOOD: MEN IN TIGHTS (1993) ROBIN HOOD: PRINCE OF THIEVES (1991) **ROBOCOP** (1987) ROBOCOP 2 (1990) ROBOCOP 3 (1993) ROCKETEER, THE (1991) **ROCKFORD FILES** ROCKY V (1990) ROMÁNTICA OBSESIÓN ROMEO & JULIET (1996) ROMEO DEBE MORIR (2000) RONCO PRO SHOW RONCO SHOW **RONCO SHOWTIME 100** RONCO SHOWTIME 4 RONCO SHOWTIME **RONCO ST100** RONCO ROOFTOPS (1989) **ROOKIE OF THE YEAR (1993)** 

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ROOKIE, THE (1990) ROOM SERVICE (1938) ROOMMATES (1995) ROSAS BLANCAS PARA MI HERMANA NEGRA (1969) ROSEANNE **ROSIE O'DONNELL** ROSWELL (1994) ROSWELL ROTO ZIP SPIRAL SAW ROTO ZIP **ROTOZIP SILVER EDITION** ROTOZIP ROUGH RIDERS' ROUND-UP (1939) ROY ROGERS SHOW, THE ROYAL CARIBBEAN CLASSIC ROYCE (1994) RS BLAST OFF **RS BOWFLEX** RS:BO RSBO REV. RUBY JEAN AND JOE (1996) RUDYARD KIPLING'S THE JUNGLE BOOK (1994)RUMBLE IN THE BRONX (1995) RUS DALBEY RUSH HOUR (1998) RUSS DALBEY RUSS DALBY RUSSIA HOUSE, THE (1990) RUSSKIES (1987) RUTA SUICIDA (1977) SABADO GIGANTE SABRINA GOES TO ROME (1998) SABRINA, DOWN UNDER (1999) SABRINA, THE ANIMATED SERIES SABRINA, THE TEENAGE WITCH

SAFARI 3000 (1981) SALLY SALOMÉ SALTON MAXIM SAMSUNG/RADIO SHACK 500 SANDS OF IWO JIMA (1949) SANFORD AND SON SANSONE 39 SANTA AND THE THREE BEARS (1970) SANTA BABY! SANTA CLAUS (1985) SANTA CLAUS CONQUERS THE MARTIANS (1964) SANTA CLAUS' FAVORITE HOME VIDEOS AND PRANKS SANTA FE (1997) SARAFINA! (1992) SAS CHAMPIONSHIP SATURDAY NIGHT LIVE SAY ANYTHING ... (1989) SB CLEANER SB PLUS CHROME SBC CHAMPIONSHIP SBC SENIOR CLASSIC SCAM (1993) SCARECROW AND MRS. KING SCARLET PIMPERNEL, THE (1935) SCARRED CITY (1998) SCHEMES (1995) SCI-FIGHTERS (1996) SCISSORS (1991) SCOOBY & SCRAPPY-DOO SHOW, THE SCOOBY-DOO CHRISTMAS, A SCOOBY-DOO, WHERE ARE YOU! SCOPE SE EQUIVOCÓ LA CIGÜEÑA (1992) SÉ LO QUE HICIERON EL VERANO PASADO (1997)

SECRET OF NIMH 2: TIMMY TO THE RESCUE, THE (1998) SECRETO DE AMOR SECRETS OF STREET MAGICIANS FINALLY REVEALED SECRETS TO PLAYING GREAT GUITAR SECRETS TO PLAYING GUITAR SEDUCCIÓN SANGRIENTA (1989) SEDUCED AND BETRAYED (1995) SEDUCED BY EVIL (1994) SEE YOU IN THE MORNING (1989) **SEEDS OF DECEPTION (1994)** SEINFELD SELENA (1997) SELLECA SOLUTIONS TWO SELLECCA SOLUTIONS SEMINOLE (1953) SENIOR PGA TOUR CHAMPIONSHIP AT GALLARDIA SENSACIONALISIMO SEPARATE LIVES (1995) SET IT OFF (1996) SEVEN (1995) SEX AND THE OTHER MAN (1995) SEXOS EN GUERRA SHAKMA (1990) SHALL WE DANCE (1937) SHARK STEAM BLASTER SHARK STEAM

SEARCH FOR A PLAYBOY CENTERFOLD:

SECRET ADVENTURES OF JULES VERNE, THE

SECRET OF MY SUCCESS, THE (1987)

GIRL NEXT DOOR

SECOND CHORUS (1940)

SHARK STICK 2

SHARK STICK 3X19.99

SHARK STICK VAC

SHARK STICK VACUUM

SHARK SWEEP SHARKSTICK SHARPER IMAGE SHATTERED IMAGE (1998) SHAWSHANK REDEMPTION, THE (1994) SHE COULDN'T SAY NO (1954) SHE SPIES SHE WORE A YELLOW RIBBON (1949) SHE-DEVIL (1989) SHEENA SHERIFF OF TOMBSTONE (1941) SHERLOCK HOLMES AND THE WOMAN IN GREEN (1945) SHERLOCK HOLMES IN THE 22ND CENTURY SHERLOCK HOLMES SHE'S GOTTA HAVE IT (1986) SHINE (1996) SHINING THROUGH (1992) SHIPMATES SHOOTERS (1989) SHOOTFIGHTER 2 (1996) SHOP 'TIL YOU DROP SHORT TIME (1990) SHOW BUSINESS (1944) SHOW DE LA COMEDIA SHOW TIME 100 SHOWTIME AT THE APOLLO SHOWTIME CHRISTMAS SHOWTIME COUNTER TOP SHOWTIME IN HARLEM SHOWTIME ROTISSERIE & BARBECUE SHOWTIME ROTISSERIE SHOWTIME SI MI CAMA HABLARA (1989) SIBLING RIVALRY (1990) SICILIAN, THE (1987)

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SIGNIFICANT OTHER SILENCE OF THE LAMBS, THE (1991) SILENCERS, THE (1996) SILICON TOWERS (1999) SILVANA SILVER SPURS (1943) SIMPSONS, THE SIN ESCAPE, SIN RETORNO (1993) SIN MIEDO A LA MUERTE (1976) SIN PECADO CONCEBIDO SINCE YOU'VE BEEN GONE (1998) SINGER AND SONGWRITER SINGERS AND SONGWRITERS SINGERS FOLK YEARS SINGLES (1992) SIRIUS SATELLITE RADIO 400 SISTER ACT (1992) SISTER ACT 2: BACK IN THE HABIT (1993) SISTER, SISTER SIX WEEK BODY MAKEOVER SIX WEEK MAKEOVER SIXTIES GOLD SKATEBOARD SHOW, THE SKEETER (1994) SKELETONS (1997) SKI SCHOOL (1991) SKIN SALON SKYSCRAPER (1996) SLAUGHTER (1972) SLAUGHTER (1976) SLAYER, THE (1983) SLEEPING WITH THE ENEMY (1991) **SLEEPLESS IN SEATTLE (1993)** SLICE BASIC 319 SLICE BASIC SUM 19

SLIM 29 SLIM 6 SLIM AT SIX SLIM DOWN SOLUTIONS SLIM DOWN SLIM IN 6 WEEKS SLIM IN 6 SLIM IN SIX WEEKS SLIM IN SIX **SLIM SIX** SLIMSATIONAL SLING BLADE (1996) SMALLVILLE SMART ABS L.O. SMART A8S SMART TECHNIQUE SMART TECHNIQUES SMASH-UP, THE STORY OF A WOMAN (1947) SMC KEVINS REMEDY SMC USA SHOW SMC SMILE 2 SMILE 2-1 SMILE 4 SMILE WHITE **SNIPER (1993)** SNOW KILL (1990) SNOWBOUND (1947) SNOWBOUND: THE JIM AND JENNIFER STOLPA STORY (1994) SNOWS OF KILIMANJARO, THE (1952) SO YOU WANT TO BE .... SOBAKAWA SOBRE LA LEY (1988) SODBUSTERS (1994) SOL GOODE (2001)

SOL ROJO (1972) SOLARIS CIRCLE CUTTER SOLDADO UNIVERSAL: EL REGRESO (1999) SOLDIER'S TALE, A (1989) SOLEDAD SOLOMON (1998) SOLTERITA Y A LA ORDEN SOLUTIONS FOR THE GARDEN SOME MOTHER'S SON (1996) SOMETHING BIG (1971) SOMETHING TO TALK ABOUT (1995) SOMEWHERE TOMORROW (1983) SONG OF TEXAS (1943) SONIA, LA GUERRERA (1985) SORRY, WRONG NUMBER (1989) SOUL TRAIN CHRISTMAS STARFEST SOUL TRAIN UNDY OF SOUL AWARDS SOUL TRAIN MUSIC AWARDS SOUL TRAIN SOUNDER (1972) SOUNDS OF THE '80S FREE SHIP SOUNDS OF THE '80S SOUR GRAPES (1998) SOUTH CENTRAL (1992) SOUTH OF SANTA FE (1942) SOUTHERN CROSS (1999) SOUTHWARD HO! (1939) SPACE JAM (1996) SPACE MUTINY (1988) SPACE RAGE (1986) SPANISH MAIN, THE (1945) **SPECIAL UNIT 2** SPECIMEN (1996) SPEED (1994) SPIDER AND THE FLY, THE (1994) SPIES LIKE US (1985)

SPIN CITY (NON-NETWORK) SPLIT IMAGES (1992) SPM NEIGHBORHOOD SMC SPM NEIGHBORHOOD SPM **SPORTS FEAR & FOLLY** SPORTS ILLUSTRATED'S SPORTSMAN OF THE YEAR SPRINGTIME IN THE SIERRAS (1947) SPY (1989) SQUANTO: A WARRIOR'S TALE (1994) SQUEEZE, THE (1977) SQUEEZE, THE (1987) ST 100 CCT CHRISTMAS ST 100 CCT ST 100 CHRISTMAS ST 100 WEST ST 100 ST. JUDE CHILDREN'S RESEARCH TELETHON ST. JUDE: A STORY OF HOPE ST. JUDE'S CHILDREN'S HOSPITAL ST. JUDE'S: TIME TO LIVE ST100 WES ST100 STAG (1997) STAGE DOOR (1937) STAR OF MIDNIGHT (1935) STAR TREK II: THE WRATH OF KHAN (1982) STAR TREK III: THE SEARCH FOR SPOCK (1984) STAR TREK IV: THE VOYAGE HOME (1986) STAR TREK V: THE FINAL FRONTIER (1989) STAR TREK: DEEP SPACE NINE STAR TREK: ENTERPRISE STAR TREK: THE NEXT GENERATION STAR TREK: VOYAGER STAR WARS (1977)

STAR WARS: EPISODE I -- THE PHANTOM **MENACE (1999)** STARGATE INFINITY STARGATE SG-1 STARHUNTER **STARSHIP TROOPERS (1997)** STATE POLICE STATIC SHOCK STEALING HOME (1988) STEAM BLAST STEAM BLASTER STEAM QUADRA 30 VERSION 3 **STEEL FRONTIER (1995)** STEPFATHER II (1989) **STEPMOM (1998)** STEVE HARVEY SHOW, THE STICK 4 PAY STICK SHARK STOPPING THE STALKERS STORMY MONDAY (1988) STORMY WEATHER (1943) STORY KEEPERS STORYKEEPER STRAIGHT TALK (1992) STRAIGHT TIME (1978) STRANGE INVADERS (1983) STRANGER, THE (1946) STRANGER, THE (1999) STREET SMARTS STREETS OF SAN FRANCISCO STRIPTEASE (1996) STUNT MAN, THE (1980) STUPID BEHAVIOR CAUGHT ON TAPE SUBE Y BAJA (1958) SUBLET (1999) SUBURBAN DEL DIABLO (1997) SUBWAY 400

SUCCESS IS THE BEST REVENGE (1984) SUDDENLY SUSAN SUF THOMAS: F.B.EYE SUMMER CELEBRITY GOLF CHALLENGE SUMMER CELEBRITY SPORTS INVITATIONAL SUMMER CITY (1977) SUMMER FILM PREVIEW SUMMER RENTAL (1985) **SUNBURN (1979)** SUNSET ON THE DESERT (1942) SUNSHINE BOYS, THE (1975) SUPER BLUE 2 REV. 3 SUPER BLUE 2 REVISED SUPER BILLE 2 SUPER BLUE STUFF SUPER BLUE SUPER SABADO SENSACIONAL SUPERCOP 2 (1993) SUPERGIRL (1984) SUPERMAN (1978) SUPERMAN III (1983) SURVIVE THE NIGHT (1993) SURVIVING THE MOMENT OF IMPACT! 2 SUSPICION (1941) SUSPICION (1987) SWAN LAKE (1982) SWEEPER, THE (1996) SWEET LORRAINE (1987) SWING JACKET WEST SWING JACKET SWING TIME (1936) SWINGERS (1996) SWORD OF HONOR (1994) SWORD OF THE VALIANT (1984) **SWORN ENEMIES (1996)** 

SYLMAR V 18 PHASE 5

SYLMARK SYLMR V 18 PHASE 4 SYLVIA SCARLETT (1935) TABLE FOR ONE (1999) TACOS DF ORO (1986) TAE BO 2 GET RIPPED BILLY BLANKS TAF BO 2 LIVE TAE-BO 2 GET RIPPED TAE-BO GET RIPPED TAE-BO **TAKEN (1998) TAKING CARE OF BUSINESS (1990)** TALK OR WALK **TALL TALE (1995)** TAMA AND FRIENDS TAN PERFECT TANGERINE BEAR: HOME IN TIME FOR CHRISTMAS TANGO & CASH (1989) TAXI TAXMAN, THE (1999) TD WATERHOUSE CLASSIC TE CACHÉ TEACH ME A TRADE TEACH ME TO TRADE STOCK MARKET INVESTING TFACH ME TO TRADE **TEEN CHOICE AWARDS** TEEN CHOICE PRESENTS: SUMMER MUSIC MANIA TEENAGE MUTANT NINJA TURTLES (1990) TEENAGE MUTANT NINJA TURTLES: THE EPIC BEGINS (1988) TELEFON (1977) **TELLING LIES IN AMERICA (1997)** TEMBLORES (1990) TEMPER PEDIC TEMPRANITO

**TEMPTATION ISLAND 2 TEMPTATION ISLAND** TEMPUR PEDIC MATTRESS TEMPUR PEDIC WITH LOUNGE TEMPUR PEDIC WITH PILLOW **TEMPUR PEDIC** TEMPURPEDIC **TENNESSEE TUXEDO TEQUILA SUNRISE (1988) TERMINAL JUSTICE (1995)** TERMINAL RUSH (1995) TERMINAL VELOCITY (1994) TERMINATOR 2: JUDGMENT DAY (1991) TERMS OF ENDEARMENT (1983) TERROR BY NIGHT (1946) **TERROR EN LOS BARRIOS (1983)** TESORO DE MOCTEZUMA (1966) TEXAS JUSTICE T-FORCE (1994) THANE INTERNATIONAL GOURMET FOOD STYLER THAT '70S SHOW KISS SPECIAL THAT '70S SHOW KISS THAT '70S SHOW SPECIAL THAT '70S SHOW THAT '80S SHOW THAT'S ENTERTAINMENT! (1974) THEATRE OF BLOOD (1973) THELMA & LOUISE (1991) THERE GOES MY BABY (1991) THERE'S SOMETHING ABOUT MARY (1998) THERMOSLIM THEY LIVE BY NIGHT (1949) THIN LINE BETWEEN LOVE AND HATE, A (1996) THING, THE (1951) THING, THE (1982)

THINGS TO DO IN DENVER WHEN YOU'RE DEAD (1995) THIS OLD HOUSE THIS WEEK IN BASEBALL THOMAS CROWN AFFAIR, THE (1999) THREE AMIGOS! (1986) THREE MEN AND A LITTLE LADY (1990) THREE MUSKETEERS, THE (1935) THREE MUSKETEERS, THE (1993) THREE STOOGES, THE THREE TO SIX WEEKS BODY MAKEOVER THREE TO TANGO (1999) THUNDER STICK MIXER THUNDERBOX THUNDERHEART (1992) THUNDERSTICK MIXER THUNDERSTICK PRO THUNDERSTICK THUNDERSTICKS **TIBURÓN (1975)** TICK, THE TIEMPO DE MUERTE 2 (1996) TIGER HEART (1996) TIGHTROPE (1984) TILIA CANISTER 500 **TILIA CANISTER** TILIA CHEF MAKER TILIA FOODSAVER TILIA VAC 500 TILIA TILL THE END OF TIME (1946) TIM (1979) TIME AND AGAIN TIME BANDITS (1981) TIME BURST -- THE FINAL ALUANCE (1989) TIME LIFE 80'S TIME LIFE MUSIC

TIME LIFE ROCK 'N ROLL TIME LIFE UNFORGETTABLE '60S TIME LIFE: CLASSIC RHYTHM AND BLUES TIME HEF TIME RESTORE 4 TIME RESTORE TIME RUNNER (1992) TITANIUM IDAPZ PREMIUM TITANIUM KNIVES 9 TITANIUM KNIVES TITUS TKE TO BE THE BEST (1993) TO TELL THE TRUTH TO THE LIMIT (1995) TODAVÍA SÉ LO QUE HICIERON EL VERANO PASADD (1998) TODAY'S HOMEOWNER TODO CONTIGO TODO POR AMOR TOM SAWYER (2000) TOMBSTONE (1993) TONY'S CHOPPER 2CC TONY'S CHOPPER TOO CLOSE FOR COMFORT TOONANIMALS TOP DOG (1995) **TOP GUN (1986)** TOP HAT (1935) TOP OF THE WORLD (1998) TOP SECRET (1978) TOP SECRET! (1984) TOP TEN EN ESPAÑOL **TORNADO (1996)** TORNADO WARNING (2002) TORNADO TOSHIBA SENIOR CLASSIC 85

TOTAL GYM 6 TOTAL GYM CHALLENGE 3 TOTAL GYM CHALLENGE TOTAL GYM TOTAL RECALL (1990) TOTALLY RIDICULOUS: THE WORLD'S FUNNIEST TRUE STORIES TOUCH (1997) TOUCHED BY AN ANGEL TRACKER TRADING MOM (1994) TRADING PLACES (1983) TRÁGICO CARNAVAL (1991) TRAIL OF ROBIN HOOD (1950) TRAIN WRECKS TRAMPA DE HIELO (1993) TRANSFORMERS: ROBOTS IN DISGUISE TRAS LA VERDAD TREES LOUNGE (1996) TRES NINJAS CONTRA-ATACAN (1994) TRESPASS (1992) TRIAL AND ERROR (1997) TRIAL-NO THANE TRICK OF THE EYE (1994) TRIPFALL (2000) TRIPLE CCT TRIPLE SHOW TRIPLE SHOWTIME TRIUMPH OF THE SPIRIT (1989) TROPICANA **TRUCKS (1997)** TRUE CRIME (1995) TRUE CRIME (1999) TRUE SLEEPER TRUTH OR CONSEQUENCES, N.M. (1997) TÚ Y YO **TURBO 2 PAY 29.95** 

TURBO 2 PAY **TURBO COOKER 2** TURBO COOKER PLUS TURBO COOKER TURBO COOKING TURBO PLUS 3 X 39 TURBO PLUS TURBO SHARK TURBO TURTLE BAY CHAMPIONSHIP TV'S FUNNIEST GAME SHOW MOMENTS 2 TV'S FUNNIEST GAME SHOW MOMENTS TWICE IN A LIFETIME TWICE UPON A CHRISTMAS (2001) TWILIGHT ZONE, THE TWINKLE IN GOD'S EYE, THE (1955) TWINS (1988) TWO HANDS (1999) TWOGETHER (1994) TYEE GROUP **U.S. FARM REPORT** U.S. OLYMPIC GOLD **UAW-DAIMLER CHRYSLER 400** UC: UNDERCOVER UFOS: THE BEST EVIDENCE CAUGHT ON TAPE 2 UHF (1989) ÚLTIMA LLAMADA (1996) ULTIMATE CHOPP ULTIMATE CHOPPER ULTIMATE MUSCLE: THE KINNIKUMAN **LEGACY** ULTRA CHOPPER ULTRA CONVECTION OVEN ULTRA.OVEN **ULTRAMAN TIGA** ULTRASONEX

**ULTRAVECTION OVEN 4** ULTRAVECTION OVEN ULTRAVECTION **UN DETECTIVE EN EL KINDER (1990)** UN HOMBRE LOBO AMERICANO EN LONDRES (1981) UN IMPULSIVO Y LOCO AMOR (1997) UN INDIO QUIERE MATAR (1994) UN MACHO EN EL HOTEL (1986) UN MACHO EN EL REFORMATORIO DE SEÑORITAS (1988) UN MACHO EN LA CÁRCEL DE MUJERES (1987)UN MACHO EN LA CASA DE CITAS (1987) UN MACHO EN LA TORTERÍA (1990) UN NINJA EN BEVERLY HILLS (1997) UN PAPÁ GENIAL (1999) UN TIPO DURO DE PELEAR (1989) UNA MUJER DE CABARET (1989) UNCLE BUCK (1989) UNDECLARED UNDER SIEGE (1992) UNDER SIEGE 2: DARK TERRITORY (1995) **UNDERCOVER ANGEL (1999) UNDERCURRENT (1998)** UNDERTOW (1996) UNDERWORLD (1996) UNEXPECTED FAMILY, AN (1996) **UNFAITHFULLY YOURS (1984)** UNFORGETTABLE (1996) UNITING FORE CARE CLASSIC PRESENTED BY NOVELL UNIVERSAL SOLDIER (1992) UNLAWFUL ENTRY (1992) UNREMARKABLE LIFE, AN (1989) **UNSTRUNG HEROES (1995)** UNTAMED HEART (1993) UPDATE BS BOWFLEX

UPDATED BOWFLEX UPDATED RS BOWFLEX URBAN LATINO TV USA SHOW USED PEOPLE (1992) USUAL SUSPECTS, THE (1995) U-TURN (1997) V.I.P. VAC 500 VAC 550 VAC 800 VAC CAN VACACIONES EN NAVIDAD (1989) VACACIONES FAMILIARES (1988) VALENTINE VALOR BAJO FUEGO (1996) VALUE AMERICA VAMOS AL BAILE VAMPIRE'S KISS (1989) VENGADOR DE ASESINOS (1985) VENTANEANDO VENTURE MEDIA VER PARA CREER VERANO ARDIENTE (1970) **VERIZON CLASSIC** VERY BRADY CHRISTMAS, A (1988) VICTOR/VICTORIA (1982) VIDEO JUSTICE: CRIME CAUGHT ON TAPE 2 VIDEO JUSTICE: CRIME CAUGHT ON TAPE VIERNES 13 SEGUNDA PARTE (1981) VILLAIN, THE (1979) VIOLACIONES, CASO DE LA VIDA REAL (1992) **VIOLENCIA POLICÍACA (1997) VIRTUAL SEDUCTION (1995) VIRUS (1995)** 

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PERRY MASON: THE CASE OF THE DEFIANT DAUGHTER (1990)

PERRY MASON: THE CASE OF THE DESPERATE DECEPTION (1990)

PERRY MASON: THE CASE OF THE FATAL FASHION (1991)

PERRY MASON: THE CASE OF THE FATAL FRAMING (1992)

PERRY MASON: THE CASE OF THE GLASS COFFIN (1991)

PERRY MASON: THE CASE OF THE HEARTBROKEN BRIDE (1992)

PERRY MASON: THE CASE OF THE KILLER KISS (1993)

PERRY MASON: THE CASE OF THE LADY IN THE LAKE (1988)

PERRY MASON: THE CASE OF THE LETHAL LESSON (1989)

PERRY MASON: THE CASE OF THE LOST LOVE (1987)

PERRY MASON: THE CASE OF THE MALIGNED MOBSTER (1991)

PERRY MASON: THE CASE OF THE MURDERED MADAM (1987)

PERRY MASON: THE CASE OF THE MUSICAL MURDER (1989)

PERRY MASON: THE CASE OF THE NOTORIOUS NUN (1986)

PERRY MASON: THE CASE OF THE POISONED PEN (1990)

PERRY MASON: THE CASE OF THE RECKLESS ROMEO (1992)

PERRY MASON: THE CASE OF THE RUTHLESS REPORTER (1991)

PERRY MASON: THE CASE OF THE SCANDALOUS SCOUNDREL (1987)

PERRY MASON: THE CASE OF THE SHOOTING STAR (1986)

PERRY MASON: THE CASE OF THE SILENCED SINGER (1990)

PERRY MASON: THE CASE OF THE SINISTER SPIRIT (1987)

PERRY MASON: THE CASE OF THE SKIN-DEEP SCANDAL (1993)

PERRY MASON: THE CASE OF THE TELL-TALE TALK SHOW HOST (1993)

PERRY MASON

PERSONALS (1990)

PERSONS UNKNOWN (1996) PET KEEPING WITH MARC MORRONE PET SHOP WITH MARC MORRONE, THE PHANTASM (1979) PHANTOM OF THE OPERA, THE (1925) PHASE 3 PHASE 4 ORTHOTICS VERSION 16 PHASE 4 ORTHOTICS VERSION 18 PHASE 4 ORTHOTICS PHASE 4 PHAT BEACH (1996) PHOENIX THE WARRIOR (1988) PICA Y SE EXTIENDE PICARDIA MEXICANA (1978) **PICARDIA MEXICANA** PILATES 2 PILATES PIRATE ISLANDS PIRATES (1986) PITTS, THE **PL SKIN RESTORE** PLAGUE, THE (1992) PLANES, TRAINS AND AUTOMOBILES (1987)PLATINUM PLATOON (1986) PLATO'S RUN (1997) PLAYERS CLUB 2 PLAYERS CLUB, THE (1998) POKEMON POLICE STORY (1985) POLICE STORY PART 2 (1988) POLICÍA CYBORG 2 (1994) POLICÍA CYBORG TRES (1996) POLTERGEIST (1982) POLTERGEIST II (1986) POLTERGEIST III (1988) 104

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PRIMER IMPACTO EXTRA

PRIMER IMPACTO: EDICION ESPECIAL PRIMER IMPACTO: FIN DE SEMANA PRIMER IMPACTO PRINCE OF TIDES, THE (1991) PRINCESS CARABOO (1994) PRINCIPAL SECRET 8 PRINCIPAL SECRET PRINCIPAL SECRETS 8 V.6 PRO 6 PRO ACTIVE PRO SOLUTIONS PRO STRONG PROACTIV 10 **PROACTIV 6** PROACTIV 7 V.1 W/MUSIC PROACTIV 7 V.5 PROACTIV 7 VERSION 10 PROACTIV 7 PROACTIV 8 V4 PROACTIV 8 PROACTIV 8V6 **PROACTIV SOLUTIONS** PROACTIV **PROACTIVE 7 PROACTIVE 8 V4** PROACTIVE 8V.6 **PROACTIVE CLUB PROACTIVE SOLUTIONS 7 VERSION 1 PROACTIVE SOLUTIONS 7 VERSION 5 PROACTIVE SOLUTIONS 7 PROACTIVE SOLUTIONS 8 V.4 PROACTIVE SOLUTIONS** PROACTIVE PROFESSIONAL BULL RIDING CHAMPIONSHIP PROFILER

PROFITS BECK

PROFITS PROMISED LAND PROSTRONG PROTECTOR (1998) PROVIDENCE PUERTA...JOVEN (1949) PUMP UP THE VOLUME (1990) PUMPKINHEAD II: BLOOD WINGS (1994) PURO LOCO, PICOSO Y SABROSO PURO LOCO PYRAMID Q GRILL 10 Q GRILL 8 Q GRILL V.8 Q GRILL QUADRA FILTER QUADRA V5 QUADRA V6 QUADRA QUANDRA VERSION 6 QUE BODAS QUE BRAVAS SON LAS SOLTERAS (1975) **OUÉ LOCURA** QUEST FOR THE MIGHTY SWORD (1990) QUEST I: A NEW MEDAL STANDARD, THE QUEST I: WORLD SUPERPIPE CHAMPIONSHIPS, THE QUEST II: SUPER SERIES, THE QUEST II: U.S. SKI & SNOWBOARD TEAM'S GOLD RUSH QUINCY, M.E. QUIZ KIDS QUIZ SHOW (1994) R & B RAGE AND HONOR (1992) RAGE IN HARLEM, A (1991) RAGTIME (1981)

**RAIN MAN (1988)** RAINBOW DRIVE (1990) RAISED AEROBED RAMBO III (1988) RAMBO: FIRST BLOOD PART II (1985) RANGE OF MOTION (2000) RANGER 3: LEY MORTAL (1995) RANGER II RANGER: MUERTE EN TEXAS (1993) RAPID FIRE (1989) RAPTURE, THE (1991) RATS (2001) RAVEN HAWK (1996) RAW DEAL (1986) READY TO RUMBLE (2000) REAL LIFE 101 **REAL MEN (1987)** REBA REBECA **REBECCA'S GARDEN** RECESS: SCHOOL'S OUT (2001) RECESS **RECIPE FOR MURDER (2001)** RECIPE TV RED 60'S GOLD **RED AUTOLOCK** RED CORNER (1997) **RED HEAT (1988) RED LINE (1996) RED RIDING HOOD (1987) RED SIXTIES GOLD** REDLINE (1997) **REFLEX ACTION (2001)** REIVERS, THE (1969) **REJUVENIQUE SHOW 9** REJUVENIQUE

RELENTLESS III (1993) **REPUBLICA DEPORTIVA REQUIEM FOR MURDER (1998) RESCUE HEROES: GLOBAL RESPONSE TEAM** RESCUERS, THE (1977) **REST FORM AIRBED** RESTFORM BED **RESTORE 4 2ND KIT FREE** RESTORE 4 DELUXE RESTORATION KIT **RESTORE 4 DELUXE BESTORE 4** RESTORE DELUXE **RESURRECTION (1999)** RESURRECTION BLVD. RETÉN DE LA MUERTE (1993) RETRATO DE FAMILIA RETRIEVERS, THE (2001) **RETURN OF THE CHAMPIONS 2002 RETURN OF THE CHAMPIONS RETURN OF THE MUSKETEERS, THE (1989) RETURN OF THE STREET FIGHTER (1976) RETURN TO GREEN ACRES (1990) RETURN TO MACON COUNTY (1975) RETURN TO MAYBERRY (1986) REUNION (1989) REV. POWER 90** REVANCHA (1990) **REVENGERS, THE (1972) REVISED COUNTRY GOLD REVISED FRESH START REVISED JAKE REVISED JD FRESH START REVISED POWER 3X19** REVISED POWER 90 3X\$19 **REVISED POWER 90 3X19 REVISED POWER 90** 

RHYTHM AND BUUES RICH DAD TRIAL OFFER RICH DAD TRIAL RICH DAD, POOR DAD: YOU CAN CHOOSE TO BE RICH RICH DAD **RICKI LAKE** RICKY MARTIN: EN LA INTIMIDAD RIO LOBO (1970) RIPLEY'S AUNQUE USTED NO LO CREA **RIPLEY'S BELIEVE IT OR NOT!** RISING SUN (1993) **RISK FREE RAISED AEROBED** RITES OF PASSAGE (1999) **ROBIN HOOD: MEN IN TIGHTS (1993) ROBIN HOOD: PRINCE OF THIEVES (1991) ROBINSON CRUSOE (1996)** ROCK ME BABY ROCKFORD FILES ROCKY (1976) ROCKY II (1979) ROCKY V (1990) RODEO **ROLLING STONES ROMANCING THE STONE (1984)** ROMÁNTICA OBSESIÓN RON HAZELTON'S HOUSE CALLS **RONCO CHRISTMAS** RONCO INVENTIONS RONCO PRO SHOW RONCO SHOW 2003 WEST RONCO SHOW 2003 RONCO SHOW CHRISTMAS RONCO SHOW RONCO SHOWTIME ROTISSERIE & BBQ RONCO SHOWTIME **RONCO ST100** 106

RONCO ROOKIE, THE (1990) ROOMMATES (1995) ROSEANNE ROSWELL (1994) ROTOZIP SILVER EDITION ROTOZIP ROUTE 9 (1998) ROYCE (1994) RUBY JEAN AND JOE (1996) RUDYARD KIPLING'S THE JUNGLE BOOK (1994)RUN OF THE HOUSE RUSSKIES (1987) SABADO GIGANTE SABOTAGE (1936) SABRINA (1954) SABRINA, THE ANIMATED SERIES SABRINA, THE TEENAGE WITCH SABRINA'S SECRET LIFE SACRED HEARTS (1985) SALAD EXPRESS GRILL SALTO AL VACÍO (1994) SALTON GRILL WITH BONUS ROASTER SALTON MAXIM SALTON MEDIA SANFORD AND SON SANTA CLAUSE, THE (1994) SANTA FE (1997) SAVE THE LAST DANCE (2001) SCARRED CITY (1998) SCHEMES (1995) SCI-FIGHTERS (1996) SCOOBY & SCRAPPY-DOO SHOW, THE SCOOBY-DOO CHRISTMAS, A SCOOBY-DOO HALLOWEEN, A SCOOBY-DOO, WHERE ARE YOU!

SCOPE SCREAM 2 (1997) **SCROOGE (1970)** SCROOGED (1988) SECOND ABS 2X2995 SECRET ADMIRER (1985) SECRET RAPTURE, THE (1993) SECRETS TO PLAYING GREAT GUITAR SECUESTRO (1994) SECUESTRO SALVAJE (1992) SEEDS OF DECEPTION (1994) SEINFELD SEPARATE LIVES (1995) SEWING GENIE SEXOS EN GUERRA SEXTO HOMBRE (1997) SHAMAN KING SHARE CAM SHARK 4 PAY SHARK CORDLESS SWEEPER SHARK CORDLESS SHARK IN A BOTTLE (1998) SHARK MCM SHARK PRO STEAM CLEANER SHARK PRO STEAM SHARK PRO SHARK PROSTREAM CLEANER SHARK STEAM SHARK STICK 2 SHARK STICK 3X19.99 SHARK STICK VAC SHARK STICK VACUUM SHARK SWEEP 4X19 SHARK SWEEP **SHARK SWEEPER 4X19** SHARK SWEEPER

SHARK WET DRY SHARON OSBOURNE SHOW, THE SHATTERED (1991) SHE SPIES SHE-DEVIL (1989) SHEER COVER 2 SHEER COVER 4 SHEER COVER SHERLOCK HOLMES IN THE 22ND CENTURY SHE'S THE ONE (1996) SHIPMATES SHOP AMERICA 39.95 SHOP THE WORLD SHORT TIME (1990) SHOW 2003 CCT SHOW 2003 SHOW 2003W SHOW 3 CCT SHOW 3 WES SHOW 3 WEST SHOW 3 SHOW CCT SHOW CHRISTMAS SHOW DE LA COMEDIA SHOWDOWN IN LITTLE TOKYO (1991) SHOWTIME 2003 SHOWTIME 3 SHOWTIME AT THE APOLLO (SPLIT) SHOWTIME AT THE APOLLO SHOWTIME CHRISTMAS 2003 SHOWTIME CHRISTMAS SHOWTIME GRILL XMAS SHOWTIME IN HARLEM SHOWTIME ROTISSERIE SHOWTIME SIBLING RIVALRY (1990)

SICILIAN, THE (1987) SIDEKICKS (1993) SILENCE OF ADULTERY, THE (1995) SILENCERS, THE (1996) SILENT HUNTER (1994) SILICON TOWERS (1999) SILVER EDITION SIMPLE LIFE, THE SIMPSONS, THE SIN LÍMITE (1994) SINALOA, TIERRA DE HOMBRES (1994) SINCE YOU'VE BEEN GONE (1998) SINGER AND SONGWRITER SINGERS AND SONGWRITERS SINGERS FOLK YEARS SINGLES (1992) SISTER ACT (1992) SIX SECOND ABS SIX WEEK BODY MAKEOVER SIX WEEK CHALLENGE SIX WEEK LEGS SIXTEEN CANDLES (1984) SIXTIES GOLD SIXTIES SKATE AMERICA SKEETER (1994) SKELETONS (1997) SKETCHES (1992) SKI SCHOOL (1990) SKI SCHOOL 2 (1994) SKLTV SKIING SKIN DEEP (1989) SKIN RESTORE 5KIN **SLEEPING BEAUTY (1987)** 

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SLEEPING WITH THE ENEMY (1991) SLIM 6 SLIM IN 6 SLIM IN SIX EXPRESS SLIM IN SIX SLIM ING EXPRESS SLIM SLYMARK SMALLVILLE SMC KEVINS REMEDY SMC START FAST & EASY SMC STARTS RIGHT AWAY SMC USA SHOW SMC USA SMC SNOW KILL (1990) SNOW WHITE (1987) SNOWBOUND: THE JIM AND JENNIFER STOLPA STORY (1994) SNOWS OF KILIMANJARO, THE (1952) SO YOU WANT TO BE ... SOAP WORKS SOBREVIVIRÉ (1999) SOFT KILL, THE (1994) SOLDIER BOYZ (1995) SOLDIER'S TALE, A (1989) SOMEBODY IS WAITING (1996) SOMETHING BIG (1971) SOMEWHERE TOMORROW (1983) SONIC UNDERGROUND SONIC X SONIDOS SONIDOS: VOLUME 1: AWARD WINNERS SPECIAL SONIDOS: VOLUME 2: HOLIDAY MUSIC GUIDE

SOR TEQUILA (1977)

SORRY, WRONG NUMBER (1989)

SOUL FOOD (1997) SOUL TRAIN CHRISTMAS STARFEST SOUL TRAIN LADY OF SOUL AWARDS SOUL TRAIN MUSIC AWARDS SOUL TRAIN SOUNDER (2003) SOUNDS OF THE '60S SOUNDS OF THE '70S SOUNDS OF THE '80S SOUTHERN COMFORT (1981) SOUTHERN CROSS (1999) SPACE MUTINY (1988) SPACE RAGE (1986) SPAWN (1997) SPECIALS, THE (2000) SPECIALTY MERCHANDISE SPECIES (1995) SPECIMEN (1996) SPIN CITY (NON-NETWORK) SPM NEIGHBORHOOD SMC SPORTSMAN'S DREAM KNIVES SPRING BREAK (1983) SPY (1989) SPY HARD (1996) SPY WHO LOVED ME, THE (1977) SQUEEZE, THE (1987) ST 100 CCT ST 100 WEST ST 100 ST. JUDE CHILDREN'S RESEARCH TELETHON ST. JUDE: A STORY OF HOPE ST. JUDE'S CHILDREN'S HOSPITAL ST. JUDE'S: TIME TO LIVE ST. PATRICK'S DAY PARADE ST100 WES

STAG (1997) STAR TREK: DEEP SPACE NINE STAR TREK: ENTERPRISE STAR TREK: VOYAGER **STAR WARS (1977)** STARCROSSED (1985) STARGATE INFINITY STARGATE SG-1 STARHUNTER STARSKY AND HUTCH **START FAST & EASY** START TODAY WITH SMC STARTING OVER: SPECIAL PREVIEW STARTING OVER STATE OF GRACE (1990) STATE POLICE STATIC SHOCK **STEALING HOME (1988)** STEAM BLASTER **STEPHEN KING'S SLEEPWALKERS (1992)** STEVE HARVEY SHOW, THE STEVE HARVEY'S BIG TIME STICK SHARK STIR (1997) STONE COLD TRUTH, THE STORM CHASERS: REVENGE OF THE **TWISTER (1998)** STORY LADY, THE (1991) STRAIGHT TALK (1992) STREET FIGHTER'S LAST REVENCE, THE (1977) STREET HEAT STREET SMARTS STRICTLY BUSINESS (1991) STUPID BEHAVIOR CAUGHT ON TAPE SUBLET (1999)

SUCCESS IS THE BEST REVENGE (1984)

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SUDDEN LIFT SUDDENLY SUSAN SUE THOMAS: F.B.EYE SUMMER FILM PREVIEW SUNCHASER, THE (1996) SUNSET PARK (1996) SUPERCOP 2 (1993) SURREAL LIFE, THE SURVIVING PICASSO (1996) **SVN1 TIME LIFE ULTIMATE 70S** SWEEPERS (1999) SWEET LORRAINE (1987) SYLMARK TABLE FOR ONE (1999) TABLE FOR ONE, A (1999) TACOS AL CARBÓN (1971) TAE BO \$39.95 TAE-BO TAKEN (1998) TALL TALE (1995) TANGO & CASH (1989) TARZAN (1999) TARZAN (CARTOON) TARZAN TAXE TAXMAN, THE (1999) TEACH ME TO TRADE STOCK MARKET INVESTING TEACH ME TO TRADE **TEEN TITANS** TEEN WOLF (1985) TEENAGE MUTANT NINJA TURTLES TELLING LIES IN AMERICA (1997) **TEMPTATION ISLAND** TEMPUR PEDIC WITH LOUNGE TEMPUR PEDIC WITH PILLOW TEMPUR PEDIC

TEMPUR VIDEO BROCHURE TEMPUR TEMPURPEDIC TENDER, THE (1994) **TEQUILA SUNRISE (1988) TERMINAL ERROR (2001) TERMINAL JUSTICE (1995) TERMINAL RUSH (1995)** TERMINATOR 2: JUDGMENT DAY (1991) **TESORO MALDITO (1992)** TEXAS JUSTICE THALÍA: LA TRAYECTORIA THANE INTERNATIONAL GOURMET FOOD STYLER THAT '70S SHOW SPECIAL THAT '705 SHOW THERE'S AN A INJULY THERE'S AN A THERE'S SOMETHING ABOUT MARY (1998) THIN LINE BETWEEN LOVE AND HATE, A (1996) THIS OLD HOUSE THIS WEEK IN BASEBALL THREE STOOGES, THE THREE'S COMPANY THUNDERBOX THUNDERHEART (1992) THUNDERSTICK CHRISTMAS THUNDERSTICK PRO THUNDERSTICK VER. 7 THUNDERSTICK TIGER WARSAW (1988) TIGGER MOVIE, THE (2000) TILIA TIME LIFE 60'S TIME LIFE 80'S TIME LIFE FOLK MUSIC

TIME LIFE MUPPETS TIME LIFE MUSIC TIME LIFE ROCK 'N ROLL TIME LIFE SOUNDS OF THE '70S TIME LIFE TIME TO LIVE TIME TO SAY GOODBYE? (1997) TODAY'S HOMFOWNER TODO POR AMOR TODO SOBRE CAMILA TOM AND HUCK (1995) TOM INFOMERCIAL TOMBSTONE (1993) TONIGHT SHOW TONY CHOPPER TONY LITTLE PURE TONY LITTLE **TONY'S CHOPPER 2CC TONY'S CHOPPER V1** TONY'S CHOPPER V2 TONY'S CHOPPER TOO CLOSE FOR COMFORT TOO MUCH (1987) TOP DOG (1995) TOP OF THE WORLD (1998) TORNADO TORRENTE: MISIÓN EN MARBELLA (2001) TOTAL BODY TRAINER TOTAL GYM 6 WEST TOTAL GYM 6 TOTAL GYM 8 TOTAL GYM RFT FREE S&H TOTAL GYM TOTAL RECALL (1990) TOTAL TROLLEY ST1 TOTAL TROLLEY V2

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TOTAL TROLLEY TOUCH OF MURDER, A (1990) TRACKS OF GLORY (1992) TRADE OFF (1995) TRAGEDIA EN WACO, TEXAS (1993) TRAS LA VERDAD TREES LOUNGE (1996) TRES NINJAS CONTRA-ATACAN (1994) TRIAL & ERROR (1993) TRIAL AND ERROR (1997) TRIAL BY MEDIA (2000) TRIAL OF OLD DRUM, THE (2000) TRIATHLON TRIATHLON: XTERRA USA CHAMPIONSHIPS TRIPFALL (2000) TRIUMPH OF THE SPIRIT (1989) TROJAN EDDIE (1996) TROLL (1986) TRU CALLING TRUCKS (1997) TRUDEAU FREE OFFER TRUE BLOOD (1989) **TRUE CONFESSIONS (1981)** TRUE CRIME (1995) TRUE HEART (1997) TRUE LIES (1994) **TRUE SLEEPER V3** TRUE SLEEPER TRUE SLUMBER TRUTH ABOUT CATS & DOGS, THE (1996) TU DESAYUNO ALEGRE TU HISTORIA DE AMOR TU MUSICA ΤÚ Υ ΥΟ TURN IT UP (2000) TV'S FUNNIEST GAME SHOW MOMENTS 2

TWILIGHT ZONE, THE TWIST OF FATE (1998) TWO HANDS (1999) TWO MUCH (1996) TWO SMALL VOICES (1997) **TWOGETHER (1994) U.S. FARM REPORT** U.S. OLYMPIC GOLD U.S. SEALS II (2001) **ULTIMATE 70S** ULTIMATE 70'S **ULTIMATE BETRAYAL (1994)** ULTIMATE CHOICE ULTIMATE CHOPPER ULTIMATE MUSCLE: THE KINNIKUMAN LEGACY ULTIMATE SEVENTIES ULTIMATE ULTRAMAN TIGA ULTRAVECTION OVEN UN HOMBRE LLAMADO EL DIABLO (1983) UN MUNDO RARO (2001) UNDER FIRE (1983) UNDER PRESSURE (1997) UNDER PRESSURE (1999) UNDER SIEGE (1992) UNDERTOW (1996) UNEXPLAINED MYSTERIES **UNFAITHFULLY YOURS (1984) UNFORGETTABLE (1996) UNFORGIVEN (1992)** UNIVERSAL SOLDIER: THE RETURN (1999) UNPLUGGED **UNSTRUNG HEROES (1995)** UP CLOSE & PERSONAL (1996) UPN'S FUNKY FLUBS URBAN LATINO TV 110

**URBAN STYLE** USA SHOW USED PEOPLE (1992) USUAL SUSPECTS, THE (1995) **VAC 500** VACACIONES EN EUROPA (1985) VALENTINE (2001) VANISHING POINT (1997) VARSITY BLUES (1999) **VELO DE NOVIA** VENTURE MEDIA VER PARA CREER VERDUGO DE TRAIDORES VERY BRADY CHRISTMAS, A (1988) VERY WOMPKEE CHRISTMAS VICENTE FERNANDEZ: EL CHARRO DEL PUEBLO VICTOR/VICTORIA (1982) VIEJO ZORRO (2000) VIRTUAL SEDUCTION (1995) VIRU\$ (1995) VISIONS (1996) VISIONS OF TERROR (1994) VITA POWER VITAL B 100 VITAL BASICS VITAL FACTOR VITAL FACTORS VITAPOWER VIVA EL JUEGO DE LA VIDA VIVO POR ELENA VOGUE 2003 TREND WATCH **VOLCANO (1997)** VOLKANO WAGONS EAST! (1994) WALKER, TEXAS RANGER WALKMILL

WALL STREET JOURNAL REPORT WALTER Y LAS ESTRELLAS SALVAJES WANDA AT LARGE WANTED (1999) WAR BETWEEN MEN AND WOMEN, THE (1972) WARGAMES (1983) WARLOCK III: THE END OF INNOCENCE (1999) WATER DAMAGE (1999) WAYNE BRADY SHOW, THE WB'S OUTRAGEOUS OUTTAKES, THE WE HAVE A DREAM WE THE JURY WEAKEST LINK WEDDING SINGER, THE (1998) WEEKEND AT BERNIE'S (1989) WEEKEND AT BERNIE'S'II (1993) WEEKEND VIBE WEST WING, THE WESTINGHOUSE UNPLUGGED WHAT I LIKE ABOUT YOU WHAT'S NEW SCOORY-DOO? WHAT'S UP, DOC? (1972) WHEEL OF FORTUNE WHEELS OF TERROR (1990) WHEN ANIMALS ATTACK IV WHEN HUSBANDS CHEAT (1998) WHEN INNOCENCE IS LOST (1997) WHEN THE PARTY'S OVER (1992) WHERE SLEEPING DOGS LIE (1992) WHERE THE TRUTH LIES (1999) WHERE THERE'S A WILL THERE'S AN A WHERE TRUTH LIES (1996) WHILE YOU WERE SLEEPING (1995) WHIPLASH TV

WALL STREET JOURNAL REPORT WITH

MARIA BARTIROMO

WHIPPED (2000) WHITE CHRISTMAS (1954) WHITE FURY (1990) WHITE HUNTER, BLACK HEART (1990) WHITE SQUALL (1996) WHO WANTS TO BE A MILLIONAIRE WHO'S THE BOSS? WILD ABOUT ANIMALS WILD AMERICA WILD HEARTS CAN'T BE BROKEN (1991) WILD MOMENTS WILD, WILD WEST, THE WILL & GRACE WIND (1992) WINDSOR PILATES WINDSOR PROTOCOL, THE (1996) WINNER, THE (1996) WINNING CASH FLOW WINNING IN CASH FLOW WINNING IN THE CASH FLOW BIZ WINNING IN THE CASH FLOW BUSINESS WINNING IN THE CASH FLOW WINSOR PILATES II V 1A WINSOR PILATES V2 WINSOR PILATES WINSTON CUP SERIES -- AARON'S 499 WINSTON CUP SERIES -- ATLANTA 500 WINSTON CUP SERIES -- AUTO CLUB 500 WINSTON CUP SERIES -- BUDWEISER SHOOTOUT WINSTON CUP SERIES ~ CAROLINA DODGE DEALERS 400 WINSTON CUP SERIES -- COCA-COLA 600 WINSTON CUP SERIES -- DAYTONA 500 WINSTON CUP SERIES -- DODGE/SAVE **MART 350** WINSTON CUP SERIES -- FOOD CITY 500 WINSTON CUP SERIES -- POCONO 500 111

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YOUNG SHERLOCK HOLMES (1985)

YOUTH COCKTAIL V.11

YOUTH COCKTAIL V.15

YOUTH COCKTAIL

YOUTH

YOUTHFUL ESSENCE V5

YOUTHFUL ESSENCE

YOUTHFUL HOLIDAY

YOUTHFUL V12 HOLIDAY

YU-GI-OH!

ZAPPED! (1982)

ZEN BALM SPORTS CREAM

ZUMBA

# KESSLER APPENDIX D

	NIELS	EN DIARY STUDY SAMPLE STAT	IONS, 200	<u>v</u>
CALL			; 	
SIGN	CH	CITY	STATE	TYPE
KABC	07	LOS ANGELES	CA	N
KARK	04	LITTLE ROCK	AR	N
KATV	07	LITTLE ROCK	AR	N
KBWB	20	SAN FRANCISCO	CA	1
KCAL	09	LOS ANGELES	CA	1
KCNC	03	DENVER	co	N
KCOP	13	LOS ANGELES	CA	-1
KCRA	03	SACRAMENTO	CA	- N
KDKA	03	PITTSBURGH	PA	N
		SAN FRANCISCO	CA	N
KGO	07	SAN JOSE	CA	-+
KICU	36		MO	
KMBC	09	KANSAS CITY	i .	N
KMGH	07	DENVER	CO	N
KMSP	09	MINNEAPOLIS	MN	
KNBC	04	LOS ANGELES	CA	N
KPIX	05	SAN FRANCISCO	CA	N
KPLR	11	STLOUIS	MO	1
KPTV	12	PORTLAND	OR	4
KRON	04	SAN FRANCISCO	CA	N
KSDK	05	ST LOUIS	MO	N
KSHB	41	KANSAS CITY	MO	N
KTHV	11	LITTLE ROCK	AR	N
KTLA	05	LOS ANGELES	CA	1
KTNC	42	CONCORD	CA	I
KTVU	02	OAKLAND	CA	I
KTXL	40	SACRAMENTO	CA	1
KUSA	09	DENVER	CO	N
KWGN	02	DENVER	CO	1
КХТХ	39	DALLAS	ТХ	1
KYW	03	PHILADELPHIA	PA	N
WAGA	.05	ATLANTA	GA	
WBAL	11	BALTIMORE	MD	N
WBNS	10	COLUMBUS	OH	N
WBPX	68	BOSTON	MA	
		BIRMINGHAM	AL	
WBRC	06		PA	N N
WBRE	28	WILKES-BARRE&SCRANTN		
WBZ	04	BOSTON	MA	<u>N</u>
WBZL	39		FL	
WCAU	10	PHILADELPHIA	PA	N
WCFT	33	TUSCALOOSA	AL	N
WDCA	20	WASHINGTON	DC	
WDIV	04	DETROIT	MI	N
WFAA	08	DALLAS	TX	N
WFLD	32	CHICAGO	IL	1
WFQX	33	CADILLAC	MI	I
WGCL	46	ATLANTA	GA	N
WGN	09	CHICAGO	IL	l
WHUB	66	MARLBOROUGH	MA	1
WIAT	42	BIRMINGHAM	AL	N

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	NIELS	EN DIARY STUDY SAMPLE STAT	IONS, 200	0
CALL	- [			
SIGN	СН	CITY	STATE	ТҮРЕ
WIS	10	COLUMBIA	SC	N
WISN	12	MILWAUKEE	WI	N
WITN	07	WASHINGTON	NC	N
WJZ	13	BALTIMORE	MD	N
WKBD	50	DETROIT	MI	1
WKRN	02	NASHVILLE	TN	N
WKYT	27	LEXINGTON	KY	N
WLVI	56	CAMBRIDGE	MA	1
WNBC	04	NEW YORK	NY	N
WNYW	05	NEW YORK	NY	1
WPHL	17	PHILADELPHIA	PA	1
WPIX	11	NEW YORK	NY	1
WPSG	57	PHILADELPHIA	PA	T .
WPVI	06	PHILADELPHIA	PA	N
WPXI	11	PITTSBURGH	PA	N
WRIC	08	RICHMOND-PETERSBURG	VA	Ń
WSB	02	ATLANTA	GA	N
WSBK	38	BOSTON	MA	1
WSEE	35	ERIE	PA	N
WSYX	06	COLUMBUS	OH	N
WTAE	04	PITTSBURGH	PA	N
WTMJ	04	MILWAUKEE	WI	N
WTRF	07	WHEELING	ŴV	N
WTVD	11	DURHAM-RALEIGH-FAY	NC	N
WTXF	29	PHILADELPHIA	PA	Ĩ
WUAB	43	CLEVELAND (LORAIN)	OH	1
WUNI	27	WORCESTER	MA	l
WUSA	09	WASHINGTON	DC	N
WVTV	18	MILWAUKEE	WI	1
WWOR	09	NEW YORK	NY	1
WXIA	11	ATLANTA	GA	N
WXIX	19	CINCINNATI	OH	1

· · · · · · · · · · · · · · · · · · ·	NIEL	SEN DIARY STUDY SAMPLE STATI	ONS, 2001	
CALL				·
SIGN	сн	CITY	STATE	TYPE
KABC	07	LOS ANGELES	CA	N
KARK	04	LITTLE ROCK	AR	N
KATV	07	LITTLE ROCK	AR	N
KBWB	20	SAN FRANCISCO		IN
KCAL	09	LOS ANGELES		
				<u> </u>
KCNC	04 13	DENVER	CO	N
KCOP		LOS ANGELES	CA	
KCRA	03	SACRAMENTO	CA	N
KDKA	02	PITTSBURGH	PA	N
KFOR	04	OKLAHOMA CITY	ОК	N
KGO	07	SAN FRANCISCO	CA	N
KICU	36	SAN FRANCISCO - SAN JOSE	CA	
KMBC	09	KANSAS CITY	MO	N
KMGH	07	DENVER	CO	N
KMSP	09	MINNEAPOLIS	MN	1
KNBC	.04	LOS ANGELES	CA	N
KPLR	11	ST LOUIS	MO	
KPTV	12	PORTLAND, OR	OR	1
KRON	04	SAN FRANCISCO	CA	N
KSDK	05	STLOUIS	MO	N
KSHB	41	KANSAS CITY	MO	N
KSTW	11	SEATTLE - TACOMA	WA	1
KTHV	111	LITTLE ROCK	AR	N
KTLA	05	LOS ANGELES	CA	1
KTNC	42	SAN FRANCISCO (CONCORD)	CA	· · · · · · · · · · · · · · · · · · ·
KTVU	02	SAN FRANCISCO - OAKLAND	CA	
KTXL	40	SACRAMENTO	CA	·
KUSA	09	DENVER	co	N
KWGN	02	DENVER	CO	1
KWTV	09	OKLAHOMA CITY	OK	N
KXTX	39	DALLAS	TX	
KYW	03	PHILADELPHIA	PA	N N
WAGA	05	ATLANTA		
	105	MOBILE	GA	
WALA			AL	
WBAL	11	BALTIMORE	MD	N
WBNS	10	COLUMBUS	ОН	<u>N</u>
WBRE	28	WILKES-BARRE - SCRANTON	PA	N
WBRZ	02	BATON ROUGE	LA	N
WBZ	04	BOSTON	MA	N
WBZL	39	MIAMI	FL	1
WCAU	10	PHILADELPHIA	PA	N
wcco	,04	MINNEAPOLIS	MN	N
WCMH	04	COLUMBUS	OH	N
WCVB	05	BOSTON	MA	N
WDCA	20	WASHINGTON, DC	DC	
WDIV	04	DETROIT	MI	N
WDRB	41	LOUISVILLE	KY	· · · · · · · · · · · · · · · · · · ·
WFAA	08	DALLAS	ТΧ	N
WFLD	32	CHICAGO	IL	

	NIEL	SEN DIARY STUDY SAMPLE STATIC	ONS, 2001	·····
	- • • •	l	·····	
CALL			07.175	
SIGN	<u>CH</u>		STATE	TYPE
WFQX	33	TRAVERSE CITY - CADILLAC	MI	
WGAL	08	HARRISBURG -LANCASTER	PA	N
WGCL	46	ATLANTA	GA	N
WGN	09	CHICAGO	IL	1
WIAT	42	BIRMINGHAM	AL	N
WIS	10	COLUMBIA, SC	SC	N
WISN	12	MILWAUKEE	WI	N
WITN	07	WASHINGTON, NC	NC	N
WJZ	13	BALTIMORE	MD	N
WKBD	50	DETROIT	MI	1
WKPT	19	TRI CITIES (KINGSPORT)	TN	N
WKRN	02	NASHVILLE	TN	N
WKYT	27	LEXINGTON	KY	N
WLTV	23	MIAMI	FL	1
WLYH	15	HARRISBURG -LANCASTER	PA	
WMAR	02	BALTIMORE	MD	N
WNBC	02	NEW YORK	NY	N .
WNWO	24	TOLEDO	OH	N
WNYW	05	NEW YORK	NY	
WPCB	40	PITTSBURGH (GREENSBURG)	PA	
		PITTSBURGH	PA	
WPGH	53		PA	
WPHL	17	PHILADELPHIA		
WPIX	11	NEW YORK	NY	
WPMT	43	HARRISBURG - YORK	PA	
WPSG	57	PHILADELPHIA	PA	 
WPTY	24	MEMPHIS	TN	N
WPVI	06	PHILADELPHIA	PA	N
WPXI	11	PITTSBURGH	PA	N
WRC	04	WASHINGTON, DC	DC	N
WRIC	08	RICHMOND-PETERSBURG	VA	N
WSB	02	ATLANTA	GA	N
WSBK	38	BOSTON	MA	1
WSEE	35	ERIE	PA	N
WSYX	06	COLUMBUS	OH	N
WTAE	04	PITTSBURGH	PA	N
WTAJ	10	JOHNSTOWN - ALTOONA	PA	N
WTMJ	04	MILWAUKEE	WI	N
WTTG	05	WASHINGTON, DC	DC	
WTVD	11	RALEIGH-DURHAM	NC	N
WTXF	29	PHILADELPHIA	PA	1
WUAB	43	CLEVELAND -LORAIN	ОН	1
WUNI	27	BOSTON - WORCESTER	MA	
WUSA	09	WASHINGTON, DC	DC	N
WVTV	18	MILWAUKEE	WI	
WWBT	12	RICHMOND	VA	N
WWOR	09	NEW YORK		
WXIA	11	ATLANTA	GA	N
				1 × · ·
WXIX	19	CINCINNATI	jOH	<u></u> 1

		· · · · · · · · · · · · · · · · · · ·		
CALL		·····		
SIGN	CH	CITY	STATE	TYPE
<b>KABC</b>	07	LOS ANGELES	CA	N
KARK	04	LITTLE ROCK	AR	N
<b>KATU</b>	02	PORTLAND	OR	N
(ATV	07	LITTLE ROCK	AR	N
KBHK	44	SAN FRANCISCO	CA	1
(CAL	09	LOS ANGELES	CA	I
<b>CBS</b>	02	LOS ANGELES	CA	N
KCNC	04	DENVER	CO	N
COP	13	LOS ANGELES	CA	1
<b>CRA</b>	03	SACRAMENTO	CA	N
KDFW	04	DALLAS	TX	
<b>KDKA</b>	02	PITTSBURGH	PA	N
KETV	07	ОМАНА	NE	N
KFOR	04	OKLAHOMA CITY	OK	N
KGO	04	SAN FRANCISCO	CA	N
KGW	08	PORTLAND	OR	N
KICU	36	SAN JOSE	CA	
KMBC		KANSAS CITY	MO	N
	09			
KMGH	07	DENVER	CO	N
KMSP	09	MINNEAPOLIS	MN	1
<mtv< td=""><td>03</td><td>OMAHA</td><td>NE</td><td>N</td></mtv<>	03	OMAHA	NE	N
KNBC	04	LOS ANGELES	CA	N
<b>KPIX</b>	05	SAN FRANCISCO	CA	N
<plr< td=""><td>11</td><td>STLOUIS</td><td>MO</td><td>   </td></plr<>	11	STLOUIS	MO	 
(PTV	12	PORTLAND	OR	
KRON	04	SAN FRANCISCO	CA	1
KSDK	05	STLOUIS	MO	Ν
KSHB	41	KANSAS CITY	MO	N
KSL	05	SALT LAKE CITY	UT	N
KSTŴ	11	TACOMA	WA	1
KTHV	11	LITTLE ROCK	AR	N
KTLA	05	LOS ANGELES	CA	1
KTNC	42	CONCORD	CA	1
KTVU	02	OAKLAND	CA	<u>-</u>
KTXL	40	SACRAMENTO	CA	······
KUSA	09	DENVER	со	N
KUVS	19	MODESTO	CA	
KWGN	02	DENVER	CO	
KWTV	02	OKLAHOMA CITY	OK	N
KXTX	39	DALLAS		
KYW	03	PHILADELPHIA	PA	N
				N
WAFB	09	BATON ROUGE		N
WAGA	05	ATLANTA	GA	
WALA	10	MOBILE	AL	1
WBAL	11	BALTIMORE	MD	N
WBBM	02	CHICAGO	IL	N
WBNS	10	COLUMBUS	ОН	N
WBRC	06	BIRMINGHAM	AL	I
WBRE	28	WILKES-BARRE&SCRANTN	PA	N

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CALL	t	······		
SIGN	CH	<u>CITY</u>	STATE	<u>TYPE</u>
WBRZ	02	BATON ROUGE	LA	N
NBZ	04	BOSTON	MA	N
WBZL	39	MIAMI	FL	1
NCAU	10	PHILADELPHIA	PA	N
WCFT	33	TUSCALOOSA	AL	N
NCHS	08	CHARLESTON	WV	N
WCVB	05	BOSTON	MA	N
WCWB	22	PITTSBURGH	PA	1
<b>WDCA</b>	20	WASHINGTON	DC	1
WDIV	04	DETROIT	MI	N
NEWS	05	CLEVELAND	OH	N
NFAA	08	DALLAS	TX	N
NFLD	j32	CHICAGO	IL.	1
NFQX	33	CADILLAC	MI	I
NFTC	29	MINNEAPOLIS	MN	1
NGCL	46	ATLANTA	GA	N
NGGB	40	SPRINGFIELD	MA	N
NGME	13	PORTLAND	ME	N
NGN	09	CHICAGO	IL	1
NGTW	48	PHILADELPHIA	PA	
NHBQ	13	MEMPHIS	TN	
NHDH	07	BOSTON	MA	Ň
NIAT	42	BIRMINGHAM	AL	N
VIBW	13	ТОРЕКА	KS	N
NIS	10	COLUMBIA	SC	N
VISN	12	MILWAUKEE	wi	N
VITN	07	WASHINGTON	NC	N
<b>WJW</b>	08	CLEVELAND	ОН	1
NJZ	13	BALTIMORE	MD	N
NKBD	50	DETROIT	M	
VKRN	02	NASHVILLE	TN	N
NKYT	27	LEXINGTON	KY	N
NLIO	35	LIMA	он	N
NLKY	32	LOUISVILLE	KY	N
NLVI	56	CAMBRIDGE	MA	1
NLYH	15	LANCASTER	PA	
NMAQ	05	CHICAGO	IL I	N
WNBC	04	NEW YORK	NY	N
WNCT	09	GREENVILLE	NC	N
NNWO	24	TOLEDO	OH	N
<b>NNYW</b>	05	NEW YORK	NY	· .
NPHL	17	PHILADELPHIA	PA	1
NPIX	11	NEW YORK	NY	
NPMT	43	YORK		
NPSG	43	PHILADELPHIA	PA	,
NPSG			PA	
· · · · · · · · · · · · · · · · · · ·	06		PA	N
NPXS	13		IL	1
NRIC NSB	08 02	RICHMOND-PETERSBURG	VA GA	N

	NI	ELSEN DIARY STUDY SAMPLE STA	TIONS, 2002	
CALL			:	- <b> </b>
SIGN	СН	CITY	STATE	TYPE
WSBK	38	BOSTON	MA	I
WSEE	35	ERIE	PA	N
WSFJ	51	NEWARK	OH	1
WSYX	06	COLUMBUS	OH	N
WTAE	04	PITTSBURGH	PA	N
WTBS	17	ATLANTA	GA	1
WTGS	28	HARDEEVILLE	SC	1
WTLW	44	LIMA	OH	1
WTMJ	:04	MILWAUKEE	WI	Ň
WTOV	09	STEUBENVILLE	OH	N
WTRF	07	WHEELING	WV	N
WTVD	11	DURHAM-RALEIGH-FAY	NC	N
WTXF	29	PHILADELPHIA	PA	1
WUAB	43	LORAIN	OH	1 .
WUNI	27	WORCESTER	MA	.1
WUSA	09	WASHINGTON	DC	Ν
WVTV	18	MILWAUKEE	WI	1
WWBT	12	RICHMOND	V,A	N
WWHO	53	CHILLICOTHE	OH	I
WWLP	22	SPRINGFIELD	MA	N
WWOR	09	NEW YORK	NY	I
WXIA	11	ATLANTA	GA	N
WXIN	59	INDIANAPOLIS	IN	1
WXIX	19	CINCINNATI	OH	Î.

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	NIELS	SEN DIARY STUDY SAMPLE S	TATIONS, 2003	
CALL				
SIGN	СН	CITY	STATE	TYPE
KABC	07	LOS ANGELES	CA	N
KARK	04	LITTLE ROCK	AR	Ν
KATV	07	LITTLE ROCK	AR	N
KBHK	44	SAN FRANCISCO	CA	1
KBWB	20	SAN FRANCISCO	ĊA	
KCAL	09	LOS ANGELES	CA	
KCBS	02	LOS ANGELES	CA	N
KCNC	02	DENVER	CO	N
KCOP	13	LOS ANGELES	CA	
KCRA	03	SACRAMENTO	CA	N
		PITTSBURGH	PA	
KDKA	02		OK	N
KFOR	04			N
KGO	07	SAN FRANCISCO	CA	N
KICU	36	SAN JOSE	CA	<u> </u>
KIRO	07	SEATTLE	WA	Ν
KMBC	09	KANSAS CITY	MO	Ν
KMGH	07	DENVER	CO	N
KMSP	09	MINNEAPOLIS	MN	1
KNBC	04	LOS ANGELES	CA	N
KPLR	11	STLOUIS	MO	. 1
KRON	04	SAN FRANCISCO	CA	.
KSDK	05	ST LOUIS	MO	N
KSHB	41	KANSAS CITY	MO	N
KSL	05	SALT LAKE CITY	UT	N
KSTW	11	ТАСОМА	WA	· · · · · · · · · · · · · · · · · · ·
KTEL	25	CARLSBAD	NM	1
KTHV	11	LITTLE ROCK	AR	N
KTLA	05	LOS ANGELES	CA	
KTNC	42	CONCORD	CA	
KTRK	13	HOUSTON	ТХ	N
ΚΤΥΤ	11	FT WORTH	ТХ	N
KTVU	02	OAKLAND	CA	1
KTXL	40	SACRAMENTO	CA	
KUSA	09	DENVER		N
KUSI	51	SAN DIEGO	CA	1
KWGN	02	DENVER	CO	
Law on a second	02	OKLAHOMA CITY	ок	N1
KWTV				N
KXTX	39	DALLAS	TX	
KYW	03	PHILADELPHIA	PA	N
WAFB	09	BATON ROUGE	LA	N
WAGA	05	ATLANTA	GA	
WALA	10	MOBILE	AL	
WAPK	30	KINGSPORT	TN	
WBAL	11	BALTIMORE	MD	N
WBBM	02	CHICAGO	iL	N
WBDC	50	WASHINGTON	DC	1
WBKI	34	CAMPBELLSVILLE	KY	.1
WBNS	10	COLUMBUS	OH	N
WBQC	25	CINCINNATI	OH	L

NIELSEN DIARY STUDY SAMPLE STATIONS, 2003				
CALL			······	
SIGN	СН	CITY	STATE	TYPE
WBRC	06	BIRMINGHAM	AL	1
WBRZ	02	BATON ROUGE	LA	N
WBZ	04	BOSTON	MA	N
WBZL	39	MIAMI	FL	1
WCAU	10	PHILADELPHIA	PA	N
WCCO	04	MINNEAPOLIS	MN	Ν
WCMH	04	COLUMBUS	OH	N
WCVB	05	BOSTON	MA	N
WCWB	22	PITTSBURGH	PA	1
WDCA	20	WASHINGTON	DC	
WDIV	04	DETROIT	M	N
WDRB	41	LOUISVILLE	KY	
WFAA	08	DALLAS	ТХ	N
WFLD	32	CHICAGO	- ··· · · · · · · · · · · · · · · · · ·	
		CADILLAC		
WFQX	33		MI	
WFTC	29	MINNEAPOLIS	MN	1
WFXT	25	BOSTON	MA	
WGAL	08	LANCASTER	PA	N ·
WGCL	46	ATLANTA	GA	N
WGME	13	PORTLAND	ME	<u>N</u>
WGN	09	CHICAGO	IL	I
WHBQ	13	MEMPHIS	TN	I
WHDH	07	BOSTON	MA	N
WIAT	42	BIRMINGHAM	AL	N
WIS	10	COLUMBIA	SC	N
WISN	12	MILWAUKEE	,WI	N
WITN	07	WASHINGTON	NC	N
WJZ	13	BALTIMORE	MD	IN.
WKBD	50	DETROIT	MI	1
WKRN	02	NASHVILLE	TN	N
WKYT	27	LEXINGTON	KY	N
WLEX	18	LEXINGTON	KY	N
WLKY	32	LOUISVILLE	KY	N
WLTV	23	MIAMI	FL	1
WLYH	15	LANCASTER	PA	-
WMAR	02	BALTIMORE	MD	N
WMC	05	MEMPHIS		N
WMLW-		MILWAUKEE	WI	· · · · · · · · · · · · · · · · · · ·
WNBC	04	NEW YORK	NY	N.
	and in the second	GREENVILLE		
WNCT	09	1 · · · · · · · · · · · · · · · · · · ·	NC	<u> N</u>
WNDS	50	DERRY	NH	
WNPA	19	JEANNETTE	PA	
WNYW		NEW YORK	NY	1
WPHL	17	PHILADELPHIA	PA	1
WPIX	11	NEW YORK	NY	
WPMT	43	YORK	PA	
WPSG	57	PHILADELPHIA	PA	I
WPTY	24	MEMPHIS	TN	N
WPVI	06	PHILADELPHIA	PA	N

	NIELS	SEN DIARY STUDY SAMPLE STAT	IONS, 2003	
CALL				
SIGN	CH	<u>CITY</u>	STATE	TYPE
WPXI	11	PITTSBURGH	PA	N
WRC	04	WASHINGTON	DC	N
WRIC	08	RICHMOND-PETERSBURG	VA	N
WSB	02	ATLANTA	GA	N
WSBK	38	BOSTON	MA	1
WSEE	35	ERIE	PA	N
WSMV	04	NASHVILLE	TN	N
WSYX	06	COLUMBUS	ОН	N
WTAE	04	PITTSBURGH	PA	N
WTAJ	10	ALTOONA	PA	N
WTBS	17	ATLANTA	GA	I
WTMJ	04	MILWAUKEE	WI	N
WTTG	05	WASHINGTON	DC	I
WTVD	11	DURHAM-RALEIGH-FAY	NC	Ν
WTVF	05	NASHVILLE	TN	Ν
WTVQ	36	LEXINGTON	KY	Ν
WTXF	29	PHILADELPHIA	PA	I
WUAB	43	LORAIN	OH	1
WUSA	09	WASHINGTON	DC	N
WVLA	33	BATON ROUGE	LA	N
WVTM	13	BIRMINGHAM	AL	N
WVTV	18	MILWAUKEE	WI	1
WWBT	12	RICHMOND	VA	N
WWOR	09	NEW YORK	NY	1
WXIA	11	ATLANTA	GA	N
WXIX	19	CINCINNATI	OH	1
WYTV	33	YOUNGSTOWN	OH	N

# KESSLER APPENDIX E

### FCC Cable Rules

STATE &	LON	GIR	JDE	L	TIT	JDE
COMMUNITY	Deg.	Min.	Sec.	Deg.	Mio.	Sec.
Green Bay	44	30	48	88	00	50
Janesville	42	40	52	89	01	39
Kenosha	42	35	04	87	49	14
La Crosse	43	48	48	91	15	02
Madison	43	04	23	89	22	55
Milwaukee	43	02	19	87	- 54	15
Rhinelander	45	38	09	89	24	50
Superior	46	43	14	92	06	07
Wausau	44	57	30	89	37	40
WYOMING						
Casper	42	51	00	106	19	22
Cheycine	41	08	09	104	49	07
Rawlins	41	47	23	107	14	37
Riverton	43	01	29	108	23	03

# § 76.54 Significantly viewed signals; method to be followed for meetial showings.

(a) Signals that are significantly viewed in a county (and thus are deemed to be significantly viewed within all communities within the county) are those that are listed in Appendix B of the Memorandum Ophlon and Order on Reconsideration of the Cable Television Report and Order (Docket 18397 er al.), FCC 72-530.

(b) Significant viewing in a cable television community for signals not shown as significantly viewed under paragraphs (a) or (d) of this section may be demonstrated by an independent professional audience survey of noncable television homes that covers at least two weekly periods separated by at least thirty (30) days but no more than one of which shall be a week between the months of April and September. If two surveys are taken, they shall include samples sufficient to assure that the combined surveys result in an average figure of at least one standard error above the required viewing level. If surveys are taken for more than 2 weekly periods in any 12 months, all such surveys must result in an average figure at least one standard error above the required viewing level. If surveys usion system serves more than one community, a single survey may be taken, provided that the sample includes noncable television homes from each community that are proportional to the population.

(c) Notice of a survey to be made pursuant to paragraph (b) of this section shall be served on all licensces or permittees of television broadcast stations within whose predicted Grade B contour the cable community or communities are located, in whole or in part, and on all other system community units, franchisees, and franchise applicants in the cable community units, franchises at least thirty (30) days prior to the initial survey period. Such notice shall include the name of the survey organization and a description of the procedures to be used. Objections to survey organizations or procedures shall be served on the party sponsoring the survey within twenty (20) days after receipt of such notice.

NOTE: With respect to those counties designated by an asterisk in Appendix B of the Memorandum Opinion and Order on Reconsideration of the Cable Television Report and Order (Docket 18397 et al.), FCC 72-530, surveys of significant viewing made pursuant to \$76.54 (b) may be submitted prior to March 31, 1973.

(d) Signals of television broadcast stations not encompassed by the surveys (for the periods May 1970, November 1970 and February/March 1971) used in establishing Appendix B of the Memorandum Opinion and Order on Reconsideration of Cable Television Report and Order, FCC 72-530, 36 FCC 2d 326 (1972), may be demonstrated as significantly viewed on a county-wide basis by independent professional audience surveys which cover three separate, consecutive four-week periods and are otherwise comparable to the surveys used in compiling the above-referenced Appendix B; Provided, however, That such demonstration shall be based upon audience survey data for the first three years of the subject station's broadcast operations.

#### § 76.55 Manner of carriage.

(a) Where a television broadcast signal is required to be carried by a community unit, pursuant to the rules in this subpart:

(1) The signal shall be carried without material degradation in quality (within the limitations imposed by the technical state of the art), and, where applicable, in accordance with the technical standards of Subpart K of this part;

(2) The signal shall, on request of the station licensee or permiltee, be carried on the community unit on the channel number on which the station is transmitting, except where technically infeasible:

(3) The signal shall, on request of the station licensee or permittee, be carried on the community unit on no more than one channel; *Provided, however*. That this provision shall not apply to a signal protected pursuant to \$\$ 76.92 and 76.94, during periods when network program nonduplication protection is provided.

(b) Where a television broadcast signal is carried by a community unit, pursuant to the rules in this subpart, the programs broadcast shall be cartied in foll, without deletion or alteration of any portion except as required by this part.

(c) A community unit need not carry the signal of any television translator station if (1) the community unit is carrying the signal of the originating station, or (2) the community of the unit is located, in whole or in part, within the Grade B contour of a station carried on the community unit whose programming is substantially duplicated by the translator station.

(d) If the community is located, in whole or in part, within the Grade B contour of both a satellite and its parent television station, and if the community unit would otherwise be required to carry both of them pursuant to the rules in this subpart, the community unit need carry only one of these signals, and may select between them.

#### 8 76.57 Provisions for systems operating in communities located outside of all major and smaller television markets.

Where a system serves a community that is located wholly outside all major and smaller television markets, as defined in § 76.5 that community unit ahali carry television broadcast signals in accordance with the following provisions: (a) Any such community unit may carry or, on request of

(a) Any such community unit may carry or, on request of the relevant licensee or permittee, shall carry the signals of:

(1) Television broadcast stations within whose Grade B contours the community of the unit is located, in whole or in part;

(2) Television translator stations with 100 watts or higher power serving the community of the unit and, as to community units that commence operations or expand chaunel capacity after March 30, 1972, noncommercial educational translator stations with 5 watts or higher power serving the community of the unit. In addition, any community unit may elect to carry the signal of any noncommercial educational translator station;

(3) Noncommercial educational television broadcast stations within whose specified zone the community of the unit is located, in whole or in part;

(4) Commercial television broadcast stations that are significantly viewed in the community of the unit. See § 76.54.

(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit may carry any additional television signals.

#(c) In addition to the television broadcast signals carried pursuant to paragraphs (a) and (b) of this section, any television station during the period from sign off of the last television broadcast station which the community unit must carry pursuant to \$76.57(a), or from 12:00 a.m. in the Central and Mountain Times Zones and 1:00 a.m. in the Eastern and Pacific Times Zones, whichever occurs first, to the sign-on of the first station which the community unit must carry pursuant to \$76.57(a); *Provided*, however: That a community unit may

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carry a program to its completion; And provided further: That this subsection does not authorize carriage in the manner described above whenever a television broadcast station that the community unit must carry pursuant to 8 76.57(a) broadcasts continuously and does not sign off during the bours from 12:00 a.m. to 6:00 a.m. Carriage of such additional television signals shall not require prior registration with the Commission and shall be consistent with the network nonduplication protection and syndicated exclusivity rules of Subpart I? of this part.#

# (d) In addition to the television broadcast signals carried pursuant to paragraphs (a), (b) and (c) of this section, any television station while it is broadcasting a foreign language, religious or automated program. Carriage of such selected programs shall be only for the duration of the programs and shall not require prior registration with the Commission.#

#### § 76.59 Provisions for smaller television markets.

Where a system serves a community that is located in whole or in part within a smaller television market, as defined in 376.5, that community unit shall carry television broadcast signals only in accordance with the following provisions:

(a) Any such community unit may carry or, on request of the relevant station licensee or permittee, shall carry the signals of:

(1) Television broadcast stations within whose specified zone the community is located, in whole or in part;

(2) Noncommercial educational television broadcast stations within whose Grade B contours the community of the unit is located, in whole or in part;

(3) Commercial television broadcast stations licensed to communities in other smaller television markets, within whose Grade B contours the community of the unit is located, in whole or in part;

(4) Television broadcast stations licensed to other communitics which are generally considered to be part of the same smaller television market (Example: Burlington, Vermout-Plattsburgh, New York television market);

(5) Television translator stations with 100 watts or higher power serving the community of the unit and, as to community units that commence operations or expand channel capacity after March 30, 1972, noncommercial educational translator stations with 5 watts or higher power serving the community of the unit. In addition, any community unit may elect to carry the signal of any noncommercial educational translator station;

(6) Commercial television broadcast stations that are significantly viewed in the community of the unit. See \$ 76.34.

##(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit constituting all or part of a system having fewer than 1000 subscribers may carry any additional television signals. Any such community unit constituting all or part of a system having 1000 or more subscribers may carry sufficient additional signals so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of one independent television station: Provided.

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however, That, in determining how many additional signals may be carried, any authorized but not operating television broadcast station that, if operational would be required to be carried pursuant to paragraph (a)(1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit.##

##(c) In addition to the noncommercial educational television broadcast signals catried pursuant to paragraph (a) of this section, any such community unit may carry the signals of any noncommercial educational stations that are operated by an agency of the state within which the community unit is located. Such community unit may also carry any other noncommercial educational signals, in the absence of objection filed pursuant to \$ 76.7 by any local noncommercial educational station or state or local educational television authority, # #

#(d) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (c) of this section, any such community unit may carry:

(1) Any specialty station and any station while it is broadcasting a foreign language, religious or automated program. Carriage of such selected programs shall be only for the duration of the programs and shall not require prior registration with the Commission.

(2) Any television station broadcasting a network program that will not be carried by a station normally carried on the community unit. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior registration with the Commission.

(3) Any television broadcast station during the period from sign-off of the last television broadcast station which the community unit must carry pursuant to § 76.59(a), or from 12:00 a.m. in the Central and Mountain Tune Zones, and 1:00 a.m. in the Eastern and Pacific Time Zones, whichever occurs first, to the sign-on of the first station which the community unit must carry pursuant to § 76.59(a): *Provided, however:* That a community unit may carry a program to its completion; And provided further; That this subsection does not authorize carriage in the manner described above whenever a television broadcast station that the community unit must carry pursuant to § 76.59(a) broadcasts continuously and does not sign off during the hours from 12:00 a.m. to 6:00 a.m., Carriage of such additional television broadcast shall be consistent with the network nonduplication protection and syndicated exclusivity rules of Subpart F of this part.

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(4) Any television station broadcasting a network news program at any time when no station regularly carried is broadcasting the same program and when no station licensed to the market in which the community unit is located is broadcasting a local news program. Carriage of such additional stations shall be for the duration of the news program only and shall not require prior Commission notification or registration with the Commission.

(5) Any commercial UHF television station within whose Grade B contours the community of the system is located, in whole or in part.#

#(e) Where the community is wholly or partially within both one of the first fifty major television markets and a smaller television market, the carriage provisions for the first fifty major markets shall apply. Where the community is wholly or partially within both one of the second fifty major television markets, tets and a smaller television market, the carriage provisions for the second fifty major markets shall apply.#

## § 76.61 Provisions for first filty major television markets.

##Where a system serves a community that is located in whole or in part within one of the first fifty major television markets listed in  $\frac{1}{2}$  76.51(a) the community unit shall carry television broadcast signals only in accordance with the following provisions:

(a) Any such community unit may carry, or on request of the relevant station licenses or permittee, shall carry the signals of:

(1) Television broadcast stations within whose specified zone the community is located, in whole or in part: Provided, however: That where a community unit is located in the designated community of a major television market, it shall not carry the signal of a television station licensed to a designated community in another major television market, unless the designated community in which the community unit is located is wholly within the specified zone (see § 76.5(1)) of the station, except as otherwise provided in this section;

(2) Noncommercial educational television broadcast stations within whose Grade B contours the community is located, in whole or in part;

(3) Television translator stations with 100 watts or higher power serving the community and, as to community units that commence operations or expand channel expectly after March 30, 1972, noncommercial educational translator stations with 5 watts or higher power serving the community. In addition, any community unit may elect to carry the signal of any noncommercial educational translator station;

(4) Television broadcast stations licensed to other designated communities of the same major television market (Example: Cincinnati, Ohio-Newport, Kentucky television market);

(5) Commercial television broadcast stations that are significantly viewed in the community. See \$ 76.54.##

##(b) In addition to the television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit constituting all or part of a system having fewer than 1000 subscribers may carry any additional television signals. Any such community unit constituting all or part of a system having 1000 or more subscribers may carry sufficient additional signals

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so that, including the signals required to be carried pursuant to paragraph (a) of this section, it can provide the signals of a full network station of each of the major national television networks, and of three independent television stations: *Provided*, *however*, That in determining how many additional signals may be cartied, any authorized but not operating television broadcast station that, if operational, would be required to be carried pursuant to paragraph (a) (1) of this section, shall be considered to be operational for a period terminating 18 months after grant of its initial construction permit.

(1) Whenever, pursuant to this section a community unit is permitted to carry three additional independent signals, one of these signals must be that of a UHF television broadcast station.

(2) Whenever, pursuant to Subpart F of this parth a community unit is required to delete a television program on an independent signal carried pursuant to this section, or a program on such a signal is primarily of local interest to the distant community (e.g., a local news or public affairs program), such community unit may, consistent with the program exclusivity rules of Subpart F of this part, substitute a program from any other television broadcast station. A program substituted may be carried to its regularly carried signal until it can do so without interrupting a program already in progress. # #

#(c) After the service standards specified in paragraph (b) of this section have been satisfied, a community unit may carry two additional independent television broadcast signals: *Provided*, however, That the number of additional signals permitted under this paragraph shall be reduced by the number of signals added to the community unit pursuant to paragraph (b) of this section.#

#(d) In addition to the noncommercial educational television broadcast signals carried pursuant to paragraph (a) of this section, any such community unit may carry the signals of any noncommercial educational stations that are operated by an agency of the State within which the community unit is located. Such community unit may also carry any other noncommercial educational signals, in the absence of objection filed pursuant to  $\frac{3}{5}76.7$  by any local noncommercial educational station or State or local educational television authority.#

#(c) In addition to the television broadcast signals carried pursuant to paragraphs (a) through (d) of this section, any such community unit may carry:

(1) Any specially station and any station while it is broadcasting a foreign language, religious or automated program. Carriage of such selected programs shall be only for the duration of the programs and shall not require prior registration with the Commission.

(2) Any television station broadcasting a network program that will not be carried by a station normally carried on the community unit. Carriage of such additional stations shall be only for the duration of the network programs not otherwise available, and shall not require prior registration with the Commission.

(3) Any television broadcast station, during the period from sign-off of the last television broadcast station which the community unit must carry pursuant to  $\frac{1}{2}$  76.61(a), or from 12:00 a.m. in the Central and Mountain Time Zones and 1:00 a.m. in the Eastern and Pacific Time Zones, whichever occurs first, to the sign-on of the first station which the community unit must carry pursuant to  $\frac{1}{2}$  76.61(a), *Provided, however:* That a community unit may carry a program to its completion; And provided further: That this ubsection does not authorize carriage in the manner described above whenever a television broadcast station that the community unit must carry pursuant to  $\frac{1}{2}$  76.61(a) broadcasts continuously and does not sign off during the hours from 12:00 a.m. to 6:00 a.m. Carriage of such additional television and shall be consistent with the network nonduplication protection and syndicated exclusivity rules of Subpart F of this part.

(4) Any television station broadcasting a network news program at any time when no station regularly carried is broadcasting the same program and when no station licensed to the

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market in which the community unit is located is broadcasting a local news program. Carriage of such additional stations shall be for the duration of the news program only and shall not require prior Commission notification or registration with the Commission.

(5) Any commercial UHF television station within whose Grade B contours the community of the system is located, in whole or in part.#

#(f) Where the community is wholly or partially within both one of the first fifty major television markets and another television market, the provisions of this section shall apply.#

#### #5 76.63 Provisions for second fifty major television markets.

(a) Where a system serves a community that is located in whole or in part within one of the second fifty major television markets listed in  $\frac{1}{2}$  76.51(b), that community unit shall carry television broadcast signals only in accordance with the provisions of  $\frac{1}{2}$  76.61, except that in paragraph (b) of  $\frac{1}{2}$  76.61, the number of additional independent television signals that may be carried by community units constituting all or part of a system having 500 or more subscribers is two (2).

(b) Where the community is wholly or partially within both one of the second fifty major television markets and one of the first fifty major television markets, the carriage provisions for the first fifty major markets shall apply. Where the community is wholly or partially within both one of the second fifty major television markets and a smaller television market, the provisions of this section shall apply.#

#### \$ 76.64 Carriage of subscription television broadcast programs.

The provisions of \$76.57, 76.59, 76.61, and 76.63 shall not operate to require carriage of any subscription television broadcast program.

#### 8 76.65 Grandfathering provisions.

#(a) The provisions of \$\$ 76.57, 76.59, 76.61, and 76.63 shall not require the deletion of any television broadcast or translator signals which a community unit was authorized to carry or was lawfully carrying prior to March 31, 1972: Provided, however, That if carriage of a signal has been limited by Commission order to discrete areas of a community, any expansion of service will be subject to the appropriate provisions of this subpart. If a community unit is authorized to carry signals, either by virtue of specific Commission authorization or otherwise, any other community unit already operating or subsequently commencing operations in the same community may carry the same signals. (Any such new community unit shall, before instituting service, register with the Commission if otherwise required by \$ 76.12.) #

#(b) The provisions of \$\$76.57, 76.59, 76.61 and 76.63 shall not require the deletion of any television broadcast or translator signals which a system community unit having fewer than 50 subscribers but constituting all or part of a system having 1000 or more subscribers was carrying prior to May 16, 1977, until the community unit has 50 subscribers.#

##(c) When, for purposes of ascertaining cable signal carriage rights or broadcast station rights to cable system carriage, reference is made to Grade B contours in Sections 76.57, 76.59, 76.61, or 76.63, such contours shall be the field intensity contours defined in 1, 73.683 (a) of this chapter, provided, however, that such rights as to signals carried or authorized for carriage on or before August 26, 1977, shall be determined by reference to the contour prediction rules adopted in the Sixth Report and Order in Dockets 3736, 3975, 8976 and 9175, 41 FCC 148 (1952) as amended by Report and Order in Docket 17253 FCC 70-345, 22 FCC 2d 354 (1970).##

#### § 76.67 Sports broadcasts.

(a) No community unit located in whole or in part within the specified zone of a television broadcast station licensed to a community in which a sports event is taking place, shall, on request of the holder of the broadcast rights to that event,

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or its agent, carry the live television broadcast of that event if the event is not available live on a television broadcast signal carriage to the community unit pursuant to the mandatory signal carriage rules of this Part. For the purposes of this Section, if there is no television station licensed to the community in which the sports event is taking place, the applicable specified zone shall be that of the television station licensed to the community with which the sports event or local team is identified, or, if the event or local team is not identified with any particular community, the nearest community to which a television station is licensed.

(b) Notification of the programming to be deleted pursuant to this section shall include the following information:

(1) As to programming to be deleted from television broadcast signals regularly carried by the community unit:

(i) The name and address of the party requesting the program detetion;

(ii) The date, time and expected duration of the sports event the television broadcast of which is to be deleted;

(iii) The call letters of the television broadcast station(s) from which the deletion is to be made.

(2) As to programming to be deleted from television broadcast signals not regularly carried by the community unit:

(i) The name and address of the party requesting the program deletion;

(ii) The date, time and expected duration of the sports event the television broadcast of which is to be deleted.

(c) Notifications given pursuant to this section must be received, as to regularly scheduled events, no later than the Monday preceding the calendar week (Sunday-Saturday) during which the program deletion is to be made. Notifications as to events not regularly scheduled and revisions of notices previously submitted, must be received within twenty-four (24) hours after the time of the telecast to be deleted is known, but in any event no later than twenty-four (24) hours from the time the subject telecast is to take place.

(d) Whenever, pursuant to this section, a community unit is required to dolcte a television program on a signal regularly carried by the community unit, such community unit may, consistent with the rules contained in Subpart F of this part, substitute a program from any other television broadcast station. A program substituted may be carried to its completion, and the community unit need not return to its regularly carried signal until it can do so without interrupting a program already in progress.

(c) The provisions of this section shall not require the deletion of any portion of a television signal which a community unit was lawfully carrying prior to March 31, 1972.

(f) The provisions of this section shall not apply to any cable television system having fewer than 1000 subscribers.

#### SUBPART E--- [RESERVED]

#### SUBPART F----NONDUPLICATION PROTECTION AND SYNDICATED EXCLUSIVITY

9 76.91 [Reserved]

\$ 76.92 Stations entitled to network program nonduplication protection.

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(a) Any community unit which operates in a community that is located in whole or in part within the 35-mile specified zone of any commercial television broadcast station or within the secondary zone which extends 20 miles beyond the specified zone of 4 smaller market television broadcast station (SS miles altogether), and carries the signal of such station, that community unit shall, except as provided in paragraphs (c) and (f) of this section, delete, upon request of the station licensee or permittee, the duplicating network programming of lower priority signals in the manner and to the extent specified in §§ 76.94 and 76.95.

(b) For purposes of this section, the order of nonduplication priority of television signals carried by a community unit is as follows:

(1) First, all television broadcast stations within whose specified zone the community is located, in whole or in part;

(2) Second, all smaller market television broadcast stations within whose secondary zone the community is located, in whole or in part.

(c) For purposes of this section, all noncommercial educational television broadcast stations licensed to a community located in whole or in part within a major television market as specified in \$ 76.51 shall be treated in the same manuer as a major market commercial television broadcast stations not licensed to a community located in whole or in part within a major television market shall be treated in the same manuer as a smaller market television broadcast stations.

(d) Any community unit operating in a community to which a 100-watt or higher power translator station is licensed, and the translator is located within the predicted Grade B signal contour of the television broadcast station that the translator station retransmits, and the translator is carried by that community unit, the community unit shall, upon request of such translator station licensee or permittee, delete the duplicating network programming of any television broadcast station whose reference point (See § 76.53) is more than 55 miles from the community.

(e) Any community unit operating in a community that is located in whole or in part within the specified zone of any television broadcast station or within the secondary zone of a smaller market television broadcast station, that community unit is not required to delete the duplicating network programming of any 100-watt or higher power television translator station which is licensed to the community.

(f) Any community unit operating in a community that is located in whole or in part within the secondary zone of a smaller market television broadcast station, that community unit is not required to delete the duplicating network programming of any major market television broadcast station whose reference point (See § 76.53) is also within 55 miles of the continuity.

(g) A community unit is not required to delete the duplicating network programming of any television broadcast station which is significantly viewed in the cable television community pursuant to Section 76.54.

§ 76.93 [Reserved]

8 76.94 Notification requirements and extent of protection.

(a) Where the network programming of a television station is entitled to nonduplication protection, a community unit shall, upon request of the station licensee or permittee, refrain from simultaneously duplicating any network program broadcast by such station only if the community unit has received the information required in paragraph (a) (1) and (2) below:

(1) Notification of the date and time of the programming to be protected and date and time of the programming to be deleted must, at a minimum, be received on a monthly basis. If the station licensee or permittee elects to provide such notification on a monthly basis, it must be submitted no later than six (6) days preceding the calendar month during which nondupilcation is requested. If the station licensee or permittee elects to provide such notification on a weekly basis, notice shall be given no later than the Monday preceding the calendar week (Sunday-Saturday) during which nondupilication protection is sought.

(2) Changes in the monthly notification request required by paragraph (a)(1) must be submitted six (6) days preceding the broadcast of the programming to be protected; *Provided*, however. That the license or permittee of the television station otherwise entitled to nonduplication protection must notify the affected community unit as soon as possible, and without regard to the time limits prescribed in paragraph (a)(1), of any programming change which would render unceessary the deletion of a lower priority television broadcast signal.

(b) Where a community unit is required to provide same-day network program nonduplication protection, either pursuant to specific Commission order or pending Commission action on a broadcast station petition for special relief filed pursuant to the procedures described in paragraph 25 of the Second Report and Order in Docket 19995, FCC 75-820, 54 FCC 2d 229 (1975), the following provisions shall be applicable:

(1) A community unit need not delete reception of a network program if, in so doing, it would leave available for reception by subscribers, at any time, less than the programs of two networks (including those broadcast by any stations whose signals are being carried and whose programming is being protected pursuant to the requirements of this section);

(2) A community unit need not delete reception of a network program which is scheduled by the network between the hours of 6 and 11 p.m., Eastern time, but is broadcast by the station requesting deletion, in whole or in part, outside of the period which would normally be considered prime time for network programming in the time zone involved.

#### § 76.95 Exceptions.

(a) Notwithstanding the requirements of \$\$ 76.92 and 76.94, a community unit need not delete reception of any program which would be carried on the community unit in color but will be broadcast in black and white by the station requesting deletion.

(b) The provisions of \$5 76.92 and 76.94 shall not apply to a cable television system having fewer than 1,000 subscribers. Within 60 days following the provision of service to 1,000 aubscribers, the operator of each such system shall file a notice to that effect with the Commission and shall send a copy thereof to all television broadcast and translator stations carried by the system.

(c) Network nonduplication protection need not be extended to a higher priority stathon for one hour following the scheduled time of completion of the broadcast of a live sports event by that station or by a lower priority station against which a community unit would otherwise be required to provide nonduplication protection following the scheduled time of completion.

(d) The Commission will give full effect to private agreements between operators of community units and local television stations which provide for a type or degree of network program nonduplication protection which differs from the requirements of 14 76.92 and 76.94. A copy of any such private agreement entered into after August 22, 1975, shall be filed with the Commission and a copy shall also be placed in the public laspection file (see § 76.305) and retained in such file for as long as the contract remains in force.

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# KESSLER APPENDIX F

# I. Local County Analysis Illustration For WKBD

## A. DMA Analysis

Nielsen groups counties into Designated Market Areas (or "DMAs").<sup>1</sup> Each DMA consists of a group of counties forming an exclusive geographic area in which Nielsen has determined that the home market television stations hold a dominance of viewing. Although a few counties are split between DMAs, as a rule each county is assigned to one and only one DMA.

Attachment 1 is a page with the Detroit market (among others) from Nielsen's September 2001 "U.S. TV Household Estimates" ("the DMA book"), which shows all DMAs and the counties associated with each. This page provides a good example of how DMAs are used to identify local cable system carriage for station WKBD, channel 50, licensed to Detroit. WKBD is a sample station for all four special Nielsen studies. Again, the objective in determining the counties where a station is local is to enable Nielsen to exclude cable viewing from those counties, with the result that only distant viewing for WKBD will be captured.

The Detroit DMA market consists of nine Michigan counties:

Lapcer	Sanilac
Livingston	St. Clair
Macomb	Washtenaw
Monroe	Wayne
Oakland	

Because WKBD is licensed to Detroit, a cable system serving communities in any of these nine counties must carry WKBD to its subscribers as a local signal. MPAA advised Nielsen to exclude cable viewing from homes located in these nine counties when measuring WKBD's distant viewing.

## **B.** Significantly Viewed Analysis

Besides the DMA criterion, stations are considered local in counties and/or communities in which the FCC has deemed the station is "significantly viewed ("SV"), meaning the station reaches certain FCC-defined viewing thresholds within the county or

<sup>&</sup>lt;sup>1</sup> The definition of "local service area" in Section 111(f) and 47 C.F.R. § 76.55(e)(2) defines a station's market as its Nielsen DMA.

community. Because a cable system serving County X must carry stations that are significantly viewed in County X (or Community X), such carriage is considered local.

Attachment 2 lists selected counties in Michigan and Ohio and the TV stations significantly viewed in each as reported on the FCC's website: http://www.fcc.gov/mb/significantviewedstations022509.pdf.

In the case of WKBD, four counties outside the DMA are considered SV:

Genesee, MI	Lucas, OH				
Lenawee, MI	Wood. OH				

If a cable system serves communities located in these SV counties, that system must carry WKBD as a local signal and consequently, those SV counties were excluded from the Nielsen analysis of WKBD's distant viewing,

# II. Other Criteria For Determining Whether a Station Is Local

Besides the DMA and SV criteria, which identify the vast majority of local counties, MPAA also examines other criteria to see if there are any additional counties that would be considered local. These criteria include the station's 35-Mile Specified Zone and the Grade B Contour.

## A. 35-Mile Specified Zone

For all television markets, Major and Smaller, a cable system's carriage of a TV station to subscribers located inside the station's 35 mile specified zone means the station is local to those subscribers.

A copy of the 35-Mile Specified Zone for Detroit is shown as Attachment 3. FCC rules require a cable system serving communities located within that specified zone to carry WKBD as a local signal. Review of the zone indicated that the counties within the specified zone had already been classified as local due to the SV/DMA criteria.

# **B.** The Grade B Contour

Another criterion, in some situations, is the Grade B contour. The contour is an irregular and oddly-shaped circle surrounding the TV station's transmitter site. The Grade B is a measure of estimated signal strength based on the station's antenna size, power, and direction. The Grade B, in other words, is a measure of how clear a picture can be expected to be on a person's television set.

The Grade B contour can be used as a criterion in two circumstances relevant to the local county analysis MPAA performed for 2000-2003. The first circumstance has to do with stations licensed to Smaller Markets. If a cable system serves communities located in a Smaller Market, (*i.e.*, located within the 35-mile zone of such a market), the system can carry as local any station from another Smaller Market whose Grade B encompasses the communities served by the system. The second circumstance relates to systems serving communities located outside all television markets. In the case of a system serving such an area, the system may carry as local all stations whose Grade Bs encompass the communities served by the cable system. In both circumstances if the station is local per the Grade B criterion, the Form 3 cable operator does not have to account for the station in its royalty calculation.

Attachment 4 is the Grade B contour of WKBD taken from the FCC's website. Cable systems serving communities that fall "outside all (television) markets" must carry as a local signal any station whose Grade B encompasses the communities of the system. To identify any such counties, I looked to see if there were any *additional* counties within WKBD's Grade B contour that were outside all markets and not already classified local by a previous standard. That review indicated that the counties within the Grade B contour had either already been classified as local due to the SV/DMA criteria or were not outside all markets.

Once I identified all the local counties for WKBD, I provided those counties to Nielsen so that Nielsen could exclude viewing from them when measuring WKBD's distant viewing. WKBD's local counties were the nine counties in the Detroit DMA, plus the four SV counties, for a total of 13 counties in which WKBD was a local signal.

# III. County Analysis For "Partially-Local" Stations

As previously stated, for the most part, Nielsen organizes its viewing data on a county-by-county basis, so for purposes of MPAA's special studies, it is necessary to declare an entire county either distant or local. In the course of our analyses, we may find that an entire county is neither wholly distant nor wholly local. An example would be a county that is neither SV nor DMA for a station, but which falls partially within the 35-mile zone of the station's market. Another example might be a county located outside all television markets and partially covered by a station's Grade B. In these few cases, MPAA relies on the location of a majority of the county's population to designate the county as local or distant. Because the entire county must be classified as either local or distant for purposes of the Nielsen Studies, it is reasonable to assume that viewing will track with population. For example, are more people (*i.e.*, viewers) located *inside* the 35-mile zone (or Grade B) or outside? If, in our example, most of the population is within the station's Grade B contour, we consider the county local. We rely on maps, census data and so forth and compare the location of individual communities in relation to the Grade B (or 35-mile zone).

# KESSLER APPENDIX F ATTACHMENT 1

# U.S. TV HOUSEHOLD ESTIMATES

BY COUNTY WITHIN DESIGNATED MARKET AREA (DMA)

05516	NATED MARKET AREA** STATE COUNTY	COUNTY SIZE '	TOTAL HOUSEHOLDS	TV HOUSEHOLDS	% TV PENE- TRATION	% OF U.S. TV HOUSEHOLDS	1/2010	GNATED MARKET AREA STATE COUNTY	COUNTY SIZE	TOTAL HOUSEHOLDS	TV HOUSEHOLDS	% TV PENE- TRATION	% OF U.S. TV HOUSEHOLDS
679	DES NOINES-AMES (CO	NT'D}.					649	EVANSVILLE		282,600	279,190	99	. 265
	MISSOURI NERCER	D	1,600	1,580				ILLINDIS EDWARDS	Ð	2.800	2.790		
505	DETROIT		1,898,400	1,878,670		1.782		WABASH WAYNE WHITE	D D D	5,100 7,100 6,400	2,790 5,030 7,000 6,330		
	MICHIGAN LAPEER LIVINGSTON NACOMB	M A M A	30,600 56,900	30,140 56,410 302,830				INDIANA DUBOIS GIBSON PERRY	0 0	15,000 12,800 6,900	14.850 12.670 6.810		
	MUNKUE OAKLAND	MA A MA D	56.900 305.000 53,000 471,600	302,830 52,630 468,440 16,790	· .			PIKE POSEY SPENCER VANDERBURGH	р М В D	5,300 10,300 7,800 71,900 19,500	5.220		
	SANILAC ST CLAIR WASHTENAW WAYNE	N A A M A	17,000 62,200 125,700 776,400	61,630 122,480 767,320				VANDERBURGH WARRICK KENTUCKY DAVIESS	M B M B C	71,900 19,500 36,200	7,690 71,200 19,340 35,760		
606	ÐOTHAN		95,800	94,530		. 090		HANCOCK HENDERSON HOPKINS	M B D	3,100 18,000 18,600	3.040		
	ALABAMA COFFEE Dale Geneva Henry Houston	M C D D H C	17,300 18,200 10,800 6,300 35,500	17,020 17,940 10,470 6,230 35,100	r.			MCLEAN MUHLENBERG OHIO UNION WEBSTER	0 0 0 0	3,800 12,000 9,000 5,400 5,600	18,150 3,750 11,770 3,850 5,360 5,500		
	GEORGIA EARLY SEMINOLE	0 D	4,400 3,500	4,330 3,440			745	FAIRBANKS ALASKA		31,700	30,230	95	.029
676	DULUTH-SUPERIOR		177,400	174,000	98	.165	794	FAIRBNKS-PLUS FARGO-VALLEY CITY	С	31.700 229,600	30.230 225.830	98	. 214
	MICHIGAN GOGEBIC MINNESOTA	D	7,500	7,280			724	MINNESOTA BECKER	D				. 214
	CARLTON COOK ITASCA KOOCHICHING LAKE	M D D D D D	12,200 2,400 17,300 5,200 4,700	12.050 2.220 17.080 5.040 4.640 79.930				CLAY CLEARWATER KITTSON LAKE OF WOODS MAHNOMEN	C D D D D	11.800 18.500 3,300 2.200 1.600 1.800	11,540 18,400 3,210 2,170 1,530 1,750		
	ST LOUIS WISCONSIN ASHLAND BAYFIELD DOUGLAS IRON SAWYER	MB D MB D D	81,400 6,600 6,300 17,700 2,700 6,700	6.420 6.120 17,510 2,670 6,460				MARSHALL NORMAN OTTER TAIL PENNINGTON POLK RED LAKE ROSEAU	D D D D D D D D D	4,000 3,000 23,300 5,300 11,500 1,700 5,900	3,950 2,930 22,770 5,210 11,390 1,650 5,720		
765	WASHBURN EL PASO	D	6,700	6,580 273,120		.259		WILKIN NORTH DAKOTA BARNES	D	2,800 5,000	2,790 4,930		
	NEW MEXICO DONA ANA	c	61,700	59,930				BENSON CASS CAVALIER D1CKEY	D C D D	2,500 51,100 1,900	2,440 50,210 1,870 2,160		
	TEXAS CULBERSON EL PASO HUDSPETH	M B D	900 214,100 1,000	850 211,380 960				EDDY FOSTER GBAND FORKS	0 0 C D	2.200 1.200 1.600 24.000 1.200	1,190 1,580 23,610 1,190		
565	ELHIRA		94,200	92,420	98	.088	-	GRIGGS LA MOURE NELSON PEMBINA	D D D	1,900 1,800 3,300	1.890 1.780 3.220 4.820		
	NEW YORK Chemung Schuyler Steuben	M C D C	33,700 7,100 37,800	33,300 6,960 37,040				RAMSEY RANSOM RICHLAND SARGENT	D D D	4,900 2,500 6,700 1,800	2,420 6,610 1,780		
	PENNSYLVANIA Tioga	D	15,600	15,120				STEELE STUTSMAN TOWNER	D D D	1.000 8.700 1.400	1,000 8,610 1,370		
516	ERIE PENNSYLVANIA	c	157,800	155,720 34,190		.148		TRAILL WALSH	D D	3.400 4.800	3,380 4,760		
	CRAWFORD ERIE WARBEN	M B D	34,900 105,700 17,200	104,640 18,890	e.	x ·	513	FLINT SÄĞINAW-BAY MICHIGAN ARENAC	CITY D	457,600 6,600	453,740.	99	.430
801	EUGENE DREGON		225,800	216,450		.205		BAY GENESEE GLADWIN	N 8 N B D	42,400 168,900 10,400	6,550 42,200 167,520 10,320		
	BENTON COOS DOUGLAS LANE	C C M B	29,800 25,800 39,200 131,000	28,090 24,450 37,610 126,300	)			GRATIOT HURON IOSCO ISABELLA MIDLAND	D D D M B	15,200 13,900 10,700 21,600 31,700	13,680 10,550 21,340 31,500		
802	EUREKA		58,600	54.650	93	.052	1	OGEMAW SAGINAW SHIAWASSEE	Й М В С	8,900 79,500 26,400	8,860 78,900 26,140		
	CALIFORNIA DEL NORTE HUMBOLDT	M C	8,900 49,700	8,220 46,430	) ) )			TUSCOLA	Đ	21,400	21,210		

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M METRO COUNTY OF DMA MARKET NM: METRO COUNTY OF NON-DMA MARKET SEE PAGE A FOR COUNTY SIZE DEFINITIONS SEE PAGE A FOR DMA CODE AND NAME DEFINITION

# KESSLER APPENDIX F ATTACHMENT 2

# Significantly-Viewed Counties - WKBD, 50, Detroit

## Michigan

Genesee WNEM-TV, 5, Bay City, MI WJRT-TV, 12, Flint, MI +WSMH, 66, Flint, MI #WJBK, 2, Detroit, MI<sup>24</sup> #WDIV, 4, Detroit, MI (formerly WWJ)<sup>25</sup> #WXYZ-TV, 7, Detroit, MI<sup>26</sup> WKBD-TV, 50, Detroit, MI WLNS-TV, 6, Lansing, MI (formerly WJIM)

Lenawee

WJBK, 2, Detroit, MI WDIV, 4, Detroit, MI (formerly WWJ) WXYZ-TV, 7, Detroit, MI CBET, 9, Canada (formerly CKLW) WKBD-TV, 50, Detroit, MI WTOL-TV, 11, Toledo, OH WTVG, 13, Toledo, OH (formerly WSPD) WNWO TV, 24, Toledo, OH (formerly WDHO) +WUPW, 36, Toledo, OH

### <u>Ohio</u>

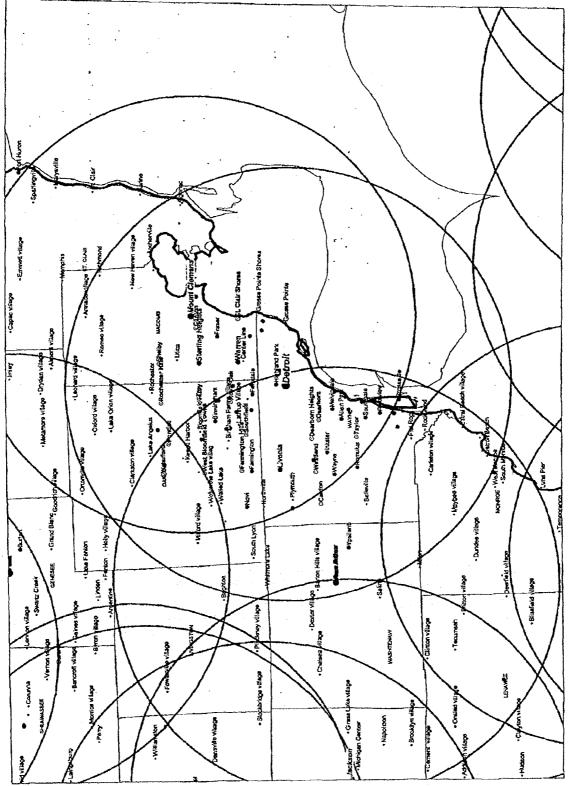
#### Lucas

WTOL-TV, 11, Toledo, OH WTVG, 13, Toledo, OH (formerly WSPD) WNWO-TV, 24, Toledo, OH (formerly WDHO) +WUPW, 36, Toledo, OH WJBK, 2, Detroit, MI WXYZ-TV, 7, Detroit, MI +WKBD-TV, 50, Detroit, MI

Wood

WTOL-TV, 11, Toledo, OH WTVG, 13, Toledo, OH (formerly WSPD) WNWO-TV, 24, Toledo, OH (formerly WDHO) +WUPW, 36, Toledo, OH WKBD-TV, 50, Detroit, MI

# KESSLER APPENDIX F ATTACHMENT 3

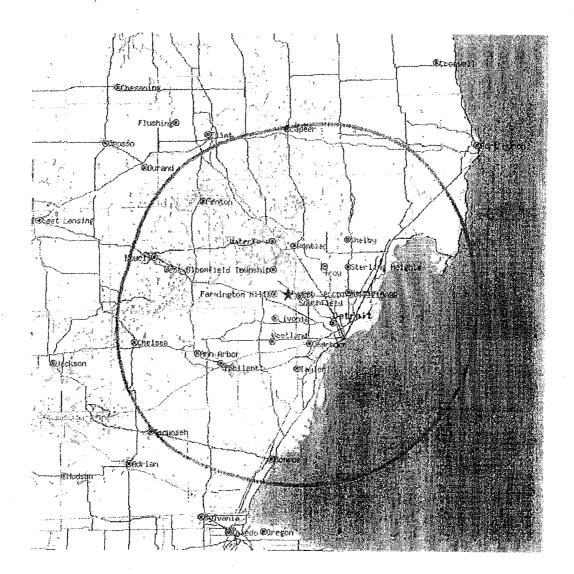


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# KESSLER APPENDIX F ATTACHMENT 4

Page 1 of 1



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# Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

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In the Matter of

Distribution of the

2000, 2001, 2002, and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

**Rebuttal Testimony of** 

Marsha E. Kessler

May 15, 2013

#### **REBUTTAL TESTIMONY OF MARSHA E. KESSLER**

My name is Marsha E. Kessler. Prior to my retirement in August 2010, I served as Vice-President, Retransmission Royalty Distribution, at Motion Picture Association of America ("MPAA"), a position I held, under various titles, for about 28 years. You may find details of my background and experience in my direct testimony in this proceeding, which was submitted to the Copyright Royalty Judges ("Judges") on May 30, 2012.

### I. PURPOSE OF TESTIMONY

The purpose of my rebuttal testimony is two-fold. First, I describe the Phase I programming categories that the Phase I Parties have relied on since the early days of the Copyright Royalty Tribunal ("CRT"), and which I applied consistently throughout my tenure at MPAA in order to determine the correct categorization of programming for MPAA's special Nielsen Studies commissioned in connection with Phase I royalty proceedings since the early 1980s. These Phase I categories are mutually exclusive, and they have formed the basis for the distribution of hundreds of millions of dollars of Section 111 royalties over the course of the last thirty years.

Second, I explain the results of an investigation Jane Saunders of MPAA and I conducted from March to May, 2013, in which we contacted certain MPAArepresented entities whose names also appeared in Exhibit IPG-1 to the Written Direct Testimony of Raul C. Galaz, which was filed on May 30, 2012 and later amended on August 20, 2012. As explained later in my testimony, the MPAArepresented claimants we contacted uniformly reported that they had either (1) terminated their representation agreements with IPG many years ago, or (2) understood that such agreements had long-since expired pursuant to their own terms. All of the MPAA-represented claimants we contacted confirmed that MPAA is their designated Phase II representative in this proceeding for some or all of the 2000 to 2003 cable royalty years.

#### II. THE PHASE I CATEGORIES

Since the first cable royalty distribution proceeding covering the 1978 royalty year, the CRT, and then later the Copyright Arbitration Royalty Panels ("CARP"), divided their royalty distribution cases into Phase I and Phase II proceedings. In Phase I, the CRT or the CARP allocated the entire royalty fund among broadly defined Phase I program categories. In Phase II, to the extent necessary, the CRT or the CARP resolved disputes among different claimants or groups of claimants within a single Phase I category as to the internal division of the category's Phase I allocation.

The Phase I categories themselves developed over the course of the first few years of CRT proceedings. In response to requests by various parties for rulings on close or disputed questions about which category should be treated as encompassing particular programs, the CRT refined the category definitions through declaratory rulings and rulings published as a part of its final determinations. *See, e.g.*, 1984 Cable Royalty Distribution Proceeding, 52 Fed. Reg. 8408, 8416 (Mar. 17, 1987); Advisory Opinion, Docket No. CRT 85-4 84 CD (May 16, 1986).

Attached to my testimony as Addendum A is a copy of the May 16, 1986 CRT Advisory Opinion cited above. I am aware of this CRT Advisory Opinion not only because I was tasked with applying the Phase I categories as a routine part of my job while I was working at MPAA, but also because IPG introduced the document as a cross-examination exhibit during the 1997 Cable Phase II Proceeding as IPG Exhibit 12x. I testified during the 1997 Cable Phase II Proceeding as a witness for MPAA, and was cross-examined by IPG's counsel during the hearing concerning IPG Exhibit 12x. Based on this experience, I can say with confidence that IPG was well aware of the contents of the CRT Advisory Opinion long before the Judges commenced this current Phase II proceeding.

The eight Phase I categories that were established during the CRT period are attached to my testimony as Addendum B. These categories are mutuallyexclusive and they are intended to cover all non-network television programming (plus the music that is performed during those programs) on stations retransmitted as distant signals by U.S. cable systems. During my tenure at MPAA, I advised both Nielsen and Tribune Media Services regarding the process of assigning individual television programs to one (and only one) of the designated categories. MPAA's Nielsen Studies have long been an important piece of evidence underlying the CRT, CARP, and the Judges' Phase I distribution orders, having been introduced in every litigated Phase I distribution proceeding since the early 1980s. I am also aware that virtually every participant in a Phase I proceeding has relied on these program categories for (1) presentation of evidence, and (2) partial and final distribution of royalties.

### III. MPAA-REPRESENTED CLAIMANTS APPEARING IN EXHIBIT IPG-1

At MPAA's request, I reviewed Mr. Galaz's written direct testimony in this proceeding. During my review, I discovered that certain entities listed on Exhibit IPG-1 as "IPG-represented Claimants" in the Program Suppliers category are actually MPAA-represented Program Suppliers for some or all of the 2000 through 2003 royalty years. Some of these "overlapping" claimants were dismissed from IPG's case by the Judges in their March 21, 2013 Memorandum Opinion and Order Following Preliminary Hearing On Validity Of Claims.<sup>1</sup>

Starting in March 2013, Jane Saunders of MPAA and I began contacting the remaining overlapping claimants to ask them to clarify whether IPG or MPAA is their authorized Phase II representative for purposes of this proceeding. Between January and May 2013, we had telephone calls with authorized representatives of the following entities, all of whom appear on Exhibit IPG-1:

<sup>&</sup>lt;sup>1</sup> The overlapping claimants that were dismissed pursuant to the March 21 Order are the twelve entities identified in that Order as represented by Fintage Publishing and Collection, B.V., as well as O. Atlas Enterprises, Sandra Carter Productions, Scholastic Entertainment, Inc., and Ward Productions.

BBC Worldwide

DreamWorks LLC

Litton Syndications, Inc.

Marty Stouffer Productions, Ltd.

Martha Stewart Living Omnimedia

**Reel Funds International** 

Remodeling Today d/b/a Today's Homeowner

Television Syndication Company (TVS)

United States Olympic Committee

Urban Latino TV LLC (cka American Latino)

Venevision International

During my telephone conversations with authorized representatives of these entities, I learned that the majority of them had previously terminated their representation agreements with IPG. Following these telephone calls, authorized representatives for nine of the eleven entities listed above took it upon themselves to make filings with the Copyright Royalty Board notifying the Judges that they had previously terminated their relationships with IPG and confirming that MPAA, and not IPG, is their authorized Phase II representative for some or all of the 2000-2003 cable royalty years. Some of these filings were accompanied by copies of correspondence with IPG that I understand was never produced to MPAA in discovery in this proceeding. Certified copies of these filings are attached to my testimony as Addendum C.

The two remaining entities listed above that are not covered by the filings in Addendum C are the United States Olympic Committee ("USOC") and Martha Stewart Living Omnimedia ("MSLO"). I discuss each of these overlapping claimants below.

USOC informed me that they terminated their representation agreement with IPG on January 22, 2003. Attached hereto as Addendum D is a copy of the USOC termination letter which I received directly from USOC. I understand that IPG never produced a copy of the USOC termination letter to MPAA in discovery in this proceeding.

MSLO reviewed its records and informed me that its representation agreement with IPG is limited to the 2000 royalty year and does not apply to any later royalty years. Starting with royalty year 2001, MSLO confirmed that MPAA is its authorized Phase II representative.

#### IV. ADDITIONAL TERMINATION CORRESPONDENCE

In the course of my conversations with the overlapping claimants discussed above, one other Exhibit IPG-1 entity who previously notified the Judges that it had terminated its relationship with IPG was brought to my attention. On June 7, 2007, Farm Journal Electronic Media notified the Judges that IPG was not authorized to assert claims on its behalf for the 2001, 2002, and 2003 royalty years. A certified copy of this correspondence is attached to my testimony as Addendum E.

Thank you for the opportunity to present the information in this

testimony. I hope it will be helpful in the Judges' deliberations.

# **DECLARATION OF MARSHA E KESSLER**

I declare under penalty of perjury that the foregoing rebuttal testimony is true and correct, and of my personal knowledge.

Executed on May 15, 2013

Marsha E. Kessler

5280460.4/43507-00063

# KESSLER REBUTTAL TESTIMONY ADDENDUM A



P.S. EXHIBIT NO GXHIBIT # - Off. 40

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1111 20th Street, N.W. Suite 450 Washington, D.C. 20036 (202) 653-5175

In the Matter of

1984 Cable Royalty } Distribution Proceeding}

Docket No. CRT 85-4 84CD

## ADVISORY OPINION

On April 18, 1986, the Program Suppliers moved for declaratory rulings regarding program categorization in their 1984 Nielsen Special Study of distant viewing. The Program Suppliers asked: (a) Whether programs produced or originated uniquely for a single group of commonly-owned stations and not licensed to or broadcast by any other station should be included in the "Local" category; (b) whether the "Other" category should continue to include all telethons, coverage of political events, and parades, as well as "filler," "rain delay," "to be announced," and foreign language programs on non-specialty stations; (c) should the Tribunal determine telethons, coverage of political events, and parades are not to be included in "Other," what criteria are to be used to classify these programs, as they are rarely, if ever, listed in the BIB Book, ROSP, or SPA; and (d) whether individual programs on foreign-language specialty stations are to be classified separately. The program Suppliers also listed their definitional instructions to Nielsen in the appendix to their motion.

The Tribunal received comments from the Joint Sports Claimants, NAB, Multimedia, and reply comments from the Program Suppliers. In addition to commenting, NAB proposed that the Tribunal institute a general rulemaking to define all program types used by the Tribunal in Phase I proceedings.

The Tribunal considers that it is sufficient at this time to issue an advisory opinion in areas where it believes have been of most concern to all parties. It is the Tribunal's opinion that:

a) "Local programs" are programs licensed to/produced by and broadcast by a single broadcast station during the calendar year in question, and not broadcast by any other station.
(To the extent a syndicator of a program is considered in the "local" category because he/she was able to syndicate to only one station in the calendar year, he/she would be entitled to a settlement or a Phase II proceeding in the local category.)

- b) "Syndicated series and specials" are programs licensed to/produced by and broadcast by two or more broadcast stations during the calendar year in question. (The extent to which stations are commonly-owned or controlled and whether that should diminish the amount of the award are factual questions to be argued in the proceeding.)
- c) Programs characterized by some parties in past proceedings as "minor sports" such as wrestling, high school athletics, coaches shows, etc., come under either the "Local" or "Syndicated Series and Specials" category.
- d) Programs which have been placed in the "Other" category and/or "Specialty Station" category are more properly defined as "Local," "Syndicated Series and Specials," or "Devotional." These include telethons, parades, political events, foreign-language programs, and devotional programs on specialty stations.

Additionally, the Tribunal notes that the description of Devotional Programs listed in the Program Suppliers definitional instruction are at some variance with Tribunal utilization of this category.

e) "Devotional Programs" are programs of a primarily religious theme. They are not limited to those programs produced for/by religious institutions. The Tribunal notes that several programs produced by local stations and represented by NAB received a settlement from the Devotional Claimants in the 1983 proceeding.

Chairman

Dated: May 16, 1986

# KESSLER REBUTTAL TESTIMONY ADDENDUM B

#### **Phase I Claimant Category Definitions**

"Program Suppliers." Syndicated series, specials and movies, other than Devotional Claimants programs as defined below.

Syndicated series and specials are defined as including (1) programs licensed to and broadcast by at least one U.S. commercial television station during the calendar year in question, (2) programs produced by or for a broadcast station that are broadcast by two or more U.S. television stations during the calendar year in question, and (3) programs produced by or for a U.S. commercial television station that are comprised predominantly of syndicated elements, such as music video shows, cartoon shows, "PM Magazine," and locally hosted movie shows.

"Joint Sports Claimants." Live telecasts of professional and college team sports broadcast by U.S. and Canadian television stations, except for programs coming within the Canadian Claimants category as defined below.

"<u>Commercial Television Claimants</u>." Programs produced by or for a U.S. commercial television station and broadcast only by that one station during the calendar year in question and not coming within the exception described in subpart (3) of the "Program Suppliers" definition.

"<u>Public Television Claimants</u>." All programs broadcast on U.S. noncommercial educational television stations.

"<u>Devotional Claimants</u>." Syndicated programs of a primarily religious theme, not limited to those produced by or for religious institutions.

"<u>Canadian Claimants</u>." All programs broadcast on Canadian television stations, except (1) live telecasts of Major League Baseball, National Hockey League, and U.S. college team sports, and (2) other programs owned by U. S. copyright owners.

"National Public Radio." Public radio broadcast programming.

"<u>Music Claimants</u>." Musical works performed during the course of programs that are themselves separately represented as parts of the preceding categories.

5279769.1

# KESSLER REBUTTAL TESTIMONY ADDENDUM C

### COPYRIGHT ROYALTY JUDGES The Library of Congress Washington, D.C.

In re

Distribution of 2000, 2001, 2002 and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

## DOCUMENT CERTIFICATION FROM THE COPYRIGHT ROYALTY BOARD FILES

I certify that, under my direction, the staff of the Copyright Royalty Board (CRB)

has made a reasonable search of available files at the CRB. I certify that the

documents attached to this Certification are a true copy of the documents maintained in

the office of the CRB. The attached certified documents are:

- Joint Notice Concerning Representation, filed by Urban Latino, TV, LLC Dated April 17, 2013
- Notice Concerning Representation, filed by Litton Syndications, Dated April 25, 2013
- Letter from Marty Stouffer of Mary Stouffer Productions, Ltd, Dated April 26, 2013.

SIGNED this <u>K</u>day of May 2013.

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Suzanne M. Barnett Chief Copyright Royalty Judge

Certification of Documents - 1

#### Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

In the Matter of

Distribution of the 2000, 2001, 2002 and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

#### JOINT NOTICE CONCERNING REPRESENTATION

Urban Latino TV, LLC ("Urban Latino"); Remodeling Today, Inc. d/b/a Today's Homeowner ("Today's Homeowner"); and The Television Syndication Company, Inc. ("TVS") (each a "Claimant," and collectively, the "Claimants"), hereby give notice through their counsel that Claimants terminated their respective agreements with Worldwide Subsidy Group and/or Independent Producers Group (together, "IPG") and are no longer represented by IPG. The Claimants further give notice that they have authorized undersigned counsel to represent their interests in cable and satellite statutory license proceedings before the Copyright Royalty Judges ("Judges"). For purposes of the instant 2000-2003 Cable Phase II Proceeding, Claimants have designated the Motion Picture Association of America, Inc. ("MPAA") as their Phase II representative. Contrary to IPG's representation to the Judges in the captioned proceeding, IPG is not authorized to represent Claimants.

# I. Claimants Terminated Their Representation Agreements With IPG

On May 28, 2003, Urban Latino sent a letter to IPG via certified mail terminating its representation agreement with IPG, effective immediately. *See* Letter to Marian Oshita from Robert G. Rose, dated May 28, 2003 (attached hereto as Exhibit A). Urban Latino also instructed IPG to cease from filing claims on its behalf and to "assign any claims under that [terminated] agreement that were made on behalf of Artist and Idea Management or Urban Latino TV to Hammerman, PLLC." See id. Urban Latino further instructed IPG to notify all copyright collectives that IPG was no longer authorized to continue to, or to claim, to represent Urban Latino. See id.

On March 1, 2004, Today's Homeowner sent a letter to IPG terminating its representation agreement with IPG, effective immediately. *See* Letter to Marian Oshita from Daniel C. Lipford, dated March 1, 2004 (attached hereto as Exhibit B). Today's Homeowner instructed IPG to cease from filing claims on its behalf and to "assign any claims under that [terminated] agreement that were made on behalf our [sic] programming to Hammerman, PLLC." *See id.* Today's Homeowner further instructed IPG to notify all copyright collectives that IPG was no longer authorized to continue to, or to claim, to represent Today's Homeowner. *See id.* 

On April 29, 2004, TVS sent a letter to IPG terminating its representation agreement with IPG, effective immediately. *See* Letter to Marian Oshita from Cassie Yde, dated April 29, 2004 (attached hereto as Exhibit C). TVS instructed IPG to cease filing claims on its behalf and to "assign any claims under any agreements that were made on behalf our [sic] programming to Hammerman, PLLC." *See id.* TVS further instructed IPG to notify all copyright collectives that IPG was no longer authorized to continue to, or to claim, to represent TVS. *See id.* 

# II. Claimants Have Not Authorized IPG To Represent Their Interests In This Proceeding.

Notwithstanding the attached termination correspondence, Claimants have learned that IPG listed them as "IPG-represented claimants" in Exhibit IPG-1 to its Written Direct Statement in the instant proceeding. Such listing was not authorized by Claimants, and should not be considered by the Judges. Claimants hereby request that their names be stricken from Exhibit IPG-1, and that any Section 111 royalties due to Claimants be instead assigned to their authorized Phase II representative, MPAA.

Respectfully submitted,

Edward & Hamplerman, Esq. D.C. Bar No. 460506 Intermediary Copyright Royalty Services a division of Hammerman PLLC Telephone: (202) 686-2887 Facsimile: (202) 318-5633 ted@copyrightroyalties.com

Dated: April 17, 2013

#### **CERTIFICATE OF SERVICE**

I hereby certify that on this 17<sup>th</sup> day of April, 2013, a copy of the foregoing document was sent by Federal Express overnight mail to the parties listed on the attached service list.

Edward S. Hammerman, Esq.

#### SERVICE LIST

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#### **DEVOTIONAL CLAIMANTS**

Clifford M. Harrington PILLSBURY WINTHROP SHAW PITTMAN, LLP 2300 N Street, N.W. Washington, D.C. 20037-1128

# MPAA-REPRESENTED PROGRAM SUPPLIERS

Gregory O. Olaniran Lucy Holmes Plovnick MITCHELL SILBERBERG & KNUPP LLP 1818 N Street NW, 8th Floor Washington, D.C. 20036

#### INDEPENDENT PRODUCERS GROUP

Brian D. Boydston PICK & BOYDSTON, LLP 10786 Le Conte Ave. Los Angeles, CA 90024

#### JOINT SPORTS CLAIMANTS

Robert Alan Garrett Stephen K. Marsh James R. Woods ARNOLD & PORTER LLP 555 Twelfth Street, N.W. Washington, D.C. 20004-1206

Ritchie T. Thomas Iain McPhie Christine Henter SQUIRE, SANDERS & DEMPSEY LLP 1200 19th Street N.W. Washington, D.C. 20036 Philip R. Hochberg LAW OFFICE OF PHILIP R. HOCHBERG 12505 Park Potomac Avenue 6th Floor Potomac, MD 20854

Thomas J. Ostertag OFFICE OF THE COMMISSIONER OF BASEBALL 245 Park Avenue New York, NY 10167

# Exhibit A

ATIST & IDEA MANAGENENT

May 28<sup>th</sup>, 2003

Via Certified Mail Marian Oshita Worldwide Subsidy Group d/b/a Independent Producers Group 9903 Santa Monica Blvd., # 635 Beyerly Hills, California 90212

Dear Ms. Oshita:

The purpose of this letter is to terminate any agreements by and between Artist and Idea Management, I.td. and Urban Latino TV, LLC, owner of the relevision program, "Urban Latino TV," and Worldwide Subsidy Group and/or Independent Producers Group affective immediately.

Neither Worldwide Subsidy Group d/b/a Independent Producers Group, nor Independent Producers Group d/b/a Worldwide Subsidy Group, nor any other agents, affiliates, or assignees of your organization(s) are authorized to claim to represent, to represent, or to file any more documentation for pending or future claims for my company in any domestic or international matters.

You are hereby instructed to assign any claims under that agreement that were made on behalf of Artist and Idea Management or Urban Latino TV to Hammerman, PLLC. You will be compensated fully for any claims in which you have rendered services under the terms of any valid agreement up through television programming year 2001 for cable and satellite retransmission royalty claims filed at the United States Copyright Office.

Please provide me with a detailed status report, copies of, and an accounting for all claims filed on behalf of Artist and Idea Management or Urban Latino TV domestically and internationally by June 15, 2003. That information and all further communications should be directed to our attorney Edward S. Hammerman, Esq., Intermediary Copyright Royalty Services, a division of Hammerman, PLLC, 5335 Wisconsin Avenue, N.W., Suite 440, Washington, D.C. 20015-2052.

Finally, I would appreciate it if you would notify all copyright collectives with whom you have filed royalty claims that you no longer represent my company. Thank you

One Astor Place, Suite 5-5 • New York, NY 10003 • (212) 253-6153 • (212) 253-7007fax www.artistandidea.com • Rob@artIstandidea.com him. Seminal

# Exhibit B

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March 1, 2004

Marian Oshita Worldwide Subsidy Group d/b/a Independent Producers Group 9903 Santa Monica Blvd., # 655 Beverly Hills, California 90212

Dear Ms. Oshita:

The purpose of this letter is to terminate any agreements by and between Remodeling Today, Ine. and/or Danny Lipford, owner of the television program, "Today's Homeowner with Danny Lipford," and Independent Producers Group effective immediately. Neither Worldwide Subsidy Group d/b/a Independent Producers Group, nor any other agents, affiliates, or assignees of your organization(s) are authorized to elaim to represent, to represent, or to file any more documentation for pending or future claims for my company in any demestic or international matters.

You are hereby instructed to assign any claims under that agreement that were made on behalf our programming to Hammerman, PLLC. You will be compensated fully for any claims in which you have rendered services under the terms of any valid agreement up through television programming years 2003 for eable and satellite retransmission royalty claims filed at the United States Copyright Office.

Please provide me with a detailed status report, copies of, and an accounting for all claims filed on behalf of "Today's Homeowner with Danay Lipford" domestically and internationally by March 15, 2004. That information and all further communications should be directed to our attorney Edward S. Hammerman, Esq., Intermediary Copyright Royalty Services, a division of Hammerman, PLLC, 5335 Wisconsin Avenue, N.W., Suite 440, Washington, D.C. 20015-2052.

Finally, I would appreciate it if you would notify all copyright collectives with whom you have filed royalty claims that you no longer represent my company. Thank you.

1480 Cody Road South • Mobile, Alabama 38895 251/833-4420 • Fax: 251/633-2043 • www.dannyilpiord.com Exhibit C

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#### THE TELEVISION SYNDICATION COMPANY, INC.

April 29, 2004

#### Marian Oshita

Worldwide Subsidy Group d/b/a Independent Producers Group 9903 Santa Monica Blvd., # 655 Beverly Hills, California 90212

#### Dear Ms. Oshita:

The purpose of this letter is to terminate any agreements by and between The Television Syndication Company, Inc., owner and/or fights holder of the television programs. "Did You Ever Wonder," "Camerbury Cinema Classics," "Healthquest," "Hiking Advenures in America," Syndication Parks," "Rever Planet," "Rever 66. The Road That Built America," "Waining for Christmas," "Real Life 101," and any other television programs, and Worldwide Subsidy Group effective inamediately. Neither Worldwide, Subsidy Group, dor any other agents, atthates, or assignees of your organization(s) are anthorized to claim to represent, to represent, or to file any more documentation for periding or future claims for my company in any domestic or international matters.

You are hereby instructed to assign any claims under any agreements that were made on behalf our programming to Hammerman, PLLC. You will be compensated fully for any claims in which you have rendered services under the terms of any valid agreement up through television programming year 2002 for cable and satellite retransmission royalty claims filed at the United States Copyright Office or with collectives in Calleda. However, for cable any source on your own, you are not authorized to file claims for television programming year 2003.

Please provide me with a detailed status report, copies of, and an accounting for all claims filed on behalf of all programs retransmitted domestically and internationally by May 14, 2004. That information and all further communications should be directed to our attorney Edward S. Hammerman, Esq., Intermediary Copyright Royalty Services, a division of Hammerman, PLLC, 5335 Wisconsin Avenue, N.W., Suite 440, Washington, D.C. 20013-2052.

Finally, I would appreciate it if you would notify all copyright collectives with whom you have filed royalty claims that you no longer represent my company. Thank you

Sincerely Cassie Yde.

501 Sabal Lake Drive, Suiterins Longwood, FL 32779 UŠA

PHONE: (407) 788-6407 \* FAX: (407) 788-24397. \* 15 MAIL: TVSCO@ptodlgy.net \* WEBSITE: www.TVSco.com

#### Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

In the Matter of

Distribution of the 2000, 2001, 2002 and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

#### **NOTICE CONCERNING REPRESENTATION**

Litton Syndications, Inc. (hereinafter "LSI"), hereby gives notice through its counsel that LSI terminated its representation agreement with Worldwide Subsidy Group and/or Independent Producers Group (together, "IPG") and is no longer represented by IPG. LSI further gives notice that it has authorized the Motion Picture Association of America, Inc. ("MPAA") to represent its interests in cable and satellite statutory license proceedings before the Copyright Royalty Judges ("Judges"). For purposes of the instant 2000-2003 Cable Phase II Proceeding, LSI has designated MPAA as its Phase II representative. Contrary to IPG's representation to the Judges in the captioned proceeding, IPG is not authorized to represent LSI as to any cable royalty year at issue.

#### I. LSI Terminated Its Representation Agreement With IPG.

On August 13, 2002, Peter Sniderman of LSI sent IPG a letter terminating its representation agreement with IPG due to "the unethical practices of one of [IPG's] principals (Raul Galaz)." See Copy Of Letter to Worldwide Subsidy Group from Peter Sniderman, dated August 13, 2002 (attached hereto as Exhibit A). Thereafter, on August 17, 2004, LSI sent IPG a second letter informing IPG that LSI was terminating "all relationships with IPG/WSG," due to IPG's material breach of its contract with LSI. See Copy of Letter to Marian Oshita from Peter Sniderman, dated August 17, 2004 (attached hereto as Exhibit B). In this letter, LSI informed IPG that "IPG/WSG no longer represents LSI and its programming in any matter and may no longer hold itself out as doing so." See id.<sup>1</sup>

Years later, starting on May 11, 2012, LSI began receiving unsolicited email correspondence from IPG concerning LSI programming for the years 2000-2003. See May 2012 Email correspondence from Denise Vernon to LSI (attached hereto as Exhibit C). On May 18, 2012, Mr. Sniderman informed Ms. Vernon that LSI "long ago terminated [its] agreement with WSG for fraud in the inducement fraudulent behavior, and material breach." Mr. Sniderman further informed Ms. Vernon to "cease and desist" her attempts to collect royalties on behalf of LSI. See id.

## II. LSI Has Not Authorized IPG To Represent Its Interests In This Proceeding.

As the attached correspondence demonstrates, IPG is not authorized to represent LSI in cable or satellite royalty proceedings before the Judges. LSI recently learned that IPG listed LSI as a "IPG-represented claimant" in Exhibit IPG-1 to its Written Direct Statement in the instant proceeding. Such listing was not authorized by LSI, and should not be considered by the Judges. LSI hereby requests that its name be stricken from Exhibit IPG-1, and that any Section 111 royalties due to LSI be assigned instead to LSI's authorized Phase II representative, MPAA.

<sup>1</sup> Both Exhibit A and Exhibit B are Word copies of Mr. Sniderman's correspondence with IPG, retrieved from LSI's electronic files. Mr. Sniderman can verify that he personally sent both letters to IPG via U.S. mail on the dates indicated on the correspondence.

Respectfully submitted,

Richard Sigler, Esq. C.A. Bar No. 048673 Attorney At Law 433 N. Camden Dr., Suite 400 Beverly Hills, CA 90210-4408 Telephone: (310) 547-3660 Facsimile: (310) 507-0260 SiglerLaw@aol.com

Dated: April 23, 2013

# CERTIFICATE OF SERVICE

I hereby certify that on this  $\underline{35}$  day of April, 2013, a copy of the foregoing document was sent by Federal Express overnight mail to the parties listed on the attached service list.

Richard Sigler, Esq.

#### SERVICE LIST

#### DEVOTIONAL CLAIMANTS

Clifford M. Harrington PILLSBURY WINTHROP SHAW PITTMAN, LLP 2300 N Street, N.W. Washington, D.C. 20037-1128

#### MPAA-REPRESENTED PROGRAM SUPPLIERS

Gregory O. Olaniran Lucy Holmes Plovnick MITCHELL SILBERBERG & KNUPP LLP 1818 N Street NW, 8th Floor Washington, D.C. 20036

#### INDEPENDENT PRODUCERS GROUP

Brian D. Boydston PICK & BOYDSTON, LLP 10786 Le Conte Ave. Los Angeles, CA 90024

#### JOINT SPORTS CLAIMANTS

Robert Alan Garrett Stephen K. Marsh James R. Woods ARNOLD & PORTER LLP 555 Twelfth Street, N.W. Washington, D.C. 20004-1206

Ritchie T. Thomas Iain McPhie Christine Henter SQUIRE, SANDERS & DEMPSEY LLP 1200 19th Street N.W. Washington, D.C. 20036 Philip R. Hochberg LAW OFFICE OF PHILIP R. HOCHBERG 12505 Park Potomac Avenue 6th Floor Potomac, MD 20854

Thomas J. Ostertag OFFICE OF THE COMMISSIONER OF BASEBALL 245 Park Avenue New York, NY 10167

# **EXHIBIT** A

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August 13, 2002

Worldwide Subsidy Group 9903 Santa Monica Blvd., Suite 655 Beverly Hills, CA 90212

To Whom It May Concern:

This notice is to inform you that we wish to terminate our agreement with your company immediately due to the unethical practices of one of your principals (Raul Galaz.)

From this point forward, we request that you stop representing our properties in the marketplace.

Sincerely,

Pete Sniderman

# EXHIBIT B

#### August 17, 2004

Marian Oshita Worldwide Subsidy Group/ IPG 9903 Santa Monica Blvd. Suite 655 Beverly Hills, CA 90212

#### Dear Marian:

As you know, the undersigned Litton Syndications, Inc., ("LSI") had previously entered into a Representation Agreement with you ("IPG/WSG") dated as of February 2, 1999, (the "Representation Agreement") which LSI previously terminated for IPG/WSG's breach. Notwithstanding such termination, LSI continued to allow IPG/WSG to pursue a cable/satellite retransmission settlement on LSI's behalf with the MPAA and Copyright Royalty Tribunal in connection with LSI programming for the period of 1998 and 1999.

Our attempts to contact you regarding your progress in this matter have resulted in ignored phone calls and emails. We are now informed you have missed a crucial deadline for filing claims on our behalf and that those claims may now have been lost as a result. Due to this material breach in your duties to LSI and its clients, LSI is hereby terminating all relationships with IPG/WSG, and will now pursue its claims directly with the parties involved. Accordingly, IPG/WSG no longer represents LSI and its programming in any matter and may no longer hold itself out as doing so.

This termination is without waiver of any rights LSI may have on account of your breach, and is not intended to be a complete statement of the facts or LSI's positions on this matter, all of which are expressly reserved.

Very truly yours,

Litton Syndications, Inc.

By:

Peter Sniderman VP/ Business Affairs

# **EXHIBIT C**

From: worldwidesg@aol.com [mailto:worldwidesg@aol.com] Sent: Friday, May 18, 2012 12:09 PM To: Peter Sniderman Cc: brianb@ix.netcom.com Subject: Re: Litton Syndications; final broadcast verification

Mr. Sniderman,

I have had an opportunity to review our file on this matter, and your statements are seriously mistaken. Initially, Litton Syndications has never sent notice of termination to WSG, at least as far as we can discern. A few years ago you asserted that termination had occurred "in 2002" in email correspondence with Raul Galaz, then failed to produce any copy of any notice of termination, despite being expressly requested to do so.

Further, your statement that you terminated the agreement with WSG for "fraud in the inducement, fraudulent behavior, and material breach" is new. Nowhere has there ever been such an allegation made against WSG by Litton Syndications, or any party.

Turning to the agreement between WSG and Littorn, it expressly provides that termination may only occur pursuant to the specifications of paragraph 8 of the agreement, which has not occurred. Also, you have previously asserted that termination occurred "in 2002". Presuming that you are refering to a "notice of termination", then pursuant to paragraph 2 of the agreement, any notice provided during 2002 would result in the "Term" concluding no earlier than December 31, 2002, and possibly later. Paragraph 4 of the agreement, in turn, establishes that WSG's rights continue indefinitely for royalties attributable to the Term, and that WSG retains the ability to commission any royalties "applicable to the Term, or prior to the Term, irrespective of when such Distribution Proceeds are payable." Paragraph 3 requires Litton Syndications to cooperate with WSG, including by identifying all of its programming.

In sum, it appears as though each and every time that you communicate with WSG, your recollection of events becomes more exagerated. If you have a notice of termination, then forward it. If you have evidence of "fraud In the inducement, fraudulent behavior, and material breach", or even anything to suggest that you have previously made such an allegation toward WSG, then forward it. Regardless, even based on your asserted timeline, WSG remains entitled, in a worst case scenario, to collect on royalties attributable through calendar year 2002. It is therefore both an obligation and entitlement of WSG to collect these royalties, and Litton's obligation to cooperate in such collection.

WSG will not forego its rights for services it has professionally rendered. If Litton fails to cooperate, Litton will be held accountantable per paragraph 9 of the agreement. If Litton interferes with WSG's collections, it will be held accountable for breach of the agreement, and could further be sued for defamation of title and any other appropriate cause of action. If Litton publicly asserts that WSG engaged in "fraud in the inducement, fraudulent behavior, and material breach", I personally assure you that WSG will bring an action against Litton for defamation.

To be certain, I have no patience for a party riding on the coattails of WSG's work, then making false assertions as a means of avoiding its obligations. I trust this clarifies our position, and our expectation of your immediate cooperation, i.e., today, with the data that WSG has forwarded.

**Denise Vernon** 

Worldwide Subsidy Group

 Subject:
 RE: Litton Syndications; final broadcast verification

 Date:
 5/18/2012 7:12:38 A.M. Pacific Daylight Time

 From:
 peter@litton.tv

 To:
 worldwidesg@aol.com

 CC:

SiglerLaw@aol.com

We long ago terminated the agreement with WSG for fraud in the inducement, fraudulent behavior, and material breach. We suspect you are well aware of the circumstances leading up to this. In fact, your efforts to collect under this expired contract are hindering our own efforts to collect. Please cease and desist attempting to do so.

Peter Sniderman Chief Operating Officer Litton Entertainment

From: worldwidesg@aol.com <worldwidesg@aol.com> To: Peter Sniderman Sent: Thu May 17 12:30:07 2012 Subject: Litton Syndications; final broadcast verification

Dear Peter,

we ABSOLUTELY need your response at this time.

Thanks, Denise

----Original Message----From: worldwidesg <worldwidesg@aol.com> To: peter <peter@litton.tv> Sent: Fri, May 11, 2012 8:50 am Subject: Litton Syndications; final broadcast verification

Dear Sir/Madam,

As the final step in our process of representing your company's claim to 2000-2003 U.S. cable retransmission royalties, we have identified each broadcast of the programs that you previously informed us were owned or controlled by your company. These broadcasts appear in the attached Excel spreadsheet.

In some instances, multiple programs appear with the same title. Nevertheless, the broadcast information oftentimes provides additional information regarding the identity of the program. Consequently, and in order to preserve the integrity of your claim and the claims of all represented producers, it is imperative that your company confirm that the broadcasts appearing on the attached Excel spreadsheet were owned or controlled by your company. At this point we need you to do two things:

- 1)<u>Immediately</u> forward a reply email confirming your receipt of this email and its attachment. A simple response with the word "Received" will suffice. If we do not receive this reply we will need to continue emailing and calling you until the delivery of the email is confirmed.
- 2) <u>Immediately</u> review the attached list of titles and identify any broadcast of a program that was not owned or controlled by your company. This must be handled in the following manner: in the column immediately next to the program title, headed "Unclaimed Broadcast", place an "x" only if the particular broadcast is of a program for which the free ty rights were not owned or controlled by your company at the time of the broadcast.

We are only a few weeks away from the filing of our direct case with the U.S. Copyright Office. Consequently, it is imperative that your company complete this task immediately. Failure to immediately respond could jeopardize your receipt of royalties, and we need your response no later than Tuesday, May 15, earlier if possible. We realize that this is a short time frame, however your cooperation is necessary as we are analyzing over eleven million broadcasts as part of our presentation.

Finally, allow me to remind you that this email contains highly proprietary information. Do not share this information with any third party, as doing so could potentially harm both your claim and the claims of several hundred other represented claimants.

Thank you for your immediate attention to this matter.

Denise Vernon

Worldwide Subsidy Group

Attachment: Litton\_Syndications.xls

From: worldwidesg@aol.com [malito:worldwidesg@aol.com] Sent: Friday, May 11, 2012 9:50 AM To: Peter Sniderman Subject: Litton Syndications; final broadcast verification

#### Dear Sir/Madam,

As the final step in our process of representing your company's claim to 2000-2003 U.S. cable retransmission royalties, we have identified each broadcast of the programs that you previously informed us were owned or controlled by your company. These broadcasts appear in the attached Excel spreadsheet.

In some instances, multiple programs appear with the same title. Nevertheless, the broadcast information oftentimes provides additional information regarding the identity of the program. Consequently, and in order to preserve the integrity of your claim and the claims of all represented producers, it is imperative that your company confirm that the broadcasts appearing on the attached Excel spreadsheet were owned or controlled by your company.

At this point we need you to do two things:

1) <u>Immediately</u> forward a reply email confirming your receipt of this email and its attachment. A simple response with the word "Received" will suffice. If we do not receive this reply we will need to continue emailing and calling you until the delivery of the email is confirmed.

2) <u>Immediately</u> review the attached list of titles and identify any broadcast of a program that was not owned or controlled by your company. This must be handled in the following manner: in the column immediately next to the program title, headed "Unclaimed Broadcast", place an "x" only if the particular broadcast is of a program for which the free tv rights were not owned or controlled by your company at the time of the broadcast.

We are only a few weeks away from the filing of our direct case with the U.S. Copyright Office. Consequently, it is imperative that your company complete this task immediately. Failure to immediately respond could jeopardize your receipt of royalties, and <u>we need your response no</u> <u>later than Tuesday, May 15, earlier if possible</u>. We realize that this is a short time frame, however your cooperation is necessary as we are analyzing over eleven million broadcasts as part of our presentation.

Finally, allow me to remind you that this email contains highly proprietary information. Do not share this information with any third party, as doing so could potentially harm both your claim and the claims of several hundred other represented claimants.

Thank you for your immediate attention to this matter.

Denise Vernon

Worldwide Subsidy Group

Attachment: Litton Syndications.xls



# MARTY STOUFFER PRODUCTIONS LTD.

April 26, 2013

Copyright Royalty Board Library Of Congress James Madison Memorial Building 101 Independence Avenue, SE Washington, D.C. 20559-6000

RE: Royalty Claims Made By Worldwide Subsidy Group d/b/a Independent Producers Group ("IPG") in Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

To Whom It May Concern,

Through this letter, Marty Stouffer Productions ("MSP") provides notice to the Copyright Royalty Board ("CRB") that MSP terminated its July 17, 2001 representation agreement with IPG in July of 2002 through a certified letter sent to IPG by MSP's outside counsel at the time, Nick McGrath, Esq. Mr. McGrath is now deceased, and MSP does not have access to his files. As a result, MSP is unable to provide the CRB with a copy of MSP's July 2002 termination letter. Notwithstanding this fact, MSP has been able to locate a copy of email correspondence that we sent to Marsha Kessler of the Motion Picture Association of America, Inc. ("MPAA") on July 16, 2002, which makes reference to the earlier termination correspondence. A copy of this email is attached to this letter for your convenience.

Please consider this letter formal notice from MSP that MSP has terminated its relationship with IPG. As a result, IPG is not authorized to represent MSP in cable or satellite royalty proceedings before the CRB. To the extent that IPG has included MSP on its list of represented claimants in the ongoing 2000-2003 Cable Phase II Proceeding, please be advised that such listing was not authorized by MSP, and should be disregarded. For purposes of the ongoing 2000-2003 Cable Phase II Proceeding, MSP has designated MPAA as its Phase II representative.

fer, President

Marty Stouffer Productions, Ltd. Enclosure. Cc: Brian D. Boydston Pick & Boydston LLP 10786 Le Conte Ave. Los Angeles, CA 90024

> Gregory O. Olaniran Lucy Holmes Plovnick Mitchell Silberberg & Knupp LLP 1818 N Street NW, 8th Floor Washington, D.C. 20036

Clifford M. Harrington Pillsbury Winthrop Shaw Pittman, LLP 2300 N Street, N.W. Washington, D.C. 20037-1128

Robert Alan Garrett Stephen K. Marsh James R. Woods Arnold & Porter LLP 555 Twelfth Street, N.W. Washington, D.C. 20004-1206

Philip R. Hochberg Law Office Of Philip R. Hochberg 12505 Park Potomac Avenue 6th Floor Potomac, MD 20854

Ritchie T. Thomas Iain McPhie Christine Henter Squire, Sanders & Dempsey LLP 1200 19th Street N.W. Washington, D.C. 20036

Thomas J. Ostertag Office Of The Commissioner Of Baseball 245 Park Avenue New York, NY 10167 COPYRIGHT ROYALTY JUDGES The Library of Congress Washington, D.C.

In re

Distribution of 2000, 2001, 2002 and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

# DOCUMENT CERTIFICATION FROM THE COPYRIGHT ROYALTY BOARD FILES

I certify that, under my direction, the staff of the Copyright Royalty Board (CRB)

has made a reasonable search of available files at the CRB. I certify that the document

attached to this Certification is a true copy of the document that is maintained in the

office of the CRB. The attached certified document is:

Notice Concerning Representation filed by DreamWorks, LLC, a subsidiary of Paramount Pictures, Docket No. 2008-2 CRB CD 2000-2003 (Phase II); (May 7, 2013).

SIGNED this  $\underline{\mathcal{I}}$  day of May 2013.

Suzanne M. Barnett Chief Copyright Royalty Judge

Certification of Documents - 1

5555 Melrose Avenue Hollywood, CA 90038-3197 323-956-5000

#### Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

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Garamount Pictures

In the Matter of

Distribution of the 2000, 2001, 2002 and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

#### **NOTICE CONCERNING REPRESENTATION**

DreamWorks, LLC, now known as DW Studios LLC, a subsidiary of Paramount Pictures, (hereinafter "DW"), hereby gives notice that DW terminated its representation agreement with Worldwide Subsidy Group and/or Independent Producers Group (together, "IPG") and is no longer represented by IPG. DW further gives notice that it has authorized the Motion Picture Association of America, Inc. ("MPAA") to represent its interests in cable and satellite statutory license proceedings before the Copyright Royalty Judges ("Judges"). For purposes of the instant 2000-2003 Cable Phase II Proceeding, DW has designated MPAA as its Phase II representative. Contrary to IPG's representation to the Judges in the captioned proceeding, IPG is not authorized to represent DW.

#### I. DW Terminated Its Representation Agreement With IPG.

On July 16, 2002, Margaret E.G. Wilson of DW sent IPG a letter terminating its representation agreement with IPG. See Letter to Worldwide Subsidy Group from Margaret E.G. Wilson, dated July 16, 2002 (attached hereto as Exhibit A). This letter notified IPG that "effective immediately" DW would begin collecting all "Distribution Proceeds (as defined in the [terminated] Agreement) on its own behalf, and remit WSG's commission, as applicable, to WSG." See id. Despite receipt of DW's termination



5266543.1/43507-00063

A VIBCOM COMPANY

# Paramount Pictures

5555 Melrose Avenue Hollywood, CA 90038-3197 323-956-5000

letter, IPG has continued to hold itself out as DW's agent without DW's consent or authorization. See, e.g., Email from Bryan Boydston to Mary Basich, dated October 16, 2009 (attached hereto as Exhibit B); Email from Raul Galaz to Mary Basich and Jean McBride, dated June 12, 2009 (attached hereto as Exhibit C).

## II. DW Has Not Authorized IPG To Represent Its Interests In This Proceeding.

IPG is not authorized to represent DW in cable or satellite royalty proceedings before the Judges. DW recently learned that IPG listed DW as a "IPG-represented claimant" in Exhibit IPG-1 to its Written Direct Statement in the instant proceeding. Such listing was not authorized by DW, and should not be considered by the Judges. DW hereby requests that its name be stricken from Exhibit IPG-1, and that any Section 111 royalties due to DW be assigned instead to DW's authorized Phase II representative, MPAA.

Respectfully submitted,

Mary L. Basich, Esq. C.A. Bar No. 110887 EVP, Business/Legal Affairs, Worldwide Television Distribution Paramount Pictures 5555 Melrose Ave. Los Angeles, CA 90038 Telephone: 323-956-7737 Facsimile: 323-862-6376 Mary\_Basich@Paramount.com

Dated: May 3, 2013



5266543.1/43507-00063

A VIƏCOM COMPANY

**Paramount** Pictures

5555 Melrose Avenue Hollywood, CA 90038-3197 323-956-5000

### **EXHIBIT A**

Termination Letter from Margaret E.G. Wilson of DW to Worldwide Subsidy Group and/or Independent Producers Group (together, "IPG"), dated July 16, 2002



A VIƏCOM COMPANY

AN NO TOINT LWF ANTENANTSAN



API II WER

Via Rarrimile (310) 446-9978 and U.S. Mail

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July 16, 2002

Me. Marian Cahim Warldwlide Subsidy Group 9903 Santa Monica Blvd, Suite 655 Beverly Hills, California 90212

Dear Marian

Re: Worldwide Subsidy Group

This will confirm our telephone call today in which DreamWorks teminated the agreement between DreamWorks LLC ("DreamWorks") and Workdwide Subsidy Group ("WSC") dated as of May 12, 1999 (the "Agreement"). The effective date of termination shall be December S1, 2002.

This will also canfirm that effective immediately, DreamWorks shall collect Distribution Proceeds (as defined in the Agterment) on its own behalf, and remit WSC's commission, as applicable, to WSC. WSC shall notify any third parties, which are authorized by WSC to collect monies on DreamWorks's behalf, including, without limitation, Fintage, to coars such activity. Of course, if any Distribution Proceeds are teactived by WSC or any third party noting on WSC's behalf, including without limitation, Fintage, then WSC or such third party shall remit to DreamWorks 100% of such Distribution Proceeds, loss WSC's commission on such amount.

Should your understanding differ in any respect, please contact me immediately.

Very truly yours, , Wiln er Margarot B.C. Wilson

MEGW/m

cc: Wendy Ferren Julie Jenkins Anna Mallonca

SERVICE DES REGISTRES 1 3 AVR, 2005 AGICCM

1000 PLINER STREET CREATER (CALIFORNIA 91201 (818) 695-5000

**Paramount** Pictures

5555 Melrose Avenue Hollywood, CA 90038-3197 323-956-5000

### EXHIBIT B

Email from Bryan Boydston to Mary Basich, dated October 16, 2009



A VIJCOM COMPANY

#### **Basich, Mary - Paramount**

From:	brianb@ix.netcom.com
Sent:	Monday, November 02, 2009 10:48 AM
To:	Basich, Mary - Paramount
Cc:	worldwideSG@aol.com
Subject:	RE: Worldwide Subsidy Group

Ms. Basich,

There are several matters that I should clarify.

First, WSG has never purported to be an "agent" of DreamWorks. Rather, DreamWorks "assigned" rights to WSG. Your statement that royalties were "unquestionably" due directly to DreamWorks following termination is inaccurate, and runs directly contrary to the WSG/DreamWorks agreement. Rather, DreamWorks and Paramount unilaterally deemed that it would collect the royalties that were the subject matter of the agreement, without consultation or agreement with WSG. Nonetheless, WSG acceded, but DreamWorks then never accounted for any of the royalties that it received, as it had agreed it would do.

Second, WSG has never once been contacted by Dreamworks or its successors-in-interest and been instructed to cease and desist any activity, nor informed that it has interfered with DreamWorks' receipt of monies. If you can provide any examples of these "repeated" requests, so that we can be assured that this is not mere lawyery puffing, then please provide correspondence establishing the same and my client will investigate. In fact, the only exception to WSG's knowledge of WSG creating conflicting claims with DreamWorks are two instances from a relatively modest source of royalty income, Screenrights, which royalties were ultimately paid over to DreamWorks anyway and then not accounted to WSG.

Finally, WSG is obligated to account upon the receipt of royalties. It has received no royalties relating to the DreamWorks catalogue for the obvious reason that they have been collected by DreamWorks and its successors-in-interest. This has already been communicated to you and your colleagues.

At this time, please explain whether or not it is the intention of DreamWorks and Paramount to make the accounting to WSG to which it was entitled.

Brian Boydston

----Original Message----->From: "Basich, Mary - Paramount" <Mary Basich@Paramount.com> >Sent: Oct 30, 2009 3:07 PM >To: brianb@ix.netcom.com >Subject: RE: Worldwide Subsidy Group > > > >Dear Mr. Boydston: > >As you may know, DreamWorks L.L.C, now known as DW Studios L.L.C., >("DW") terminated its representation agreement with Worldwide Subsidy >Group (WSG) by letter dated July 16, 2002. You may not know that >notwithstanding such termination, WSG continued to register purportedly >as DW's agent, for purposes of applying for and collection of royalties >unquestionably due directly to DW, without DW's authorization or >knowledge. Moreover, WSG's interference with DW's right to receive

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>payment for its properties has resulted in delayed payments and/or lack
>of payments of amounts owed to DW, as it appears that amounts have been
>withheld by various collecting societies due to WSG's unauthorized
>claims. Further, despite our repeated requests, WSG has failed to
>provide DW with any accounting and/or payments for the monies collected
>on DW's behalf.
>
>Accordingly, WSG is in breach of the representation agreement for,
>among other reasons, its failure to account to DW, its breach of
>contractual and fiduciary obligations to DW, and its unauthorized
>registrations with certain collection societies. Nonetheless, in an
>attempt to amicably resolve this matter, DW reiterates its willingness
>to acknowledge and remit any properly earned commissions, from amounts
>received by DW, to WSG upon receipt of a full and complete worldwide
>accounting from WSG of all amounts it has received (authorized or
>unauthorized) in connection with the exploitation of any DW motion pictures and the payment
of such
>amounts to DW.
>
>This email is not a complete statement of DW's position in this matter,
>and DW hereby reserves all of its rights and remedies related thereto.
>
>
>Mary Basich
>
>
>
>----Original Message-----
>From: brianb@ix.netcom.com [mailto:brianb@ix.netcom.com]
>Sent: Friday, October 16, 2009 10:10 AM
>To: Basich, Mary - Paramount
>Cc: worldwideSG@aol.com
>Subject: Worldwide Subsidy Group
>Dear Ms. Basich,
>
>This office is counsel to Worldwide Subsidy Group ("WSG"). As you are
>aware, WSG agreed to allow royalties for various DreamWorks properties
>dating back to
>2002 and earlier, including, but not limited to "Galaxy Quest", to be
>paid from Screenrights to Paramount subject to Paramount's agreement to
>pay over 20% of such royalties to WSG.
>To date, no such amounts have been paid to WSG and Paramount has not
>made any accounting of such collections to WSG. This is despite the
>fact that Screenrights distributed royalties for "Galaxy Quest" over a
>year ago.
>Since
>then, Screenrights has distributed additional amounts for DreamWorks
>properties "Shrek" and "Chicken Run", but WSG has received no money or
>accounting from Paramount regarding those properties either.
>
>Under the circumstances, simply saying "we will account to you when we
>get some money" is unacceptable. As we are informed that such money
shas been paid to Paramount, WSG cannot simply accede to such an
>explanation. In short, if Paramount will not satisfactorily explain
>the status of these royalties, account for them and pay them, WSG is
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>left with little choice but to seek redress in court. > >Please communicate with me as soon as possible to avoid a lawsuit. > >Brian D. Boydston, Esq. >Pick & Boydston, LLC >617 S. Olive St., Suite 400 >Los Angeles, CA 90014 > >(213)624-1996 >(213)624-9073 fax > > > >This email (including any attachments) is for its intended-recipient's use only. >This email may contain information that is confidential or privileged. >If you received this email in error, please immediately advise the >sender by replying to this email and then delete this message from your system.



5555 Melrose Avenue Hollywood, CA 90038-3197 323-956-5000

# **EXHIBIT C**

Email from Raul Galaz to Mary Basich and Jean McBride, dated June 12, 2009



A VIJCOM COMPANY

From: worldwidesg@aol.com [mailto:worldwidesg@aol.com] Sent: Friday, June 12, 2009 7:33 AM To: Basich, Mary - Paramount; McBride, Jean - Paramount Cc: brianb@ix.netcom.com Subject: WSG/DreamWorks accounting; "Galaxy Quest"

Dear Ms. Basich and Ms. McBride,

Almost one year ago a conflicting claim was before Screenrights relating to the works "Galaxy Quest" and "Saving Private Ryan". The dispute, as you may recall, centered around which party, WSG or Paramount (as the successor-in-Interest to DreamWorks) was entitled to collect on the royalities generated by Screenrights for such programs, and remit the other party's share to the other.

At such time, Paramount submitted a letter dated July 16, 2002, pursuant to which DreamWorks terminated its agreement with WSG. DreamWorks asserted that the Term of the agreement was "terminated as of December 31, 2002" (inaccurate) and that DreamWorks will prospectively collect all royalties applicable to the agreement and remit them to WSG. A copy of the letter is attached hereto.

In fact, and in connection with such dispute, by email of June 24, 2008, Mary Basich, Executive Vice-President of Business and Legal Affairs for Paramount Pictures, confirmed that an accounting for such monies would be made to WSG for "Galaxy Quest", but asserted that the International rights to "Saving Private Ryan" were not controlled by DreamWorks during the Term of the WSG agreement.

Notwithstanding, no accounting for the "Galaxy Quest" royalties collected by Paramount has occurred. In fact, no accounting for any royalties collected by either DreamWorks or Paramount has occurred following the July 16, 2002 letter. Although it often takes upwards of ten years to collect the types of royalties that were the subject of the WSG/DreamWorks agreement, the fact that there have been no accountings, including the promised accounting for royalties clearly received within the last year, now leads WSG to suspect that no accountings will be forthcoming.

At this time, I would formally request an accounting from Paramount for the Screenrights royalties attributable to "Galaxy Quest", and any other royalties covered by the WSG/DreamWorks agreement. As regards "Saving Private Ryan", I would further request a copy of any distribution agreement between DreamWorks and whichever party Paramount contends was entitled the international rights to such work. If such agreement specifically addresses the collection of any form of royalties covered by the WSG/DreamWorks agreement (e.g., educational institution royalties, retransmission royalties, blank tape levies, etc.), directing our attention to such provisions would be helpful. Any matters relating to participations or other confidential matter can, of course, be redacted.

I look forward to your prompt response. If you have any questions in connection therewith, please feel free to contact me.

· 1

Raul Galaz Worldwide Subsidy Group

# **CERTIFICATE OF SERVICE**

I hereby certify that on this  $\frac{7}{7}$  day of May, 2013, a copy of the foregoing document was sent by Federal Express overnight mail to the parties listed on the attached service list.

Marin Arans Naomi Straus, Esq.

5266543.1/43507-00063

#### SERVICE LIST.

#### **DEVOTIONAL CLAIMANTS**

Clifford M. Harrington PILLSBURY WINTHROP SHAW PITTMAN, LLP 2300 N Street, N.W. Washington, D.C. 20037-1128

# MPAA-REPRESENTED PROGRAM SUPPLIERS

Gregory O. Olaniran Lucy Holmes Plovnick MITCHELL SILBERBERG & KNUPP LLP 1818 N Street NW, 8th Floor Washington, D.C. 20036

### INDEPENDENT PRODUCERS GROUP

Brian D. Boydston PICK & BOYDSTON, LLP 10786 Le Conte Ave. Los Angeles, CA 90024

#### JOINT SPORTS CLAIMANTS

.

Robert Alan Garrett Stephen K. Marsh James R. Woods ARNOLD & PORTER LLP 555 Twelfth Street, N.W. Washington, D.C. 20004-1206

Ritchie T. Thomas Iain McPhie Christine Henter SQUIRE, SANDERS & DEMPSEY LLP 1200 19th Street N.W. Washington, D.C. 20036 Philip R. Hochberg LAW OFFICE OF PHILIP R. HOCHBERG 12505 Park Potomac Avenue 6th Floor Potomac, MD 20854

Thomas J. Ostertag OFFICE OF THE COMMISSIONER OF BASEBALL 245 Park Avenue New York, NY 10167

5266543.1/43507-00063

COPYRIGHT ROYALTY JUDGES The Library of Congress Washington, D.C.

In re

Distribution of 2000, 2001, 2002 and 2003 Cable Royalty Funds

Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

# DOCUMENT CERTIFICATION FROM THE COPYRIGHT ROYALTY BOARD FILES

I certify that, under my direction, the staff of the Copyright Royalty Board (CRB)

has made a reasonable search of available files at the CRB. I certify that the document

attached to this Certification is a true copy of the document that is maintained in the

office of the CRB. The attached certified document is:

Notice Regarding Representation of BBC Worldwide, Venevision International, and Reel Funds, filed by Fintage Publishing and Collections B.V., Docket No. 2008-2 CRB CD 2000-2003 (Phase II); (May 9, 2013).

SIGNED this  $\underline{j}$  day of May 2013.

Suzanne M. Barnett Chief Copyright Royalty Judge

Certification of Documents - 1

Before the COPYRIGHT ROYALTY JUDGES Copyright Royalty Board Washington, D.C.

In the Matter of

Distribution of the 2000, 2001, 2002 and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

# NOTICE REGARDING REPRESENTATION OF BBC WORLDWIDE, VENEVISION INTERNATIONAL, AND REEL FUNDS INTERNATIONAL

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)

Fintage Publishing and Collections B.V. (hereinafter "Fintage"), hereby gives notice through its undersigned counsel that Fintage represents BBC Worldwide ("BBC") and Venevision International ("Venevision") as to the 2000, 2001, and 2002, and 2003 cable royalty years.<sup>1</sup> Fintage also hereby gives notice that it represents Reel Funds International ("Reel") as to the 2002 and 2003 cable royalty years. Fintage further gives notice that it has authorized the Motion Picture Association of America, Inc. ("MPAA") to represent its interests in cable and satellite statutory license proceedings before the Copyright Royalty Judges ("Judges"). For purposes of the instant 2000-2003 Cable Phase II Proceeding, Fintage has designated MPAA as its Phase II representative. Worldwide Subsidy Group and/or Independent Producers Group (together, "IPG") is not authorized to represent BBC, Venevision, or Reel as to the royalty years indicated above.

<sup>&</sup>lt;sup>1</sup> In September 2002, Fintage notified the Copyright Office that it had terminated its relationship with IPG, and provided a list of entities that Fintage represents. The entities identified herein were not referenced in Fintage's September 2002 filing.

# I. IPG Is Not Authorized To Represent Fintage Or Its Clients.

In or about August 2000, Fintage and IPG entered into an agreement whereby they agreed to jointly represent certain clients and to share in the secondary royalties collected on such clients' behalf. Thereafter, a dispute arose between Fintage and IPG regarding their respective rights and obligations under their agreement. The parties proceeded to arbitrate the dispute and entered into a settlement agreement, whereby the parties terminated their relationship. Pursuant thereto, IPG agreed that Fintage would exclusively administer and collect all royalties accruing for certain clients and IPG expressly waived and released any alleged rights or interests to make any claim or collect any monies on such clients' behalf. Notably, IPG agreed that Fintage had the exclusive right to administer and collect all royalties on behalf of EGEDA. BBC and Venevision are both EGEDA clients, and thus were expressly acknowledged by IPG as being exclusive clients of Fintage. Accordingly, IPG is not authorized to represent, or to claim to represent, either entity.

At the time of the arbitration proceeding with IPG, Reel was identified as an IPGrepresented entity. However, in May 2003, Reel entered into a written representation agreement directly with Fintage to have Fintage administer and collect royalties on behalf of Reel. This agreement covers cable royalty years 2002 and 2003, and supersedes any alleged prior agreement entered into between Reel and IPG. Thus, IPG is not authorized to administer or collect any royalties on behalf of Reel after royalty year 2001.

# II. The Judges Should Not Award Royalties To IPG On Behalf Of BBC, Venevision, And Reel As To The Royalty Years Indicated.

As the above demonstrates, IPG is not authorized to represent BBC or Venevision cable or satellite royalty proceedings before the Judges as to any royalty year. IPG is also not authorized to represent Reel as to royalty years 2002 and 2003. To the extent that IPG listed BBC, Venevision, or Reel as "IPG-represented claimants" in Exhibit IPG-1 to its Written Direct Statement in the instant proceeding, such listing should be disregarded as to the royalty years identified herein. Fintage hereby requests that any Section 111 royalties due to the Fintagerepresented clients addressed herein be assigned instead to Fintage's authorized Phase II representative, MPAA.

Respectfully submitted,

Sonia Y. Lee, Esq. C.A. Bar No. 191837 Raines Feldman LLP 9720 Wilshire Boulevard, 5th Floor Beverly Hills, California 90212 Telephone: (310) 440-4100 Fax: (424) 239-2242 slee@raineslaw.com

Dated: May 8, 2013

# **CERTIFICATE OF SERVICE**

I hereby certify that on this **3**<sup>th</sup> day of May, 2013, a copy of the foregoing document was sent by Federal Express overnight mail to the parties listed on the attached service list.

Sonia Y. Lee, Esq.

1. 5268050.2/43507-00063

4

#### SERVICE LIST

#### **DEVOTIONAL CLAIMANTS**

Clifford M. Harrington PILLSBURY WINTHROP SHAW PITTMAN, LLP 2300 N Street, N.W. Washington, D.C. 20037-1128

# MPAA-REPRESENTED PROGRAM SUPPLIERS

Gregory O. Olaniran Lucy Holmes Plovnick MITCHELL SILBERBERG & KNUPP LLP 1818 N Street NW, 8th Floor Washington, D.C. 20036

#### INDEPENDENT PRODUCERS GROUP

Brian D. Boydston PICK & BOYDSTON, LLP 10786 Le Conte Ave. Los Angeles, CA 90024

## JOINT SPORTS CLAIMANTS

Robert Alan Garrett Stephen K. Marsh James R. Woods ARNOLD & PORTER LLP 555 Twelfth Street, N.W. Washington, D.C. 20004-1206

Ritchie T. Thomas Iain McPhie Christine Henter SQUIRE, SANDERS & DEMPSEY LLP 1200 19th Street N.W. Washington, D.C. 20036 Philip R. Hochberg LAW OFFICE OF PHILIP R. HOCHBERG 12505 Park Potomac Avenue 6th Floor Potomac, MD 20854

Thomas J. Ostertag OFFICE OF THE COMMISSIONER OF BASEBALL 245 Park Avenue New York, NY 10167

1. 5268050,2/43507-00063

# KESSLER REBUTTAL TESTIMONY ADDENDUM D

.



Jeffrey G. Beirz Managing Director of Legal Affairs General Conniset

January 22, 2003

Mr. Raul Galaz Worldwide Subsidy Group 19275 Stone Oak Parkway San Antonio, TX 78258

Re: <u>Representation Agreement</u>

Dear Mr. Galaz:

Reference is made to the Reinstatement Agreement between the United States Olympic Committee (the "USOC") and Worldwide Subsidy Group ("WSG"), dated July 25, 2000 (the "Agreement"). The purpose of this letter is to notify WSG that, pursuant to Paragraph 2 of the Agreement, the USOC is exercising its right to terminate the Agreement effective July 25, 2003.

Please provide a full accounting of all claims that have been filed on behalf of the USOC.

Sincerely,

Jeffrey G. Benz

cc: Keith Allo Greg Downey Kelly Maynard Dan Periní

> United States Olympic Committee One Olympic Plaza Colorado Springs, Colurado 80909-5760 Tel: 719-866-4563 Fax: 719-866-4839 email:jeff.benz@usoc.org web siteswww.usokupictean.com

# KESSLER REBUTTAL TESTIMONY ADDENDUM E

## COPYRIGHT ROYALTY JUDGES The Library of Congress Washington, D.C.

In re

Distribution of 2000, 2001, 2002 and 2003 Cable Royalty Funds

Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

# DOCUMENT CERTIFICATION FROM THE COPYRIGHT ROYALTY BOARD FILES

I certify that, under my direction, the staff of the Copyright Royalty Board (CRB) has made a reasonable search of available files at the CRB. I certify that the document attached to this Certification is a true copy of the document maintained in the office of the CRB. The attached certified document is:

- Farm Journal Electronic Media letter from Bob Ford, dated July 1, 2007.

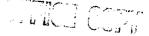
SIGNED this  $\mathcal{L}^{\mathcal{I}}$  day of April 2013.

Suzanné M. Barnett Chief Copyright Royalty Judge

Certification of Documents - 1



# RECEIVED



JUL 0 6 2007

# **Copyright Royalty Board**

July 1, 2007

Ms. Gina Giuffreda Copyright Royalty Board P.O. Box 70977 Southwest Station Washington, DC 20024-0977

Dear Ms Giuffreda,

In reference to filing of Cable and/or Satellite Royalty claims on behalf of Farm Journal Electronic Media be it known by this notification that World Wide Subsidy Group d/b/a Independent Producers Group was <u>not</u> granted the authority to file claims on behalf of Farm Journal Electronic Media for the years and file numbers listed below.

2001 Cable #518 2001 Satellite #214 2002 Cable #245 2002 Satellite #625 2003 Cable #269 2003 Satellite #549 2004 Cable #607 or #608 2004 Satellite #311

In the event that World Wide Subsidy Group d/b/a Independent Producers Group has filed a claim for the year 2005, the same notification applies.

Further, Farm Journal Electronic Media has <u>not</u> granted World Wide Subsidy Group d/b/a Independent Producers Group the authority to file claims or in any way represent Farm Journal Electronic Media in matters pertaining to Copyright Royalties in the year 2006 nor in any year going forward. Any questions concerning this matter should be directed to Bob Ford, Director of Distribution, 25 Executive Drive Suite A, Lafayette IN 47905.

Sincerely,

Bol Ford

Bob Ford Director of Distribution Farm Journal Electronic Media

Farm Journal Electronic Media • 25 Executive Drive, Suite A • Lafayette, IN 47905 Phone: 765-449-8000 • Fax: 765-449-8010 Cc: Tanya Sandros

Copyright Arbitration Royalty Panel Copyright Office General Counsel – Information & Reference P.O Box 70400 Southwest Station Washington D.C. 20024

Cc: Mr. David O. Carson General Counsel US Copyright Office 101 Independent Avenue, SE Washington, DC 20559-6000

Cc Lisa Katona Galaz World Wide Subsidy Group d/b/a Independent Producers Group 21715 Brazos Bay San Antonio, TX 78259

Cc: Brian D. Boydston, Esq. Pick & Boydston, LLP 1000 Wilshire Blvd., Suite 600 Los Angeles, CA 90017-2463 COPYRIGHT ROYALTY JUDGES The Library of Congress Washington, D.C.

In re

Distribution of 2000, 2001, 2002 and 2003 Cable Royalty Funds

Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

# DOCUMENT CERTIFICATION FROM THE COPYRIGHT ROYALTY BOARD FILES

I certify that, under my direction, the staff of the Copyright Royalty Board (CRB)

has made a reasonable search of available files at the CRB. I certify that the document

attached to this Certification is a true copy of the document that is maintained in the

office of the CRB. The attached certified document is:

Letter from Bob Ford, Director of Distribution, Farm Journal Electronic Media; Dated August 6, 2007.

SIGNED this 20 day of May 2013.

Suzanne M. Barnett Chief Copyright Royalty Judge

Certification of Documents - 1

RECEIVED

AUG 0 🕏 2007

Copyright Royalty Board

Ms Gina Giuffreda Copyright Royalty Board P.O. Box 70977 Southwest Station Washington, DC 20024-0977

**Farm**Journal

🗳 E. E., DAUMA, AIR 196

August 6, 2007

Dear Ms Giuffreda,

Please disregard the correspondence dated July 1, 2007 regarding the representation of Farm Journal Electronic Media by World Wide Subsidy Group d/b/a Independent Producers Group. A valid representation agreement extension dated 6/12/2002 to an agreement dated 7/12/2001 has been demonstrated by Independent Producers Group. Therefore Independent Producers Group does have representation rights for Farm Journal Electronic Media and its Cable and/or Satellite Royalty claims for the years 2000-2006.

Any questions concerning this matter should be directed to Bob Ford, Director of Distribution, 25 Executive Drive Suite A, Lafayette IN 47905.

Sincerely,

Bob Ford

Bob Ford Director of Distribution Farm Journal Electronic Media

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#### COPYRIGHT ROYALTY BOARD

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THE LIBRARY OF CONGRESS

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IN THE MATTER OF:	:
	:
DISTRIBUTION OF 2000,	: No. 2008-02
2002, 2003 CABLE	:
ROYALTY FUNDS	: CD 2000-03

Monday,

June 3, 2013

Fourth Floor Hearing Room Madison Building Library of Congress 101 Independence Avenue, SE Washington, DC

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Phase II

The above-entitled matter came on for hearing, pursuant to notice, at 9:30 a.m.

BEFORE: THE HONORABLE SUZANNE M. BARNETT,

Chief Judge

THE HONORABLE JESSE FEDER

THE HONORABLE DAVID STRICKLER

Neal R. Gross & Co., Inc. 202-234-4433



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APPEARANCES:		Contents
On Behalf of the Settling Devotional		WITNESS DIRECT CROSS REDIRECT RECROSS
Claimants:		
		Marsha Kessler 101 206
CLIFFORD M. HARRINGTON, ESQ.		
MATTHEW J. MacLEAN, BSQ.	· ·	By Mr. Boydston 135 211
of: Pillsbury Winthrop Shaw		
Pittman, LLP		Jonda Martin 219
2300 N Street, Northwest		By Mr. Boydston 231
Washington, DC 20037-1122		By Mr. Harrington 235
(202) 663-8525		Kelvin Patterson 237 270
ARNOLD LUT2KER, ESQ.		By Mr. Boydston 253
of: Lutzker and Lutzker, LLP		
1233 20th Street, Northwest		Paul Lindstrom 280
Washington, DC 20036		
(202) 408-7600		EXHIBIT NO. DESCRIPTION MARK RECD
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		358 Direct Testimony of
On Behalf of the Independent Producers		
Group :		Marsha Kessler 105 106
BRIAN D. BOYDSTON, E5Q.		359 Rebuttal Testimony of
of; Pick & Boydston, LLP	1	Marsha Kessler 127 129
10786 LeConte Avenue		360 Direct Testimony of
Los Angeles, CA 90024		Jonda Martin 222 223
(213) 624-1996	1	
,,	I	361 Rebuttal Testimony of
On Behalf of the Motion Picture		Jonda Martin 224 255
Association of America:	ł	r
GREGORY O. DLANIRAN, ESQ.		362 Direct Testimony of
LUCY HOLMES PLOVNICK, ESQ.		Kelvin R. Patterson 248
KIMBERLY NGUYEN, ESQ.		363 Direct Testimony of
of: Mitchell Silberberg & Knupp,		Paul D. Lindstrom 293
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1818 N Street, Northwest	l	1PG
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Eighth Floor		501 Certifications 145 204
Washington, DC 20036	-	502 Farm Journal 195 204
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And the stand of	ALL PROPERTY AND ADDRESS OF ADDRESS	Page 5
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1 (9:32 a.m.) 2 CHIEF JUDGE BARNETT: There has 3 been one change since we were all here before. 4 5 It used to be that the microphones on counsel 3 table were not live unless you pressed. 6 They're the opposite now. They're always 7 live. So, if you're going to confer with one 8 another be sure to mute the microphone. 9 10 Okay, good morning, all. This is the date and time set for hearing in Phase II 11 12 of the distribution proceedings commenced under Copyright Royalty Board Docket Number 13 14 2008-2 in re the distribution of cable royalty funds for the years 2000 through 2003. 15 16 I think I have met you all. I'm 17 Judge Suzanne Barnett, the proverbial last man 18 standing since we last met. Judge Strasser very happily reclaimed his position as senior 19 20 counsel to the Copyright Royalty Board. Judge 21 Roberts accepted a position as Senior Counsel 22 to the Register of Copyrights.

P-R-O-C-E-E-D-I-N-G-S

ALSO PRESENT:

RAUL GALAZ VICTORIA LYNCH

DENISE VERNON

#### Page 94

		Page 94		Page 96
	1	other programs.	1	version is still rife with errors and we'll
	2	You'll be hearing testimony from	2	prove that in our evidence. Significant
	3	SDC witness Dr. William Brown, a professor and	3	programs claimed by SDC appear to have been
	4	research fellow at the School of	4	omitted from SDC's data while programming
	5	Communications and the Arts at Regent	5	based on IPG claims that the Judges have
	6	University, a former dean of that school.	6	already dismissed from this proceeding are
	7	He's also a partner in Brown, Frasier and	7	included. The formula relies primarily on the
	8	Associates, a consulting firm. And he's	8	gross number of minutes of program air, a
	9	previously been qualified as an expert in the	. 9	factor long rejected by every body charged
	10	Phase 1 2004 to 2005 cable distribution	10	with allocating royalties, the CRT, the CARP,
	11 -	proceeding.	11	and this body.
	12	You'll also hear briefly in our	12	It also employs a methodology
	13	case from Allen Whit, the data analyst, who	13	often criticized and recently rejected by the
	14	generated the reports of viewing data for	14	Judges in the 2004-2005 Phase 1 proceeding
	15	devotional programs, programming based on	15	called fee generation. It's the effort to
	16	Nielsen and Tribune data that Dr. Brown relied	16	match programs transmitted to fees paid by
	17	on in allocated proportional shares.	17	cable operators.
	18	You've heard the opening statement	18	Now the Judges have previously
	19	of IPG and you'll hear evidence from them.	19	acknowledged there's no reasonably effective
	20	IPG is a private, for profit business, which	20	way that ties feed to tie fees paid in, to
	21	has purportedly authority to collect royalties	21	programs carried. In IPG's case, it's a
	22	for certain producers of religious programs	-22	particularly awkward and misguided attempt to
ſ	7. 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 1999 - 19	Page 95	den en angen verans verans v	
	1	and in return for that, they receive between	1	Page 97 capitalize on the royalties paid that often
	1 2		1 2	capitalize on the royalties paid that often
		and in return for that, they receive between	i .	-
	2	and in return for that, they receive between 15 and 40 percent of the funds that are	2	capitalize on the royalties paid that often bear no marketplace relationship to its
	2 3	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients.	2 3	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is
	2 3 4	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of	2 3 4	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find
	2 3 4 5	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a	2 3 4 5	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value.
	2 3 4 5 6	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a formula developed by Raul Galaz, the founder	2 3 4 5 6	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value. In contrast, we will provide you a
	2 3 4 5 6 7	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a formula developed by Raul Galaz, the founder of IPG, a man with no advanced training in	2 3 4 5 6 7	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value. In contrast, we will provide you a study of program viewing, long the primary
	2 3 4 5 6 7 8	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a formula developed by Raul Galaz, the founder of IPG, a man with no advanced training in statistics or economics, and who is	2 3 4 5 6 7 8	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value. In contrast, we will provide you a study of program viewing, long the primary standard for Phase 1 case. In recent
	2 4 5 7 8 9	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a formula developed by Raul Galaz, the founder of IPG, a man with no advanced training in statistics or economics, and who is admittedly, we've heard this morning, not an	2 3 4 5 6 7 8 9	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value. In contrast, we will provide you a study of program viewing, long the primary standard for Phase 1 case. In recent decisions, primacy of ratings have given away
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	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a formula developed by Raul Galaz, the founder of IPG, a man with no advanced training in statistics or economics, and who is admittedly, we've heard this morning, not an expert in the field. Nor does he have experience in producing, distributing, or placing religious programming on television stations or in the cable television industry. The distribution formula advocated by IPG apparently achieves different results at the whim of its creator. SDC has received three different sets of tabulations over the past year, the last of which we received at 4 p.m. Friday afternoon, three days ago. Although each variation purports	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value. In contrast, we will provide you a study of program viewing, long the primary standard for Phase 1 case. In recent decisions, primacy of ratings have given away to the Bort study based on a survey of cable operators. Unfortunately, as noted by the CARP in the '98-'99 case, when the Bort survey cannot be used, you have to find an alternative approach and the Bort approach really does not work for individual programs. It works for program categories, but not individual programs because there's no real way to ask a group of cable operators about
	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	and in return for that, they receive between 15 and 40 percent of the funds that are distributed to IPG and its clients. The contrast between the cases of IPG and SDC are pronounced. IPG relies on a formula developed by Raul Galaz, the founder of IPG, a man with no advanced training in statistics or economics, and who is admittedly, we've heard this morning, not an expert in the field. Nor does he have experience in producing, distributing, or placing religious programming on television stations or in the cable television industry. The distribution formula advocated by IPG apparently achieves different results at the whim of its creator. SDC has received three different sets of tabulations over the past year, the last of which we received at 4 p.m. Friday afternoon, three days ago.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	capitalize on the royalties paid that often bear no marketplace relationship to its putatively represented content. And that is the role of this Court or this Board to find marketplace value. In contrast, we will provide you a study of program viewing, long the primary standard for Phase 1 case. In recent decisions, primacy of ratings have given away to the Bort study based on a survey of cable operators. Unfortunately, as noted by the CARP in the '98-'99 case, when the Bort survey cannot be used, you have to find an alternative approach and the Bort approach really does not work for individual programs. It works for program categories, but not individual programs because there's no real way to ask a group of cable operators about thousands and thousands of potential program

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1	to determine the value of competitive claims.	1	Also, just because we seem to have	12572
2	Here, we will present the results of distant	2	no control over the temperature in this room,	
3	cable household viewing and Nielsen's rating	3	please feel free if it becomes oppressive to	
4	data assessed by an expert in the field.	4	take your jackets off. It's we won't take	
5	Unlike IPG's witness, SDC's expert has no	5	offense. We'll understand, We're wearing	1997 - 1997 -
6	personal or family interest in the results of	6	plastic bags, so we know how it is.	an a
7	this proceeding and can offer his professional	7	(Laughter.)	
8	and scholarly views on the data he has	8	Ms. Plovnick.	
9	assessed.	9	WHEREUPON,	
10	In sum, as Judges, you're faced	10	MARSHA KESSLER	
11	with the alternative of a flawed, amateurish	11	WAS CALLED FOR EXAMINATION BY COUNSEL FOR THE	
12	methodology, whose author and close family	12	MOTION PICTURE ASSOCIATION OF AMERICA AND,	
13	members have a personal and direct financial	13	HAVING FIRST BEEN DULY SWORN, WAS EXAMINED AND	2
14	interest in its adoption versus a fair and	14	TESTIFIED AS FOLLOWS:	
15	balanced approach that relies on viewing data	15	MS. PLOVNICK: And Your Honor, one	1.444.0
16	and ratings that is an industry standard. We	16	small housekeeping matter before I begin,	
17	respectfully urge the Judges to listen	17	because the parties utilized certain exhibit	15 A.
18	carefully to the testimony, given careful	18	numbers in the preliminary hearing, we were	1.12
19	attention to the evidence. We're confident	19	going to go with the next MPAA exhibit number	
20	that you will reject IPG's approach and adopt	20	which for us would be 358, if that's	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
21	the approach advocated by SDC. Thank you.	21	permissible?	and the second
22	CHIEF JUDGE BARNETT: Thank you,	22	CHIEF JUDGE BARNETT: I think	
guyun (menya ()	ally - Source and products with topose of class of data and data and data and allower on tables and tables of a mail class of a	a success of the second		-
	Page 99		Page 101	
1	Mr. Harrington. We have 23 minutes until we	1	that's a capital idea. Thank you. MS. PLOVNICK: So we will do that.	100
2	break for lunch. Do we have any witnesses	2		1,2,5,4,1
3	here and available this morning?	3	Thank you, Your Honor. DIRECT EXAMINATION	
4	MS. PLOVNICK: Yes, Your Honor.	4		
5	We have Ms. Kessler here and we probably have	5	BY MS. PLOVNICK:	17 B. C
6	about 30 minutes for her. I don't know if you	6	Q Will you please state your name	
7	want to take that now or wait until after	7	and spell it for the record?	
8	lunch.	. 8	A Marsha E. Kessler, Marsha, M-A-R-	Ľ
9				1.0
I	CHIEF JUDGE BARNETT: Let's take	9	S-H-A, Kessler, K-E-S-S-L-E-R.	
10	it now and we'll adjust our noon break	10	Q Are you currently employed?	
10 11	it now and we'll adjust our noon break accordingly.	10 11	<ul><li>Q Are you currently employed?</li><li>A No, I'm retired.</li></ul>	
1	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while	10 11 12	<ul> <li>Q Are you currently employed?</li> <li>A No, I'm retired.</li> <li>Q When did you retire?</li> </ul>	
11	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to	10 11 12 13	<ul> <li>Q Are you currently employed?</li> <li>A No, I'm retired.</li> <li>Q When did you retire?</li> <li>A August 20, 2010.</li> </ul>	
11 12	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it	10 11 12 13 14	<ul> <li>Q Are you currently employed?</li> <li>A No, I'm retired.</li> <li>Q When did you retire?</li> <li>A August 20, 2010.</li> <li>Q And where did you work before you</li> </ul>	
11 12 13	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to	10 11 12 13 14 15	Q Are you currently employed? A No, I'm retired. Q When did you retire? A August 20, 2010. Q And where did you work before you retired?	
11 12 13 14	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it	10 11 12 13 14	<ul> <li>Q Are you currently employed?</li> <li>A No, I'm retired.</li> <li>Q When did you retire?</li> <li>A August 20, 2010.</li> <li>Q And where did you work before you</li> </ul>	
11 12 13 14 15	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it was appropriate for counsel who did not use	10 11 12 13 14 15	Q Are you currently employed? A No, I'm retired. Q When did you retire? A August 20, 2010. Q And where did you work before you retired? A Motion Picture Association of America.	
11 12 13 14 15 16	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it was appropriate for counsel who did not use their allocated time to reserve some time for	10 11 12 13 14 15 16	Q Are you currently employed? A No, I'm retired. Q When did you retire? A August 20, 2010. Q And where did you work before you retired? A Motion Picture Association of	
11 12 13 14 15 16 17	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it was appropriate for counsel who did not use their allocated time to reserve some time for witness cross examination and we would like to	10 11 12 13 14 15 16 17	Q Are you currently employed? A No, I'm retired. Q When did you retire? A August 20, 2010. Q And where did you work before you retired? A Motion Picture Association of America.	
11 12 13 14 15 16 17 18	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it was appropriate for counsel who did not use their allocated time to reserve some time for witness cross examination and we would like to do that.	10 11 12 13 14 15 16 17 18	Q Are you currently employed? A No, I'm retired. Q When did you retire? A August 20, 2010. Q And where did you work before you retired? A Motion Picture Association of America. Q What was your position at the	
11 12 13 14 15 16 17 18 19	it now and we'll adjust our noon break accordingly. MR. HARRINGTON: Your Honor, while the witness is approaching, I just wanted to clarify that as I recall from your order, it was appropriate for counsel who did not use their allocated time to reserve some time for witness cross examination and we would like to do that. CHIEF JUDGE BARNETT: Okay, thank	10 11 12 13 14 15 16 17 18 19	Q Are you currently employed? A No, I'm retired. Q When did you retire? A August 20, 2010. Q And where did you work before you retired? A Motion Picture Association of America. Q What was your position at the Motion Picture Association of America?	

	Page 102		Page 10
1	Distribution.	1	Canadian Copyright Board and also before
2	Q And how long were you in that	2	Congress.
3	position?	3	Q When you testified before those
4	A More than 28 years, less than 29.	4.	bodies on whose behalf did you testify?
5	Q What were your responsibilities in	5	A In Phase 1 proceedings, I
6	that position?	6	testified on behalf of all program supplier
7	A I had a broad category of	7	claimants. In Phase 2, I represented the
8	responsibilities. I helped our claimants file	8	MPAA-represented program supplier claimants.
9	their claims with the Copyright Office. I	9	Q Ms. Kessler, what's your
10	assisted in the Nielsen viewing studies and I	10	educational background?
11	worked with the various legal, accounting,	11	A I have bachelor's and master's
12	data technology professionals who provided	12	degrees in Spanish Language and Literature and
13	services related to the distribution of	13	I have a non-credit degree as an ESL
14	royalties.	14	instructor.
15	Q Where were you before MPAA?	15	MS. PLOVNICK: May I approach the
16	A I was one of the founding members	16	witness?
17	of the Licensing Division here in the	17	CHIEF JUDGE BARNETT: You may.
18	Copyright Office.	18	BY MS. PLOVNICK:
19	Q How long were you at the Copyright	19	Q I am now showing you, Ms. Kessler,
20	Office?	20	a document that's been premarked as MPAA
21	A I think it was about four years	21	Exhibit 358. For the record, MPAA Exhibit 358
22	from roughly 1978 or '79 to '82.	22	
		1 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5 5	is entitled "Direct Testimony of Marsha E.
	Page 103		Page 10
1	Q What were your responsibilities	1	Kessler, dated May 30, 2012."
2	there?	2	(Whereupon, the above-referred to
3	A Initially, there was a jukebox	З	document was marked as MPAA
4	compulsory license. I don't think it's	4	Exhibit 358 for identification.)
5	administered here, but at any rate I did a	5	Have you seen this document
б	little bit of jukebox work and then when 111	6	before, Ms. Kessler?
7	came into being I examined statements of	7	A Yes, I have.
8	account and later I was promoted to be a lead	8	Q What is MPAA Exhibit 358?
9	examiner which meant I examined statements of	9	A It consists of my direct testimony
10	account. But I also advised colleagues when	1	
11		10	plus I believe they're called appendices A
	they encountered difficulties or problems with	11	through F.
12	a particular statement of account.	12	Q Do you have any corrections to
13	Q Have you ever testified before	13	MPAA Exhibit 358?
14	this body or any other body in connection with	14	A I do not.
15	the statutory licenses?	15	Q And do you declare today that MPAA
16	A With the exception of the '78 and	16	Exhibit 358 is true and correct and of your
17	'79 proceedings, I've appeared in all Phase 1	. 17	personal knowledge?
18	proceedings and I believe all Phase 2	18	A Yes, I do.
	proceedings to the extent there were any.	19	MS. PLOVNICK: Your Honor, I move
19		5	
19 20	Q Have you ever testified in any	20	to admit MPAA Exhibit 358 at this time.
	Q Have you ever testified in any royalty proceedings for other countries?	20 21	to admit MPAA Exhibit 358 at this time. MR. BOYDSTON: No objection, Your

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	Page 106		Page 108	
1	MR. MacLEAN: No objection, Your	1	Q Is that list broken down by year?	14 10 10 1
2	Honor.	2	A Yes, it is.	2.417.31446
3	CHIEF JUDGE BARNETT: Exhibit 358	3	Q And why is that?	1
4	is admitted.	4	A The same group of people may not	
5	(The document, having been marked	5	claim from year to year. There may be name	$\mathcal{F} \in \mathcal{A}_{\mathcal{A}} \times \mathcal{A}$
6	previously for identification as	6	changes. There may be organizations who have	1975-20
. 7	MPAA Exhibit 358, was received in	7	claims in one year who don't have them in	
8	evidence.)	8	next. So in order to give an accurate	
9	BY MS. PLOVNICK:	9	reflection of the participants for each year,	
10	Q Ms. Kessler, what is the purpose	10	I broke it down by year.	1000
11	of your testimony today?	11	Q Approximately how many claimants	
11	A I'll talk about three things	12	does MPAA represent each royalty year?	
12	today. First, I'll give a description of the	13	A Approximately 100.	
	nature of the programming that's covered under	13	Q Does MPAA also indirectly	
14 15	the MPAA program supplier claim. I'll also	15	represent any claimants?	
		16	A We do. Many of these claims are	114
16	discuss the method by which MPAA had its claimants assert to their bona fides to	17	what is called joint claims. A joint claim	
17		17	would be where an umbrella organization claims	
18	collect royalties for individual programs.	19	on behalf of multiple program owners. If you	1. 1.20 J. 1.1
19	And lastly, I'll talk about my role in the	20	take those entities into account, we represent	a state
20	special Nielsen studies.	20		101-1-12
21	Q Ms. Kessler, did you testify in	21	roughly 1400 claimants per year. Q Does MPAA have a representation	1.10
22	Phase 1 of this proceeding?		Name of the second seco	
	Page 107		Page 109	K
1	A Yes, I did.	1	agreement with all of the entities listed on	
2	Q Is a copy of that testimony	2	Appendix B?	a yana w
3	attached to MPAA Exhibit 358?	3	A Yes, we do.	10.100
4	A It is. It is shown as Appendix A.	4	Q To your testimony. Do those	111
5	Q Thank you. Who does MPAA	5	agreements authorize MPAA to represent the	11. AV. 5
6	represent in this proceeding?	6	interest of joint claimants on joint claims?	
7	A We have not only the major studies	7	A Yos thou do	
1 -			A Yes, they do.	
8	that Mr. Olaniran alluded to, but we have	8	Q So what sort of programs does MPAA	a series a series a series a
8 9	that Mr. Olaniran alluded to, but we have literally of dozens of well, large, medium,	8 9	-	teriorità de l'actività e regi
			Q So what sort of programs does MPAA	and a state of the second state of the
9	literally of dozens of well, large, medium,	9	Q So what sort of programs does MPAA represent in this proceeding?	and the second
9 10	literally of dozens of well, large, medium, and small claimants with our group. They	9 10	<ul> <li>Q So what sort of programs does MPAA</li> <li>represent in this proceeding?</li> <li>A If you look at pages four through</li> </ul>	
9 10 11	literally of dozens of well, large, medium, and small claimants with our group. They originate not only in the United States, but	9 10 11	Q So what sort of programs does MPAA represent in this proceeding? A If you look at pages four through six of my testimony, you'll see that the	
9 10 11 12	literally of dozens of well, large, medium, and small claimants with our group. They originate not only in the United States, but also some in Canada and parts of Europe.	9 10 11 12	Q So what sort of programs does MPAA represent in this proceeding? A If you look at pages four through six of my testimony, you'll see that the programs that fall under the MPAA umbrella are	
9 10 11 12 13	literally of dozens of well, large, medium, and small claimants with our group. They originate not only in the United States, but also some in Canada and parts of Europe. Q Did you provide a list of the MPAA	9 10 11 12 13	Q So what sort of programs does MPAA represent in this proceeding? A If you look at pages four through six of my testimony, you'll see that the programs that fall under the MPAA umbrella are widely described as series and movies, but to	
9 10 11 12 13 14	literally of dozens of well, large, medium, and small claimants with our group. They originate not only in the United States, but also some in Canada and parts of Europe. Q Did you provide a list of the MPAA represented claimants as a part of your	9 10 11 12 13 14	Q So what sort of programs does MPAA represent in this proceeding? A If you look at pages four through six of my testimony, you'll see that the programs that fall under the MPAA umbrella are widely described as series and movies, but to limit it to that description really doesn't	
9 10 11 12 13 14 15	<pre>literally of dozens of well, large, medium, and small claimants with our group. They originate not only in the United States, but also some in Canada and parts of Europe. Q Did you provide a list of the MPAA represented claimants as a part of your testimony?</pre>	9 10 11 12 13 14 15	Q So what sort of programs does MPAA represent in this proceeding? A If you look at pages four through six of my testimony, you'll see that the programs that fall under the MPAA umbrella are widely described as series and movies, but to limit it to that description really doesn't give us the basis for appreciating the actual	
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	Page 110		Page 112
1	favorites. We have game shows like Family	1	at the Copyright Office. And third, we had
2	Feud or Jeopardy. We have sports shows and	2	them certify a list of works for which we were
3	sports-related programs. For example, Women	3	prepared to make remuneration.
4	of Wrestling is a show, or George Michael	4	Q Where those standards in place for
5	Sports Machine. We have pageants and awards	5	the 2000 to 2003 cable royalty years?
6	shows such as the Fifth Annual Family Friendly	6	A Yes, they were.
7	Awards or the Golden Globe Awards. We have	7	Q And was one of your requirements
8	news shows such as the McLaughlin Group. We	в	also that the claimant execute a
9	have health and fitness shows like the Wai	9	representation agreement with MPAA?
10	Lana Yoga show that is referenced here. We	10	A I'm sorry, that's one of the very
11 .	have animal shows such as Animal Rescue. And	11	important ones that I forgot. They absolutely
12	then finally, we have talk and interview	12	had to there needed to be a mutually
13	shows, for example, The Oprah Winfrey Show.	13	executed representation agreement between MPAA
14	Q Is there a place in your testimony	14	and the claimant.
15	where you list all the different titles that	15	Q Did MPAA require its claimants to
16	MPAA represents in this proceeding?	16	certify each of the titles that they
17	A Yes, that's shown in Appendix C.	17	represented for the 2000 through 2003 royalty
. 18	Q Is that list broken down by year?	18	years?
19	A Yes, it is.	19	A Yes.
20	Q And why is that?	20	Q What information was typically
21	A Again, it's the same not every	21	included in a certification for a title?
22	show was broadcast and distantly retransmitted	22	A The certification consisted of two
			алаанын алаа талаа алаа алаа алаа алаа алаа ал
1	Page 111 every year. So in order to be specific about	1	Page 113 parts. One of them was a listing of all the
2	which programs we're claiming for which years,	2	works for which MPAA was prepared to make
3	I felt it was helpful to state it so.	3	remuneration. And the second was a sheet on
4	Q So if you take all of those years	4	the top stating the name of the claimant, and
5	together, approximately how many programs does	5	they were the authorized claimant for each of
6	MPAA represent in this proceeding?	6	the works listed on the printout except for
7	A Roughly, 11,600.	7	some that they may have crossed out. If the
8	Q Now during the years that you	8	claimant crossed out a work that indicated to
9	worked at MPAA, did MPAA maintain any internal	9	us that they could not accept royalties for
10	standards for determining who could sign up to	10	that and we would delete that from their list
11	be a MPAA-represented claimant?	11	of works to be compensated.
12	A Yes, we did. We called it the	12	Additionally, in the memo that
13	certification process.	13	would accompany the don't forget to certify
14	Q And what were those standards?	14	your works project would be a if we've
15	A The standards, first of all, the	15	missed something, tell us now because this is
16	claimant had to have filed a claim here at the	16	your last opportunity to call our attention to
17	Copyright Office. And evidence of that would	17	anything we may have missed.
18	be the appearance of the claimant on a list	18	Q Would your claimant sign the
19	generated by the Copyright Office along with	19	certification?
	a claim number that's assigned.	20	A Yes,
20	a order manage blad o boorghou.		
20 21	Secondly, we required that the claimant	21	Q Were all the titles listed in
	-	21	Q Were all the titles listed in

	Page 114		Page 116
1	to certification?	1	1 and Form 2 where you don't have that
2	A Yes, they were.	2	identification of the retransmitted station?
3	Q Now let's talk a little about the	3	THE WITNESS: That is correct,
4	Nielsen studies you mentioned previously. Did	4	sir.
5	you have a role in the development of MPAA's	5	JUDGE STRICKLER: Thank you.
6	Nielsen studies for 2000 through 2003?	6	BY MS. PLOVNICK:
7	A Yes, I did.	7	Q, Was there ever a time that you
8	Q What was that role?	8	decided to include a smaller system in your
9	A I selected the stations whose	9	analysis or use that as the basis for
10	programming would be the basis for the	10	selecting stations?
11	remuneration of royalties to the claimants.	11	A I think that I certainly looked at
12	Q How did you select those stations?	12	those data and again, if I had my sheets in
13	A The first part was to get a	13	front of me, I could answer more directly, but
14	listing of broadcast stations that were	14	certainly looked at them. Whether they
15	retransmitted as distant signals from Cable	15	actually became the basis, I don't recall.
16	Data Corporation. That list typically	16	Q Did you include Canadian, Mexican,
17	included stations not in the United States.	17	or public television stations?
18	So I would and public television stations.	18	A No, I did not.
19	Q What sorts of cable systems were	19	Q Why not?
20	covered by that data?	20	A MPAA has seen our responsibility
21	- Definitely Form 3s. I think for	21	as remunerating for works only on U.S.
22	some years, the Forms 1/2 data may have been	22	stations. And so for purposes of royalties,
an difer take ja ne tedak n	עריים אומענער אין איז		
1	Page 115 included. If I saw my files, I would	1	Page 117 we excluded those works, those stations.
2	-	1	· · · · · · · · · · · · · · · · · · ·
2	remember. I just don't remember off the top	2	Q Is there a list of stations
2	of my head. Q What systems did you rely on when	* <sup>3</sup>	included anywhere in MPAA Exhibit 358? A Yes, the stations are shown in
5	you were selecting stations for the Nielsen	5	
•			Appendix D.
6 7	study?	6	Q Is that list specific to the year?
7	A Typically, the Form 3 stations	7	A Yes, again, it is. And the
8	were certainly the starting point.	8	reason, anticipating your question, is that
9	Q And why would you rely on Form 3s?	9	there's probably a core group of stations that
10	A I'm going to digress just a little	10	are distantly retransmitted from year to year.
11	bit, but the purpose of the royalties here is	11	But there are always outliers who may be there
12	to remunerate program owners when their works	12	for some years and not for others.
13	are retransmitted outside the local market to	13	JUDGE STRICKLER: Counsel, excuse
14	which the work was originally licensed. So	14	me, again. I want to make sure we didn't skip
15	when cable operators, Form 3 operators make	15	over something based on her written statement
16	their payments, they have to specifically	16	that's now in evidence. Exhibit D is a list
17	identify which stations were retransmitted	17	of the sample stations that you selected out
18	outside the local market of the station. And	18	of the universe of Form 3 stations, correct?
19	so that clearly provides the basis for	19	THE WITNESS: Yes, out of the
20	identifying distant retransmissions.	20	universe of distantly retransmitted stations.
21	JUDGE STRICKLER: May I interject	21	JUDGE STRICKLER: Based on the
		1	

		Page 118		Page 120
	1	THE WITNESS: That was the	1	which it was licensed, then multiple columns
	2	starting point and just at this second don't	2	of data. One of the columns is definitely
100 A	З	recall whether I incorporated additional	3	Form 3 subscribers. Another form, another
	4	stations from 1/2s, but definitely the huge	4	column would be Form 3 fees generated.
	5	chunk of the sample came from the Form 3s.	5	What I'm just not recalling at
	6	JUDGE STRICKLER: My question was	6	this moment, Your Honor, is whether I also
	7	addressed to the fact that Exhibit D is	7	worked with Form 1/2s, but if I actually saw
· · ·	8	entitled "Nielsen Diary Study Sample	8	my file I would know the answer to that.
	9	Stations." What I'm trying to determine, so	9	Q If you examined the large
	10	I understand what you're testifying to, is	10	electronic file you would be able to determine
	11	whether the sample is a subset of what you got	11	exactly what was included?
	12	from the Form 3 data because I don't know that	12	A Exactly.
	13	you've necessarily said that yet. Maybe it's	13	CHIEF JUDGE BARNETT: Ms. Kessler,
	14	coming up on your testimony.	14	you're not saying that Appendix D, let's take
*	15	THE WITNESS: What I'm saying is	15	the Year 2000, for instance, includes all of
	16	that I don't recall. What I'm saying is that	16	the Form 3 stations that you got information
	17	definitely Form 3s are the basis for, if not	17	on from CDC?
ан ал	18	100 percent of the stations, definitely the	18	THE WITNESS: That's correct, Your
	19	lion's share of the stations. I think in	19	Honor.
	20	years after 2000, 2001, I increased the sample	20	CHIEF JUDGE BARNETT: It's
	21	station, the number of stations in the sample	21	selected Form 3 stations.
	22	and I just need to go back and look at my	22	THE WITNESS: That's correct.
	an ann muire Lineanna	Page 119	Payor - President America	Page 121
	1	pages to see what my basis was.	1	CHIEF JUDGE BARNETT: Okay.
	2	pages to one may by mere		
		I'm not trving to avoid your	2	THE WITNESS: It was those carried
		. I'm not trying to avoid your	2	THE WITNESS: It was those carried by the highest those retransmitted to the
	3	question. I'm comfortable in saying the vast		
	3	question. I'm comfortable in saying the vast majority are there due to their retransmission	3	by the highest those retransmitted to the
	3 - 4 5	question. I'm comfortable in saying the vast majority are there due to their retransmission by Form 3 systems. There may be outliers in	3	by the highest those retransmitted to the highest number of distant subscribers.
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	3 4 5 6	question. I'm comfortable in saying the vast majority are there due to their retransmission by Form 3 systems. There may be outliers in addition.	3 4 5 6	by the highest those retransmitted to the highest number of distant subscribers. JUDGE FEDER: So that was the basis for the selection?
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	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<pre>question. I'm comfortable in saying the vast majority are there due to their retransmission by Form 3 systems. There may be outliers in addition.</pre>	3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	by the highest those retransmitted to the highest number of distant subscribers. JUDGE FEDER: So that was the basis for the selection? THE WITNESS: Yes, sir. JUDGE STRICKLER: And just so we're clear, when the Judge asked about the selection, on page 11 of your direct testimony, you said this is about four lines from the bottom, "Using the CDC Form 3 Statement of Account data, I identified and prepared a list of sample stations for each year." Do you see where I'm reading? THE WITNESS: I certainly do. JUDGE STRICKLER: You said sample stations. Can you tell the Court how you selected the sample?

	Page 122		Page 124
1	whom the programming was available. If you	1	was formerly known as Pax and Univision.
2	look at the next page of my testimony, page	2	So when you are purchasing
3	12, you'll see that the I listed the	3	additional data, essentially you're purchasing
4	percentage of distant subscribers, but not the	4	the same programs, more and more of the same
5	actual number. But the table in the middle of	5	programs. And in order to purchase enough
6	my testimony has four columns. And in the	6	stations to move the number of subscribers
7	third column this shows the total number of	7	covered, you have to increase your sample
8	distant subscribers covered by the sample.	8	size, but you don't get any benefit from it
9	JUDGE STRICKLER: But it wasn't a	9	because you've already got the programs and
10	random sample, it was a sample that you	10	everything will stay relative. Anything
11	started out with those systems that reached	11	additional does not change the overall
12	most subscribers and went down at some point,	12	distribution of programs I think is what I'm
13	decided to cut off your sample list?	13	trying to describe.
14	THE WITNESS: Exactly.	14	JUDGE STRICKLER: Is that the
15	JUDGE STRICKLER: How did you	15	intuition you referred to before is knowing
16	decide when to stop?	16	when to stop?
17	THE WITNESS: Intuition. I would	17	THE WITNESS: Yes.
18	do an analysis similar or identical to that in	18	JUDGE STRICKLER: And when you use
19	the third column of the table on page 12. And	19	that intuition as you just described it, you
20	at the sample size of 75 percent, I felt like	20	weren't thinking one way or the other as to
21	that was a very good amount of coverage to	21	how that might affect whether or not IPG
22	measure distant viewing. In subsequent years,	22	programs that were represented would have
*****	алада с <mark>тавиа догого по виса и моди у пореда нау</mark> бание прудание и ставир расстанирание и стато старот - никорали и рубото нако		na na mana na m En a mana mana na mana na mana na mana mana na m
	Page 123		Page 125
1	I covered up to 85, 86 percent of distant	1	otherwise showed up in the data had you
2	subscribers. Again, these would be the	2	purchased more data?
3	subscribers who would have access to the	3	THE WITNESS: IPG, I don't think
4	programming.	4	it ever crossed my mind.
5	JUDGE STRICKLER: Did you have any	5	BY MS. PLOVNNICK:
6	concern with where the place that you cut off	6	Q Ms. Kessler, when did you acquire
۰ ٦	the size of the cable system operated by way	7	this data? It was well before this
8	of subscriber, might impact the ratio of IPG	8	proceeding, correct?
9	shows that were distributed versus those that	9	A Absolutely, years and years
10	are represented by those claimants that are	10	before.
11	represented by MPAA?	11	Q You retired from MPAA in 2010.
12	THE WITNESS: IPG was not part of	12	A Correct.
13	my consideration. What you have to consider	13	JUDGE STRICKLER: And you did the
14	are two things. Number one, the cost of	14	sampling all on your own, There was nobody
15	additional data, and number two, any	15	else involved in it?
16	additional benefit to the data. In the case	16	THE WITNESS: That's correct.
	of getting additional data, most stations in	. 17	JUDGE STRICKLER: Thank you.
17			-
17 18	the United States during this period and I	18	Sorry, counsel.
	the United States during this period and I believe now, are affiliated with a non-ABC, -	18 19	Sorry, counsel. MS. PLOVNICK: No, that's all
18			-
18 19	believe now, are affiliated with a non-ABC, -	19	MS. PLOVNICK: No, that's all

1	Page 126		Page 128
	1 stations, what did you do next?	1	including appendices A through E.
	2 A The Nielsen ratings do not	2	Q Do you have any corrections to
	3 differentiate between distant and local	3	MPAA Exhibit 359?
	viewing. So I had to perform what is called	4	A I don't know how to respond on
	5 a distant county analysis which is a county by	5	page five given the Judge's ruling this
	6 county analysis for each sample station, the	6	morning. Initially, I would have struck Reel
	7 end result of which identifies local counties	7	Funds International because we had been
6	for each station.	8	advised that they were withdrawing through
	9 I would then tell Nielsen these	9	MPAA. I need a more learned person than
10	) are the local counties for station whatever	10	myself to help me out.
11	and Nielsen could exclude cable viewing to	11	Q Subject to the Judge's ruling this
13		12	morning, other than the striking of Reel
1:		13	Funds, do you have any other corrections?
14		14	A No, I don't.
15		15	Q And with this correction and
10		16	subject to the Judge's ruling this morning, do
1		17	you declare that MPAA Exhibit 359 is true and
18	·	18	correct and of your personal knowledge?
19	• <i>и</i>	19	A I do.
20	-	20	MS. PLOVNICK: Your Honors, I move
23		21	to admit Exhibit 359.
22		22	MR. BOYDSTON: Excuse me, no
. 1	Page 127	1	Page 129
1 :	A Oh, yes. They definitely have to	2	CHIEF JUDGE BARNETT: Exhibit 359
3	go somewhere. I forwarded the data to Nielsen	3	is admitted.
	so that they could perform their viewing	· ·	
		4	(The document, having been marked
	5 studies.	4	
	5 studies. 6 MS. PLOVNICK: Now may I approach	4 5 6	(The document, having been marked
			(The document, having been marked previously for identification as
	6 MS. PLOVNICK: Now may I approach	6	(The document, having been marked previously for identification as MPAA Exhibit 359, was received in
- 6	MS. PLOVNICK: Now may I approach the witness?	6 7	(The document, having been marked previously for identification as MPAA Exhibit 359, was received in evidence.)
- 6	5 MS. PLOVNICK: Now may I approach 7 the witness? 8 CHIEF JUDGE BARNETT: You may. 9 BY MS. PLOVNNICK:	6 7 8	(The document, having been marked previously for identification as MPAA Exhibit 359, was received in evidence.) MS. PLOVNICK: Thank you, Your
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	Page 130		Page 132
1	the Phase 1 categories?	1	A After that, my former supervisor,
2	A Yes, that's on page 2 of my	2	Jane Saunders, and I undertook to contact the
3	testimony.	3	what we call the overlapping claimants and
4	Q Do you also discuss them in any	4	to find out the circumstances, how is it
5	addendums?	5	possible that there are rep agreements between
6	A Certainly. On Addendum A which is	6	with your organization between MPAA and IPG
7	an advisory opinion regarding program	7	and what's the correct way to go?
8	categories, and Addendum B which is a	8	Q And after you contacted these
9	description of the Phase 1 program categories.	9	claimants what, if anything, did they do in
10	Q Let's look at Addendum B which you	10	response to your inquiry?
11	just mentioned. How many Phase 1 categories	11	A Virtually, all of them for almost
12	are there?	12	all of the years considered themselves to be
13	A There are eight.	13	MPAA claimants. Some filed documents
14	Q Can a single program fall in	14	clarifying representation with the Judges and
15	multiple Phase 1 categories?	15	others provided evidence showing that they had
16	A No, they are all uniquely	16	terminated their association with IPG at an
17	you're in one bucket or the other.	17	earlier date.
18	Q Why not?	18	MPAA, as I understand it, had not
19	A The Phase 1 these program	19	received in discovery some of those
20	definitions respond to the are	20	termination letters. So we asked for copies
21	representative of the eight groups who receive	21	of them.
22	Phase 1 allocations. So I can't MPAA	22	Q Let's turn to Addendum D to your
an a	Page 131		Page 133
1	cannot represent baseball and sports can't	1	testimony. And what is Addendum D?
1		1	coccamony, and and is nadendam by
2	represent the Simpsons. They're mutually	2	A This is a letter to WSG from the
2 3	represent the Simpsons. They're mutually exclusive.	2 3	-
			A This is a letter to WSG from the
3	exclusive.	3	A This is a letter to WSG from the U.S. Olympic Committee terminating IPG
3 4	exclusive. Q Mutually exclusive categories for	3	A This is a letter to WSG from the U.S. Olympic Committee terminating IPG representation.
3 4 5	exclusive. Q Mutually exclusive categories for programs?	3 4 5	A This is a letter to WSG from the U.S. Olympic Committee terminating IPG representation. Q What's the date of that letter?
3 4 5	exclusive. Q Mutually exclusive categories for programs? A Correct.	3 4 5 6	<ul> <li>A This is a letter to WSG from the</li> <li>U.S. Olympic Committee terminating IPG</li> <li>representation.</li> <li>Q What's the date of that letter?</li> <li>A It's dated January 22, 2003.</li> </ul>
3 4 5 6 7	exclusive. Q Mutually exclusive categories for programs? A Correct. Q All right, now let's go to the	3 4 5 6 7	<ul> <li>A This is a letter to WSG from the</li> <li>U.S. Olympic Committee terminating IPG</li> <li>representation.</li> <li>Q What's the date of that letter?</li> <li>A It's dated January 22, 2003.</li> <li>Q And who is it addressed to?</li> </ul>
3 4 5 6 7 8	exclusive. Q Mutually exclusive categories for programs? A Correct. Q All right, now let's go to the other portion which I think you had actually	3 4 5 6 7 8	<ul> <li>A This is a letter to WSG from the</li> <li>U.S. Olympic Committee terminating IPG</li> <li>representation.</li> <li>Q What's the date of that letter?</li> <li>A It's dated January 22, 2003.</li> <li>Q And who is it addressed to?</li> <li>A Mr. Raul Galaz.</li> </ul>
3 4 5 7 8 9	exclusive. Q Mutually exclusive categories for programs? A Correct. Q All right, now let's go to the other portion which I think you had actually mentioned first which is the investigation you	3 4 5 6 7 8 9	<ul> <li>A This is a letter to WSG from the</li> <li>U.S. Olympic Committee terminating IPG</li> <li>representation.</li> <li>Q What's the date of that letter?</li> <li>A It's dated January 22, 2003.</li> <li>Q And who is it addressed to?</li> <li>A Mr. Raul Galaz.</li> <li>Q And to your knowledge was MPAA</li> </ul>
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3 4 5 7 8 9 10 11 12	exclusive. Q Mutually exclusive categories for programs? A Correct. Q All right, now let's go to the other portion which I think you had actually mentioned first which is the investigation you talked about. What was the first step that you had that investigation? A I looked at IPG's direct case. I	3 4 5 6 7 8 9 10 11 12	<ul> <li>A This is a letter to WSG from the</li> <li>U.S. Olympic Committee terminating JPG representation.</li> <li>Q What's the date of that letter?</li> <li>A It's dated January 22, 2003.</li> <li>Q And who is it addressed to?</li> <li>A Mr. Raul Galaz.</li> <li>Q And to your knowledge was MPAA</li> <li>provided this letter in discovery?</li> <li>A We are not copied on it and I</li> <li>don't personally recall seeing it in my</li> </ul>
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Paris and the second			
	Page 134		Page 136
1 claiman	ts in these proceedings. And he called	1	is correct that you were responsible for
2 our att	ention to the document shown in	2	conducting MPAA's claims verification process
3 Appendi	- I'm sorry, Addendum E which is a	3	as you described, correct?
4 letter	from the Farm Journal Media Company	4	A Yes, sir.
5 advisin	g that WSG is not authorized to	5	$\Omega$ And is it accurate that MPAA
6 represe	nt their claims.	6	directly represents approximately 100
7 Ω	And that's in Addendum E to MPAA	7	claimants, I think you said, correct?
8 Exhibit	3598?	8	A That's correct.
9 A	That's correct. E as in Edward.	9	Q And are you familiar with the
10 Q	All right. Thank you, Ms.	10	you've said that there are contracts with
11 Kessler	. I have no further direct questions.	11	those 100 claimants that the MPAA has,
12	CHIEF JUDGE BARNETT: Thank you.	12	correct?
13 We will	take our midday break at this time.	13	A Are you referring to the
14 By my w	atch, it's 12:10. So we will reconvene	14	representation agreement?
15 at 1:10	Thank you.	15	$\Omega$ Well, I'll just ask if they are
16	(Whereupon, at 12:10 p.m., the	16	contracts, and then it sounds like you have a
17 hearing	was adjourned, and will reconvene at	17	name for them, so
18 1:16 p.1	n.)	18	A We call them representation
19	CHIEF JUDGE BARNETT: Ms.	19	agreements.
20 Plovnic	<, did you complete your direct, then?	20	Q Okay. And I realize "contract"
21	MS. PLOVNICK: Yes, Your Honor. I	21	may be a term of art, so I apologize. To use
22 was done	≥ with direct.	22	your term, the MPAA, to your understanding,
na mai in a bana distanta mangana ang karang na sang na			ан на станция слова и малини и какачана и разред со станция и со со станция с со со С со
	Page 135		Page 137
1	CHIEF JUDGE BARNETT: Okay.	1	had an agreement, called a representation
	amination, Mr. Boydston?	2	agreement, with those 100 claimants for these
3	MR. BOYDSTON: Thank you, Your	3	proceedings, correct?
	Your Honor, similar to Ms. Plovnick,	4	A Correct.
	ard to a housekeeping matter on	5	Q Okay.
	numbers, IPG would like to begin	6	MR. BOYDSTON: Your Honor, I'd
	al exhibits with the number 500,	7	like to admit what I'd like to have marked
	we didn't get to that in the previous	8	or, excuse me, I would like to present what we
9 one.		9	will mark as IPG 500.
10	CHIEF JUDGE BARNETT: That will be	10	(Whereupon, the above-referred to
11 just fin		11	document was marked as IPG Exhibit
12	MR. BOYDSTON: There may have been	12	No. 500 for identification.)
	undred or two we didn't use, but I'm	13	And I apologize, it's a little
	we didn't use 500, so we'll be safe.	14	voluminous. If I may approach?
15	CHIEF JUDGE BARNETT: That's fine.	15	CHIEF JUDGE BARNETT: We've never
16 Thank yo	ນ.	16	had voluminous exhibits in this case before,
17	MR. BOYDSTON: Thank you, Your	. 17	Mr. Boydston, so I don't know how we'll handle
18 Honor.		18	it.
19	CROSS-EXAMINATION	19	MR. BOYDSTON: Apologies.
20	BY MR. BOYDSTON:	20	CHIEF JUDGE BARNETT: Thank you.
21 Q	Ms. Kessler, I am Brian Boydston.	21	MS. PLOVNICK: Your Honor, may I
22 I repres	ent Independent Producers Group. It	22	call your attention to the fact that these are

	Page 138		Page 14
1	restricted I think and subject to protective	1	portions to black out or redact in these
2	orders or oh, I'm sorry. I have to press	2	documents?
3	the button here. These are	3	A They were redacted by counsel, and
4	CHIEF JUDGE BARNETT: No, it's on.	4	I had no part in that.
5	MS. PLOVNICK: He said ours is	5	Q Okay. And it's your recollection
6	not, so	6	that this is the way they were produced,
7	CHIEF JUDGE BARNETT: Oh.	7	though, with the redactions, correct?
8	MS. PLOVNICK: the Court	8	A Correct.
9	Reporter. I'm sorry.	9	Q And do you know what the purpose
10	So it may if we begin to read	10	was of the redactions?
11	language from these, it may be appropriate for	11	A I do not.
12	us to pre-review. But I would leave it to	12	Q All right. Were you aware that
13	your discretion.	13	there was a protective order in this case that
14	CHIEF JUDGE BARNETT: Thank you,	14	would protect these documents from third
15	Ms. Plovnick. These exhibits, or this	15	parties seeing them?
16	exhibit, has at least initially flipping	16	A Yes.
17	through, I can see that it consists of a great	17	Q Do you know why it was that it was
18	many restricted pages and redacted pages.	18	determined that it was necessary to redact
19	Mr. Boydston, if you are going to	19	them despite the existence of the protective
20	ask questions about any of the detail, then I	20	order?
21	will depend on Ms. Plovnick let me know if we	21	A I do not.
22	are getting into an area where she feels it is	22	Q Did anyone ever tell you?
	маллания интенција (10 мејина интенска). Со оказа на со оказа и Сраднар заказа и село на село на село на село и оказ На мала на поседија (10 мејина интенска).		ана стана и продата спорта состана и подата и подата се состана со стана со состана со стана состана и подата и Подата со стана со стана со стана со стана и подата со стана со стана со стана со стана со стана со стана со ст
	Page 139	1	Page 14
1	restricted and we need to clear the courtroom.	2	MR. BOYDSTON: Your Honor, I'd
2	MR. BOYDSTON: Understood, Your	3	like to move to admit Exhibit 500.
3	Honor.		
4.	CHIEF JUDGE BARNETT: Okay?	4	MS. PLOVNICK: Our only objection
5	BY MR. BOYDSTON:		would be that we would like it to be noted
6	Q Ms. Kessler, just take a look at	6	that it is restricted and subject to the
	these briefly. We don't want you to look at	7	protective order in this case. Other than
8	every page because we will be here way too	8	that, on the record, no objection.
9	late, but are these the type of agreements	9	CHIEF JUDGE BARNETT: Thank you.
10	that you were referring to?	10	Any objection from SDC?
	A Yes, they are.	11	MR. HARRINGTON: No.
		1 1 2	CUIER THECE DEDUNGE. D.L
12	Q Okay. They say "Representation	12	CHIEF JUDGE BARNETT: Exhibit 500
12 13	Agreement" on the top of it, correct?	13	is admitted as a restricted exhibit.
12 13 14	Agreement" on the top of it, correct? A That's correct.	13 14	is admitted as a restricted exhibit. (Whereupon, the above-referred to
12 13 14 15	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the	13 14 15	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG
12 13 14 15 16	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the production of these documents in connection	13 14 15 16	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG Exhibit No. 500 for
12 13 14 15 16 17	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the production of these documents in connection with this litigation?	13 14 15 16	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG Exhibit No. 500 for identification, was admitted into
12 13 14 15 16 17 18	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the production of these documents in connection with this litigation? A I had retired by that time. I	13 14 15 16 17 18	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG Exhibit No. 500 for identification, was admitted into evidence.)
12 13 14 15 16 17 18 19	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the production of these documents in connection with this litigation? A I had retired by that time. I directed the people who are still at MPAA	13 14 15 16 17 18 19	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG Exhibit No. 500 for identification, was admitted into evidence.) MR. BOYDSTON: Thank you, Your
11 12 13 14 15 16 17  18 19 20	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the production of these documents in connection with this litigation? A I had retired by that time. I directed the people who are still at MPAA where to find them.	13 14 15 16 17 18 19 20	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG Exhibit No. 500 for identification, was admitted into evidence.) MR. BOYDSTON: Thank you, Your Honor.
12 13 14 15 16 17  18 19	Agreement" on the top of it, correct? A That's correct. Q Okay. And did you assist in the production of these documents in connection with this litigation? A I had retired by that time. I directed the people who are still at MPAA	13 14 15 16 17 18 19	is admitted as a restricted exhibit. (Whereupon, the above-referred to document, previously marked as IPG Exhibit No. 500 for identification, was admitted into evidence.) MR. BOYDSTON: Thank you, Your

	Page 142		Page 14
1	have been any other versions of these	1	in the format you have before me, you would
2	agreements that have been submitted in this	2	have to discuss that with counsel.
3	action?	3	Q Okay. Now, you testified that in
4	A I am not aware.	4	addition to the 100 parties represented by
5	Q And so the only proof of these	5	these contracts that the MPAA independently
6	contracts that is before the parties and the	6	or, excuse me, indirectly represents a bunch
7	Judges are these, as far as you know, correct?	7	of other entities as well, correct?
8	A As far as I know, correct.	8	A That's correct.
9	$\Omega$ Okay. Let me ask you just to look	9	Q And those other entities are
10	at a page or two of these. As you can see,	10	represented by some of the contracting parties
11	they are numbered in the bottom right-hand	11	here, actually have separate contracts with
12	corner, starting with 5218. And let me ask	12	other folks, correct?
13	you to page to what is marked as 05444, about	13	A That's my understanding, yes.
14	in the middle of the stack. And, again,	14	Q Okay.
15	that's 05444. And it's a page that is just	15	MR. BOYDSTON: Your Honor, I'd
16	all black, correct?	16	like to present what will be marked as IPG's
17	A It sure is.	17	Exhibit 501. I'm sorry. It's voluminous as
1 B	Q So it's a page that is has had	18	well.
19	all of the information on it removed, correct?	19	(Whereupon, the above-referred to
20	A Correct.	20	document was marked as IPG Exhibit
21	Q Do you know why it was necessary	21	No. 501 for identification.)
22	to remove every piece of information from some	22	BY MR. BOYDSTON:
al taan deedh oosay a egy e	али найон света излатитера редина со со органа со со органа со советското траницата и совото со советското сост Споставляни света излатите со со органа со советското провида со советското полодокото со составание со составани		анийн амсанд улсаг сурадуу Санийн арабардаг уус уураандаг сурад Ассандарса аралардаг төрсөн арагаан арагаан ара У
	Page 143		
			Page 14
1	of these pages?	1	Page 14 Q And, Ms. Kessler, like the last
2		1	
	of these pages?		Q And, Ms. Kessler, like the last
2 3 4	of these pages? A I do not.	2	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the
2 3	of these pages? A I do not. Q Okay. And let me ask you to look	2	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally
2 3 4	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar,	2 3 4	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a
2 3 4 5	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that	2 3 4 5	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first.
2 3 4 5 6	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, 05511. And, again, that is 05511. And that is completely blank as well, correct?	2 3 4 5 6	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them.
2 3 4 5 6 7	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, 05511. And, again, that is 05511. And that is completely blank as well, correct? A Wait. I have to catch up with	2 3 4 5 6 7	<ul> <li>Q And, Ms. Kessler, like the last</li> <li>exhibit, just take a glance at some of the</li> <li>pages here. Tell me if you generally</li> <li>recognize what these documents are, as a</li> <li>generality first.</li> <li>A I recognize them.</li> <li>Q And what are they? They are</li> </ul>
2 3 4 5 6 7 8	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you.	2 3 4 5 6 7 8	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct?
2 4 5 7 8 9	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, 05511. And, again, that is 05511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize.	2 3 4 5 6 7 8 9	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it
2 4 5 6 7 8 9	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank.	2 3 4 5 6 7 8 9 10	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year
2 3 4 5 6 7 8 9 10	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some	2 3 4 5 6 7 8 9 10 11	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year 2000 through 2003.
2 3 6 7 8 9 10 11	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some	2 3 4 5 6 7 8 9 10 11 12	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year 2000 through 2003. Q Okay. And it looks like, looking
2 3 4 5 6 7 8 9 10 11 12 13	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out,	2 3 4 5 6 7 8 9 10 11 12 13	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year 2000 through 2003. Q Okay. And it looks like, looking at the second page, there are some redactions
2 3 4 5 6 7 8 9 10 11 12 13 14	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out, correct?	2 3 4 5 6 7 8 9 10 11 12 13 14	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year 2000 through 2003. Q Okay. And it looks like, looking at the second page, there are some redactions there as well, correct?
2 3 4 5 6 7 8 9 10 11 12 13 14 15	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out, correct? A The two that you pointed out are	2 3 4 5 6 7 8 9 10 11 12 13 14 15	<ul> <li>Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first.</li> <li>A I recognize them.</li> <li>Q And what are they? They are certifications, it says at the top, correct?</li> <li>A These are the certifications it looks for like definitely calendar year 2000 through 2003.</li> <li>Q Okay. And it looks like, looking at the second page, there are some redactions there as well, correct?</li> <li>A Yes.</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out, correct? A The two that you pointed out are completely blanked out.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year 2000 through 2003. Q Okay. And it looks like, looking at the second page, there are some redactions there as well, correct? A Yes. Q And if I look at the fourth page,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 27	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out, correct? A The two that you pointed out are completely blanked out. Q And I think that each of these has.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<ul> <li>Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first.</li> <li>A I recognize them.</li> <li>Q And what are they? They are certifications, it says at the top, correct?</li> <li>A These are the certifications it looks for like definitely calendar year 2000 through 2003.</li> <li>Q Okay. And it looks like, looking at the second page, there are some redactions there as well, correct?</li> <li>A Yes.</li> <li>Q And if I look at the fourth page, there are some redactions there as well,</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out, correct? A The two that you pointed out are completely blanked out. Q And I think that each of these has some redaction, correct? I don't think any	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>Q And, Ms. Kessler, like the last exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first.</li> <li>A I recognize them.</li> <li>Q And what are they? They are certifications, it says at the top, correct?</li> <li>A These are the certifications it looks for like definitely calendar year 2000 through 2003.</li> <li>Q Okay. And it looks like, looking at the second page, there are some redactions there as well, correct?</li> <li>A Yes.</li> <li>Q And if I look at the fourth page, there are some redactions there are some redactions there as well, correct?</li> </ul>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 27 18 19	of these pages? A I do not. Q Okay. And let me ask you to look at the last one, at one more that's similar, O5511. And, again, that is O5511. And that is completely blank as well, correct? A Wait. I have to catch up with you. Q Sure. I apologize. A 5511 is completely blank. Q Okay. I could go through some others, but I think the point is made. Some of these pages were just completely wiped out, correct? A The two that you pointed out are completely blanked out. Q And I think that each of these has. some redaction, correct? I don't think any were produced with no redactions. Is that	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>exhibit, just take a glance at some of the pages here. Tell me if you generally recognize what these documents are, as a generality first. A I recognize them. Q And what are they? They are certifications, it says at the top, correct? A These are the certifications it looks for like definitely calendar year 2000 through 2003. Q Okay. And it looks like, looking at the second page, there are some redactions there as well, correct? A Yes. Q And if I look at the fourth page, there are some redactions there as well, correct? A Is that 1710?</pre>

	Page 146		Page 148
1	there are similar redactions throughout these	1	Q Thank you. Now, with regard to
2	documents, correct?	2	these first two pages that we have been
3	A Yes.	з	looking at on Exhibit 501, AFMA Collections
4	Q Now, back to the first page of	4	does not own the programming content of
5	Exhibit 501, looking down here where the	5	Bennett Productions, correct?
6	signatures come in, I see it says that one of	6	A I have no information with respect
7	the signatories is Reny Montesinos, Manager,	7	to that question.
8	AFMA Collections, correct?	8	Q Okay. But your understanding is
9	A Correct.	9	that MPAA's rights to make a collection for
10	Q And AFMA Collections, was that one	10	Bennett derive through its contractual
11	of the hundred entities that the MPAA had a	11	agreement with AFMA.
12	contract with, I believe?	12	A That's correct.
13	A Yes, it is.	13	Q Not with Bennett.
14	Q And so no question that MPAA had a	14	A Correct.
15	contract with AFMA. Now, this document refers	15	Q Okay. Now, are you familiar with
16	to AFMA, and then on the well, on the	16	IPG and its claimants, to some degree?
17	second page, right underneath the heading it	17	A To some degree.
18	says, "Claimant Bennett Productions, Inc.,"	18	Q And is it your understanding that,
19	correct?	19	somewhat like AFMA and Bennett, IPG has a
20	A Correct.	20	contract with its claimants similar to the
21	Q So Bennett Productions, Inc., was	21	contract that AFMA has with Bennett?
22	that an entity that the MPAA contends it has	22	A I have no knowledge of the
	Page 147	-   .	Page 14
1 2	Page 147 the right to collect royalties for? A Yes, that's correct.	1	Page 14 agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA.
	the right to collect royalties for?		agreement between Bennett and AFMA I'm
2	the right to collect royalties for? A Yes, that's correct.	2	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA.
2 3	the right to collect royalties for? A Yes, that's correct. Q And at the same time, the MPAA	2 3	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay.
2 3 4	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett</pre>	2 3 4	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted
2 3 4 5	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA</pre>	2 3 4 5	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IPG claimants, so I don't
2 3 4 5 6	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA Collections, correct?</pre>	2 3 4 5 6	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IPG claimants, so I don't have a basis to respond to your question.
2 3 4 5 6 7	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA Collections, correct?     A Yes. If you'll refer to any of</pre>	2 3 4 5 6 7	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IPG claimants, so I don't have a basis to respond to your question. Q Okay. When you put together the
2 3 4 5 6 7 8	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA Collections, correct?     A Yes. If you'll refer to any of the representation agreements that you want to</pre>	2 3 4 5 6 7 8	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IPG claimants, so I don't have a basis to respond to your question. Q Okay. When you put together the information to list all of the programs that
2 3 4 5 6 7 8 9	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA Collections, correct?     A Yes. If you'll refer to any of the representation agreements that you want to pick, if you'll look at paragraphs 16 and 17,</pre>	2 3 4 5 6 7 8 9	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IFG claimants, so I don't have a basis to respond to your question. Q Okay. When you put together the information to list all of the programs that the MPAA was making claim for I think it
2 3 4 5 6 7 8 9 10	<pre>the right to collect royalties for?     A Yes, that's correct.     Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA Collections, correct?     A Yes. If you'll refer to any of the representation agreements that you want to pick, if you'll look at paragraphs 16 and 17, paragraph 16 says that "If a claimant has</pre>	2 3 4 5 6 7 8 9 10	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IPG claimants, so I don't have a basis to respond to your question. Q Okay. When you put together the information to list all of the programs that the MPAA was making claim for I think it was the 11,600, correct?
2 3 4 5 6 7 8 9 10 11	the right to collect royalties for? A Yes, that's correct. Q And at the same time, the MPAA doesn't have a contract with Bennett Productions. It has a contract with AFMA collections, correct? A Yes. If you'll refer to any of the representation agreements that you want to pick, if you'll look at paragraphs 16 and 17, paragraph 16 says that "If a claimant has submitted a joint claim for royalties, this	2 3 4 5 6 7 8 9 10 11	agreement between Bennett and AFMA I'm sorry, IFTA. IFTA became AFMA became IFTA. Q Okay. A And I have only seen redacted agreements between IPG claimants, so I don't have a basis to respond to your question. Q Okay. When you put together the information to list all of the programs that the MPAA was making claim for I think it was the 11,600, correct? A Correct.
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1       1       actually the famous the properties you       1       actually the famous         2       sected who to streat to what?       2       A       M d did not.         3       A       by withe of signing the       3       0       And with regard to the entilias         4       The operation agreement, APAN has affirmed of       5       basis, go through and confine that all of         5       correct word that they have the proper       6       these entiles that APAN claimd to represented         6       claimant to MPAN representation.       5       0       A M & did NO.         10       O       Deck, who you don't have - you       10       contract word company with a         11       claimant to MPAN representation.       11       contract word agoint, the word word word word word word word word	. 1		Dego 150		Page 152		
2       asked who to nited to what?       2       A Me did not.         3       A My virtue of signing UB       3       G And yob, on a systematic         4       representation agreement. NMA heas affirmed or       5       Confirmed 1'm not muss if 1'm using the         5       confirmed 1'm not muss if 1'm using the       5       Lease millies (back did yob, on a systematic         7       subority to secure the lease, and the thry       1       Informatic UP XMA, did yob, on a systematic         7       subority to secure the lease of the confirment to       1       Informatic UP XMA, diard to represent         8       have the archerity to bid their correct?       0       Mich is subth the same for ARION,         10       didn't get any information from finament to       10       Confirme form Bernett's atanghoint that ANMA         13       had the rights to make this claim, correct?       13       O And I believe it is your testimony         14       A Actually, in the case of Bernett,       15       there subtrise the and and the fill on your         14       A Actually, in the case of Bernett,       15       there subtrise the and and the fill on your         15       i don't pays of bahilit SOI, it hous the said,       16       Limmatics you have a did not correct?         15       o fif they fill, that's fills, bot sithe,			Page 150				
1         A         By vistue of algoing the         3         0         And with regard to other entities           1         A         By vistue of algoing the         3         0         And with regard to other entities           1         A         By vistue of algoing the         3         0         And with regard to other entities           2         Confirmed 1'm one sure if im using the         5         basis, go through and confirm that all of           3         Confirmed 1'm one sure if im using the         5         basis, go through and confirm that all of           4         Confirmed 1'm one sure if im using the         6         there entities that ADA (Linged to represent)           3         Claimet to MAR the call that represented by ADA?         A         Ne did not.           10         Claimet to MAR the call that represent to         10         A         Ne did not.           11         Contract the mathemet to         11         Contract whith eliss.         Contract where represented by ADA?           12         A         A duality represent to         11         Contract where represented by ADA?           13         Dad the right is anothemet to         11         Contract where represented by ADA?           14         A Actually.         A cont the mathemet.         Contr					-		
4       representation agrammin, ANGA has affigmed or 5       4       representation agrammin, ANGA has affigmed or 5       4         5       confirmed 1'm nat sure if 'm using the 6       confirmed 1'm nat sure if 'm using the 7       back, go through and confirm that ill of 6         6       confirmed 1'm nat sure if 'm using the 7       back, go through and confirm that ill of 6         7       outbority to assort the claim, and that hay 6       confirmed 1'm nat sure if 'm using the 7         8       attained to MAA topy and that any 6       confirmed 1'm nat sure if 'm using the 7         9       back, go through and confirm that ill of 7       confirmed 1'm nat sure if 'm using the 7         9       back was the support       1       confirmed 1'm nat sure if 'm using the 7         9       confirmed 1'm nat sure if 'm using the 7       confirmed 1'm nat sure if 'm using the 7       confirmed 1'm nat support         10       confirmed 1'm nat support       confirmed 1'm nat support       confirmed 1'm nat support         11       down't have documents but a talaphone       1       confirmed 1'm nat support         12       consy. Then't you site and the state and you.       1       confirmed 1'm nat support         12       a nat ballewe if and you.       1       a fast the i'm any? I through if 2         13       A So in tha							
5       contirmed The not sure if The using the       5       bala, go through and confirm that 11 of         6       correct word that they have the proper       6       these entities that ADM claimed to represent         7       authority to same: the claim, and that they       7       in fact were represented by AMAY         8       A We did not.       9       0       A We did not.         9       0       Oad is that the same for ADICOL         10       0       Okay. But you don't have you       10       which is another contract company kith a         11       claiment to MDA impresentation.       9       0       And is that the same for ADICOL         12       contirm from Hemmeti's standpoint that ADMA       11       centract with the XEAR, correct?         13       i don't have -outpents       13       i don't have outpents       14         14       A Actually, in the case of Bennet;       15       that the number of again, the number?         14       A dot y kit a don't have you have a direct contract where       16       claiments you have a direct contract where         15       health rights to make this claim, correct?       10       1, doo't right?       17         16       conversation, head MAM file all on you:       10       1, doo't right?		3		_			
6       correct word that Day have the proper         7       authority to assert the claim, and that they         8       have the authority to bind their represented         9       have the authority to bind their represented         9       0         10       0         11       didn't get any information from Benneti to         12       confirm from Benneti's standpoint that ABA         13       habe the right to make this claim, correct?         14       A         15       I don't get any information from Benneti to         16       confirm from Benneti's standpoint that ABA         18       hab the right to baik this claim, correct?         14       A         15       I don't have douments but a tellphone         16       conversation, Accurace in one of the yapra         17       bahar," and my recollection is that has aid,         18       bahar," and my recollection is that has aid,         19       bahar," and my recollection is case, I do         11       X       go in that particular case, I do         1       X       go in that particular case, I do         1       X       go in that particular case, I do         1       X       go in that particular case, I do		4	representation agreement, AFMA has affirmed or				
<ul> <li>cetthority to searct the claims and that they</li> <li>enthority to base at the claims and that they</li> <li>have the authority to bind their represented</li> <li>claims it o MAA inpresentation.</li> <li>0 0 Kay. But you don't have you</li> <li>1 din't get any information from Bennett to</li> <li>confirm from Bennett's attandpoint that ARMA</li> <li>1 A Actually, in the case of Bennett,</li> <li>1 a ant the state of Bennett,</li> <li>1 a ant they file, that's file. And so I</li> <li>1 a ant and my from a file ways "claims.</li> <li>1 a so in that particular case, i do</li> <li>1 A so in that particular case, i do</li> <li>2 A that's correct.</li> <li>3 C You do have scetching.</li> <li>3 C You do have scetching.</li> <li>4 C Carrect.</li> <li>3 C You do have scetching.</li> <li>4 C Carrect.</li> <li>5 C Carrect.</li> <li>6 C Carrect.</li> <li>7 A correct.</li> <li>7 A correct.</li> <li>7 A correct.</li> <li>7 A correct.</li> <li>9 A dist correct.</li> <li>9 A mat's correct.</li> <li>9 A that's correct.</li> <li>9 A tha</li></ul>		5	confirmed I'm not sure if I'm using the	5			
a have the authority to bind their represented       5       A We did not.         9       0       And is that the same for Aditon,         10       0       Okay. But you don't have you       10         11       dich't get any information from Bonnett to       11       contract with the MRA, correct?         12       confiles from Bomett's stampoint that APMR       12       A In so case did we contact the         13       had the rights to make this chin, correct?       13       underlying claimants.         14       A Actually, in the case of Dormett,       13       Underlying claimants.         15       I don't have documents but a telephone       15       that the number of         16       conversation, because in one of the years       16       claimants you have a direct contract where         16       a filed an independent claim. And as T       17       there is 100, but the indirect grows up to         18       said, 'rou filed, and APA filed on your       16       1       A was it that many? I thought it         20       o Gay. Thank you.       21       0       That's wat risk and of         21       A So in that particular case, I do       1       0       Is that correct.         2       0       Casy. Thank you.       2       A fis' or and o al		6	correct word that they have the proper	6	these entities that AFMA claimed to represent		
<ul> <li>a late and the MAR representation.</li> <li>c claiment to MAR representation.</li> <li>g contract with the MAR recorder to contract the MAR recorder the moment file and the right to make this elaim. correct 7</li> <li>g contract with the MAR recorder the moment file and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and the right to make this elaim. correct 7</li> <li>g and ny recollection in that he esid.</li> <li>g o hay. Thenk you.</li> <li>i there is 100, but the indirect contract where 1</li> <li>g ange 151</li> <li>g o hay. Thenk you.</li> <li>g and ny recollection in that he esid.</li> <li>g o hay. Thenk you.</li> <li>g and ny recollection recey.</li> <li>g o hay. Thenk you.</li> <li>g and ny recollection recey.</li> <li>g o hay. Thenk you.</li> <li>g and ny recollection and on the search 100.</li> <li>g and a lot of these claims of 1</li> <li>g a direct contract 1. Searce 7.</li> <li>g a direct on the claim.</li> <li>g a direct on the searce 1.</li> <li>g a first so an PAR certification. And on the second page at the top if says "Claimant 1.</li> <li>g a first so an PAR certification.</li> <li>g a first grave first speemission to 1.</li> <li>g A there so an or the bahalf?</li> <li>g A there so an or the MPAA 1</li> <li>g a first so an representation.</li> <li>g A there so an or the thore in the represent 1.</li> <li>g a first so correct.</li> <li>g A there so an or the MPAA 1</li> <li>g a mater sor pre</li></ul>		7	authority to assert the claim, and that they	7	in fact were represented by AFMA?		
10       0       0 km, Nut you don't have you       10       which is another contract company with a         11       didn't get any information from Bennett to       11       contract with the MPAA, correct?         12       contine from Bennett's standpulnt that APMA       12       A       In so cees did we contact the         13       had the rights to make this claim, correct?       14       A       In so cees did we contact the         14       A       Actually, in the cees of Sennett,       16       0       And I believe it is your testimony         15       I don't have documents but a telephone       15       that the make rat spain, the number of         16       conversation, because in one of the years       16       claiments you have a direct contract where         17       benaif," and my recollection is that he said,       17       there is 100, but the indirect grows up to         18       l,400, right?       A       Nes it that samy? I thought it         18       use like 11 1,400, wast that the momber?       19         19       A field on independent claim, and on the       19       A         10       A field on independent claim, and on the       14       Q       Is that correct?         2       0       You do have something.       10       Q<		8	have the authority to bind their represented	8	A We did not.		
11       didn't get any information from Bennett to       11       contract with the MPAA, correct?         12       confirm from Bennett's standpoint that APBA       12       A In no case did we contact the         13       had the rights to make this claim, correct?       13       underlying claimants.       14       Q And I balleveit is a your testimony         15       I don't have documents but a tablehone       16       claimants you have a direct contract where         16       conversation, bacause in one of the years       16       claimants you have a direct contract where         17       Demest filed an independent laim. And so I       17       there is 100, but the indirect grows up to         18       asid, "you filed, and AMA filed on your       19       A MAA."       21       Q       That's down at the number?         19       behair," and my recollection is that he said,       10       N as it that mamy? I thought it       20         20       O kay. Thank you.       22       A       Ob, okay. I'm morry. Yes.         21       A That's correct.       3       Q       And as a lot of these claims of         2       You do have sceething.       3       Q       And as a lot of these claims of         2       You do have sceething.       3       Q       And as a lot of these cla		9	claimant to MPAA representation.	9	Q And is that the same for AGICOA,		
12       Confirs from Bennett's standpoint that AMA       12       A Is no case did we contact the         13       had the rights to make this claim, correct?       13       underlying claimants.         14       A Actually, in the case of Bennett,       14       C And I baliave it is your testimony         15       I don't have documents but a telephone       15       that the number of again, the number of         16       conversation, because in one of the years       15       claimants you have a direct contract where         17       Bennett filed an independent claim. And so T       17       there is 100, but the indirect grows up to         18       said, "You filed, and APAA filed on your       18       1,400, right?         19       behalf," and wy recollection is that he said,       20       was like 11 1,400, was that the number?         21       A NA.*       21       0       That's what I acid, yes.         22       0       okay. Thank you.       22       A       Ob, okay. I'm sorry. Yes.         Page 151         2       A That's correct?         3       0       You do have something.       3       Q       And so al of of these claims of         4       understood. If we look at the third and       4       the 1,400 are relying on the fact		10	Q Okay. But you don't have you	10	which is another contract company with a		
13       had the rights to make this claim, correct?       13       underlying claimants.         13       had the rights to make this claim, correct?       13       underlying claimants.         14       A Actually, in the case of Bennett,       14       Q And I beliave it is your testimony         15       I don't have documents but a telephone       15       that the number of again, the number of         16       conversation, because in one of the years       16       claimants you have a direct contract where         17       Dennett filed and ARA filed on your       18       1,400, tright?         19       behalf," and my recollection is that he said,       19       A Was if that many? I thought it         20       o.kay. Thank you.       21       Q That's what I said, yes.         21       Q Kay. Thank you.       22       A Oh, ekay. The sorry. Yes.         Page 151         21       A So in that particular case, I do       1       Q Is that correct?         2       A So in that particular case, I do       1       Q Is that correct?         3       Q You do have something.       3       G And so a lot of these claims of         4       the l.400 are situations where you don't have       a discet conrectact like you do with the         6       apgin, it's		11	didn't get any information from Bennett to	11	contract with the MPAA, correct?		
10       A Actually, in the case of Bennett,         14       A Actually, in the case of Bennett,         15       I don't have documents but a talephone         16       Conversation, because in one of the years         17       Dermett flied an independent claim. And so I         18       asid, "You filed, and AFWA filed on your         19       behalf," and wy recollection is that be said,         20       "Oh, if they file, that's fine. Go with         21       AFWA."         22       O Okay. Thank you.         23       O Okay. Thank you.         24       A find to particular case, I do         3       O You do have something.         3       O You do have something.         4       Understood. If we look at the third and         5       fourth page of Exhibit 501, it looks like,         6       again, it's an AFMA certification. And on the         7       A That's correct.         16       Q Do you know whether or not Carolco         17       A That's correct.         18       A That's correct.         19       A That's correct.         10       D by you know whether or not Carolco         11       O Do you know whether or not Carolco         12		12	confirm from Bennett's standpoint that AFMA	12	A In no case did we contact the		
15       I don't have documents but a telephone       15       that the number of again, the number of         16       conversation, because in one of the years       16       claimants you have a direct contract where         17       Bennett filed an independent claim. And so I       17       there is 100, but the indirect grows up to         18       said, "You filed, and APMA filed on your       18       1400, right?         19       behalf," and my recollection is that he said,       19       A Was it that memory I thought it         20       "Oh, if they file, that's fine. Go with       21       0       That's what I said, yee.         21       AFMA."       21       0       That's what I said, yee.         22       0       Okay. Thank you.       22       A       Oh, ekay. I'm sorry. Yes.         Page 151         Page 153         Page 153         2       A That's correct.       3       0       And so a lot of these claims of         4       the top it says "Claimant       4       the hundred say that they represent the         6       append Exhibit 501, it looks like,       5       a direct contract like you do with the         6       append Exhibit 501, it looks like,       5       a direct contract like you do		13	had the rights to make this claim, correct?	13	underlying claimants.		
16       conversation, because in one of the years       16       claimants you have a direct contract where         17       Bennett filed an independent claim. And so I       17       there is 100, but the indirect grows up to         18       said, "You filed, and ARMA filed on your       18       1/400, right?         19       behalf," and wy recollection is that he said,       19       A Was it that many? I thought it         20       "Oh, if they file, that's fine. Go with       20       was like 11 1,400, was that the number?         21       AFMA."       21       Q       That's what I said, yes.         22       Q       Okay. Thank you.       22       A       Oh, okay. I'm sorry. Yes.         Page 151         Page 151         Page 151         Page 151         Q       Okay. Thank you.         Page 151         Page 151         Page 151         Page 151         Page 151         A onk obay. I'm sorry. Yes.         Page 151         A bit is correct.         9         9       A correct. <td <="" colspan="2" th=""><th></th><th>14</th><th>A Actually, in the case of Bennett,</th><th>14</th><th>Q And I believe it is your testimony</th></td>	<th></th> <th>14</th> <th>A Actually, in the case of Bennett,</th> <th>14</th> <th>Q And I believe it is your testimony</th>			14	A Actually, in the case of Bennett,	14	Q And I believe it is your testimony
17       Bennett filed an independent claim. And so I       17       there is 100, but the indirect grows up to         18       said, "You filed, and APMA filed on your       18       1,400, right?         19       behalf," and my recollection is that he said,       19       A Was it that meny? I thought it         20       "Oh, if they file, that's fine. Go with       20       was like 11 1,400, was that the number?         21       0       That's what I said, yes.       22         22       0       Okay. Thank you.       22       A Oh, okay. I'm sorry. Yes.         Page 151         Page 151         Page 153         1       A So in that particular case, I do       1       Q Is that correct?         2       A Oh okay. Something.       1       Q Is that correct?         3       Q You do have something.       1       Q Is that correct?         4       Understood. If we look at the third and       5       10,400 are situations where you don't have         5         6       arge of Exhibit 501, it looks like,       5       a direct contract like you do with the         6       second page at the top it says "Claimant       7       that houndred say that they represent the         1       A C		15	I don't have documents but a telephone	15	that the number of again, the number of		
18       said, "You filed, and ARMA filed on your       18       140,400, right?         19       behalf," and my recollection is that he said,       19       A       Was it that many? I thought it         20       "Oh, if they file, that's fine. Go with       20       was like 11 1,400, was that the number?         21       AFMA."       21       Q       That's what I said, yes.         22       Q       Okay. Thank you.       22       A       Oh, okay. I'm sorry. Yes.         Page 151         Page 151         Page 153         Page 153         Q       Okay. Thank you.         Page 151         Page 153         Page 153         Page 154         Q       A that particular case, I do         10       Q         A that so correct.         Q       A that bot a lot of these claims of         4       Understood. If we look at the third and       4       the look a lot of these claims of         4       Garola of of these claims of         6       A that cont a correct.         9       A	:	16	conversation, because in one of the years	16	claimants you have a direct contract where		
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21       AFMA."       21       0       That's what I said, yes.         22       0       Okay. Thank you.       22       A       Oh, okay. I'm sorry. Yes.         Page 151         1       A       So in that particular case, I do       1       Q       Is that correct?         2       Know something.       1       Q       Is that correct.         3       Q       You do have something.       3       Q       And so a lot of these claims of         4       Understood. If we look at the third and       4       the 1,400 are situations where you don't have         5       fourth page of Exhibit 501, it looks like,       5       a direct contract like you do with the         6       again, it's an AFMA certification. And on the       5       hundred. Instead, you are relying on the fact         7       second page at the top it says "Claimant       7       that the hundred say that they represent the         8       1,400, correct?       9       A       That's correct.         9       A       Correct.       9       A       That's correct.         10       Q       Do you know whether or not Carolco       10       O       But thero is no the MPAA         11       doesn't go through any process to verify		19	behalf," and my recollection is that he said,	19	A Was it that many? I thought it		
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1       A       So in that particular case, I do       1       0       Is that correct?         2       know something.       2       A       That's correct.         3       0       You do have something.       3       0       And so a lot of these claims of         4       Understood.       If we look at the third and       4       the 1,400 are situations where you don't have         5       fourth page of Exhibit 501, it looks like,       5       a direct contract like you do with the         6       again, it's an AFWA certification. And on the       6       hundred. Instead, you are relying on the fact         7       second page at the top it says "Claimant       7       that the hundred say that they represent the         8       1,400, correct?       9       A       That's correct.         9       A       Correct.       9       A       That's correct.         10       Q       Do you know whether or not Carolco       10       Q       But there is no the MFAA         11       Pictures had in fact given its permission to       11       doesn't go through any process to verify that         12       AFMA to make claims on its behalf?       12       on a case-by-case basis.       13         13       A       That's correct.		an nambatan muna			Page 153		
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9       A       Correct.       9       A       That's correct.         10       Q       Do you know whether or not Carolco       10       Q       But there is no the MPAA         11       Pictures had in fact given its permission to       11       doesn't go through any process to verify that         12       AFMA to make claims on its behalf?       12       on a case-by-case basis.         13       A       I have no information.       13       A       That's correct.         14       Q       And so there you are relying on       14       Q       Have you had circumstances in         15       the or, excuse me, on the representation       15       which it has turned out that one of the 100         16       agreement by AFMA saying, "We promise that we       16       has claimed somebody and certified that they         17       can represent everybody we are going to       17       indeed, you know, have the right to represent         18       present to you," essentially, right?       18       another party, and then it turned out that was         19       A       That's correct.       19       not the case?         20       Q       At any point in the process of       20       A       Not to my recollection, no, not         21       verifying							
10       Q       Do you know whether or not Carolco       10       Q       But there is no the MPAA         11       Pictures had in fact given its permission to       11       doesn't go through any process to verify that         12       AFMA to make claims on its behalf?       12       on a case-by-case basis.         13       A       I have no information.       13       A         14       Q       And so there you are relying on       14       Q       Have you had circumstances in         15       the or, excuse me, on the representation       15       which it has turned out that one of the 100         16       agreement by AFMA saying, "We promise that we       16       has claimed somebody and certified that they         17       can represent everybody we are going to       17       indeed, you know, have the right to represent         18       present to you," essentially, right?       18       another party, and then it turned out that was         19       A       That's correct.       19       not the case?         20       Q       At any point in the process of       20       A       Not to my recollection, no, not         21       verifying MPAA's claims, did you contact       21       during my time at MPAA.       24							
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11       Image: Second state of the second sta		16	agreement by AFMA saying, "We promise that we	16	• -		
19       A       That's correct.       19       not the case?         20       Q       At any point in the process of       20       A       Not to my recollection, no, not         21       verifying MPAA's claims, did you contact       21       during my time at MPAA.		. 17	can represent everybody we are going to	. 17	indeed, you know, have the right to represent		
20       Q       At any point in the process of       20       A       Not to my recollection, no, not         21       verifying MPAA's claims, did you contact       21       during my time at MPAA.		18	present to you," essentially, right?	18	another party, and then it turned out that was		
21 verifying MPAA's claims, did you contact 21 during my time at MPAA.		19	A That's correct.	19			
		20	Q At any point in the process of	20	A Not to my recollection, no, not		
22 Carolco Pictures to make sure that was 22 Q Do you recall the entity that had		21	verifying MPAA's claims, did you contact	21	during my time at MPAA.		
		1	Corolco Dictures to make sure that was	22	O Do you recall the entity that had		

	Page 154		Page 150
1	a contract with the MPAA called Fintage?	1	A I see that now, yes.
2	A Yes.	2	Q Now, looking back at the
3	Q And do you recall, as you may have	3	Exhibit 500
4	heard or, actually, strike that. Are you	4	A That's the rep agreements?
5	aware that Fintage claimed to have an	5	Q Yes. Thank you. My question
6	agreement to pursue the rights on behalf of	6	and you can just look at the first one or the
7	the BBC?	7	second one, because it applies to all of them,
8	A It has only been brought to my	8	is whether or not these, in this form, state
9	attention during the course of these	9	what year they apply to.
10	proceedings.	10	A They do not.
11	Q Okay. And are you aware that the	11	Q Do you know why that is?
12	BBC has disavowed Fintage's right in that	12	A There would have been a memorandum
13	regard?	13	that I mailed in conjunction with this. And
14	A I think I heard you say that this	14	my recollection is the memorandum would state
15	morning.	15	the beginning year. The reason was, up until
16	Q Are you aware of any other MPAA	16	a certain point and to tell you the truth,
17	parties with whom the MPAA has a direct	17	I don't recall which royalty year we changed
18	contract, i.e., the 100, where a similar thing	18	it but we executed a representation
19	has come out, that somebody had claimed to	19	agreement for every royalty year. So it was
20	have rights to never produce a contract to	20	it became I hate to use the word
21	you, and then had to say, "Oh, you know,	21	"burdensome," but it was burdensome to do that
22	actually, we don't have those rights"?	22	process every year.
BBB(10+3 + #38,+ 44,454)	Page 155	7 piparente: -24	Page 157
1	A I don't recall. By saying I don't	1	So at some point, and certainly
2	recall, I don't recall that that circumstance	2	that was I think the case starting in 2000, if
3	ever happened.	3	not before, we became a we made it a
4	Q Okay. Do you know whether or not	4	perpetual representation agreement this may
5	the MPAA ever asked parties like AFMA to	5	be the very first royalty year that was
6	produce its contract with its underlying	6	
0	produce its contract with its underlying		
7	parties, such as Carolco, et cetera?		covered by that. I'm not going to testify
7 8	parties, such as Carolco, et cetera?	7	that I know that for sure, but the memorandum
8	A No, we never did.	7 8	that I know that for sure, but the memorandum that accompanied it would have said we are
8 9	<ul><li>A No, we never did.</li><li>Q Okay. So you never asked them to</li></ul>	7 8 9	that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be
8 9 10	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to</li> <li>produce them, and you never contacted the</li> </ul>	7 8 9 10	that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year
8 9 10 11	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to</li> <li>produce them, and you never contacted the</li> <li>represented parties, like Carolco,</li> </ul>	7 8 9 10 11	that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever.
8 9 10 11 12	A No, we never did. Q Okay. So you never asked them to produce them, and you never contacted the represented parties, like Carolco, independently, correct?	7 8 9 10 11 12	that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to
8 9 10 11 12 13	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to</li> <li>produce them, and you never contacted the</li> <li>represented parties, like Carolco,</li> <li>independently, correct?</li> <li>A That's correct.</li> </ul>	7 8 9 10 11 12 13	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever.</pre>
8 9 10 11 12 13 14	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to</li> <li>produce them, and you never contacted the</li> <li>represented parties, like Carolco,</li> <li>independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not</li> </ul>	7 8 9 10 11 12 13 -14	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is</pre>
8 9 10 11 12 13 14 15	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to</li> <li>produce them, and you never contacted the</li> <li>represented parties, like Carolco,</li> <li>independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not</li> <li>IPG requested to see the agreements between</li> </ul>	7 8 9 10 11 12 13 -14 15	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is perpetual?</pre>
8 9 10 11 12 13 14 15 16	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to produce them, and you never contacted the represented parties, like Carolco, independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not IPG requested to see the agreements between the MPAA and these 100 parties in this action?</li> </ul>	7 8 9 10 11 12 13 -14 15 16	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is perpetual? A Yes, it is.</pre>
8 9 10 11 12 13 14 15 16 . 17	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to</li> <li>produce them, and you never contacted the</li> <li>represented parties, like Carolco,</li> <li>independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not</li> <li>IPG requested to see the agreements between</li> <li>the MPAA and these 100 parties in this action?</li> <li>A Am I aware that you asked to see</li> </ul>	7 8 9 10 11 12 13 -14 15 16 17	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is perpetual? A Yes, it is. Q Okay.</pre>
8 9 10 11 12 13 14 15 16 17 , 18	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to produce them, and you never contacted the represented parties, like Carolco, independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not IPG requested to see the agreements between the MPAA and these 100 parties in this action?</li> <li>A Am I aware that you asked to see the agreements?</li> </ul>	7 8 9 10 11 12 13 -14 15 16 17 18	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is perpetual? A Yes, it is. Q Okay. A Paragraph 18, "This agreement</pre>
8 9 10 11 12 13 14 15 16 17  18 19	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to produce them, and you never contacted the represented parties, like Carolco, independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not IPG requested to see the agreements between the MPAA and these 100 parties in this action?</li> <li>A Am I aware that you asked to see the agreements?</li> <li>Q Yes.</li> </ul>	7 8 9 10 11 12 13 -14 15 16 17 18 19	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is perpetual? A Yes, it is. Q Okay. A Paragraph 16, "This agreement exists in perpetuity."</pre>
8 9 10 11 12 13 14 15 16 . 17	<ul> <li>A No, we never did.</li> <li>Q Okay. So you never asked them to produce them, and you never contacted the represented parties, like Carolco, independently, correct?</li> <li>A That's correct.</li> <li>Q Are you aware of whether or not IPG requested to see the agreements between the MPAA and these 100 parties in this action?</li> <li>A Am I aware that you asked to see the agreements?</li> </ul>	7 8 9 10 11 12 13 -14 15 16 17 18	<pre>that I know that for sure, but the memorandum that accompanied it would have said we are doing something new, it is going to be perpetual, it starts with royalty year whatever. Q Okay. But in terms of trying to figure out what years these apply to, is it specified in these documents that it is perpetual? A Yes, it is. Q Okay. A Paragraph 18, "This agreement</pre>

.	Page 158		Page 160
	1 that the individual party at issue has not	1	уоц клоw?
	2 already granted these rights to some other	2	A I believe it changed. I don't
	3 entity, like even IPG or the man on the	3	recall what royalty year.
	4 street?	4	Q Fair enough.
1	5 A I don't know what a warranty is.	5	A It was close to my retirement.
	6 Q Certainly. Is there anything in	6	Let's put it that way.
	here that says, "I" in this case let's call	7	Q Okay. So sounds like it went on
	8 it AFMA "I, AFMA, state that I have not	8	at least for a few years after this particular
	9 given these rights that I am asking the MPAA	9	time period.
		10	A That's correct.
1		10	Q Okay. Now, with regard to your
1		12	· · · ·
1	-	12	testimony about the 11,600 titles, do you recall that?
1			
1		14	A Yes.
1		15	Q And that is the number of titles
1		16	it's an approximation, I presume, but
1		17	that's the number of program titles the MPAA
1	n	18	says it has a claim for in these proceedings,
1		19	right?
2		20	A Listed by year. So that I
2	" "	21	don't want to try to I don't want to appear
2	2 not aware of any such provision in the	22	to be disingenuous about the number of works.
	Page 159		Page 161
	1 contracts.	. 1	It depends on how you count. If you put all
	2 MS. PLOVNICK: Thank you.	2	of them together, there are 11,000 works.
	3 BY MR. BOYDSTON:	3	However, the same work let's just pretend
	4 Q And when approximately did you	4	it's MASH might have been retransmitted
	5 retire? I only ask because I don't want to	5	every year.
	6 ask about questions that you weren't there	6	So if you add all of the lists up
	7 for.	7	together, you get MASH four times. But if you
	8 A I know exactly when I retired. It	8	don't, you get it once per year. Just so you
	9 was on my 60th birthday, August 20, 2010.	9	understand.
1	0 Q Great. Do you recall, were these	10	Q So if we only counted MASH once,
1:	1 representation agreements used up until the	11	and other programs like it in other words,
12	2 time that you retired?	12	not once for 2000, 2001, 2003, et cetera, but
1:	3 A I think they were not.	13	just once, period, the 11,600 figure would be
14	4 Q Do you know when they stopped	14	much lower, correct?
1.	5 being used?	15	A I don't know that it would be much
1	6 A No, I do not.	16	lower, but it would be lower.
1	7 Q Okay. Do you have an estimate?	17	Q Because there are a number of
10	θ Were they only used during these years in	18	programs where there was a claim each year,
		19	correct?
1 1		20	A Correct.
20	Charl The appendence and a dependence and a second se		
		21	Q Okay. When you put this list of

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	Page 162		Page 164	100
1	correct?	1	the program titles list, correct? No?	a Jacob Age
2	A Yeah.	2	A For what purpose?	1
3	Q Okay. And was it reduced to an	3	Q The purpose of assisting the MPAA	1.
4	electronic format for ease of use?	4	in putting together its study for this matter.	Alternation of the
5	A Yes.	5	I apologize, it's	2014 T (2)
6	Q Do you know why that electronic	6	A Ask me again. I'm sorry. I'm	1.11
7	format was never produced to IPG in discovery?	7	Q That's quite all right. That's	-242-5
8	MS. PLOVNICK: Objection. The	8	quite all right. As you know, the MPAA is	
9	Judge has already ruled that MPAA was only	9	offering a certain methodology in these	
10	required to produce a paper copy of its	10	proceedings, correct?	14
11	exhibits in discovery if the the order I	11	A I believe so.	1
12	believe mentioned it, in fact, and this seems	12	Q And as I understand it, sort of	
13	to be an attack on that order.	13	Step 1 in that process was the MPAA had to	
14	CHIEF JUDGE BARNETT: The	14	figure out a comprehensive list of all of the	
15	objection is sustained. Ms. Kessler was not	15	programs for which it would seek royalties in	1.000
16	is not counsel and was not privy to the	16	this proceeding. And somebody had to figure	
17	decisions made by counsel, Mr. Boydston, sø	17	out	a sector a
18	that was not an appropriate question.	18	A Oh, okay.	and the second
19	MR. BOYDSTON: Okay.	19	Q how do we know	
20	BY MR. BOYDSTON:	20	A So you are talking about the	
21	Q Now, in terms of compiling the	21	appendix in my direct testimony of the works	1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1
22	list, which that you do have, that was your	22	that we	hud na
Canada aya Aka µana () - 70 Mara	Page 163		Page 165	
1	job, you did do that of course, right?	1	Q Yes.	10 20
2	A Yes.	2	A are claiming. Okay.	10.00
3	Q I understand the first step was to	3	Q Right. That list of 11,600	112 A. 10
4	analyze the program title information, is that	4	titles.	1000
5	right?	5	A Okay.	
6	A What process are we are we	6	Q And you put that together,	
7	still talking about the production of the	7	correct?	A LODE
8	appendix?	8	A Yes.	
9	Q No. I apologize. What I'm	9	Q And	
10	talking about is your process of coming up	10	A Let me take that back. I did not	
11	with the 11,600 titles.	11	do that. I did not do that.	
12	A For the exhibit?	12	Q Do you know who did?	
13	Q No. Let me back up. I'll start	13	A I believe counsel put it together.	
14	all over, start from scratch.	14	Q Okay. Did you provide information	
15	A Okay.	15	to counsel so they could do it?	100
16	Q My understanding is you used MPAA	16	A Yes.	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -
17	you used data to come up with the list of	- 17	Q Okay. And what information	No.
18	11,600 program titles, correct, to use	18	A You know, I'm blanking on who did	P.C. Nume
19	A I did that only for the purpose of	19	it.	Acres 44
20	this hearing.	20	Q That's quite all right.	
21	Q Oh, okay. I thought that in	21	A Just give me	
22	helping with the MPAA study you came up with	22	Q Take a minute.	No.
	heaping hach the hand buddy you bund up hach	6.2		Kana -

<u> </u>	Page 166	1	Page 168
1	-	1	anyone else doing that?
2		2	A I've done some of that actually,
3	-	3	yes.
4		4	Q Okay. And what was that
5		5	independent research?
6		6	A Sometimes we would have works that
7		7	we felt like there should be a claimant for,
8		В	but we were not aware that our client had
9		9	asserted a claim for it. And, unfortunately,
10	<b>-</b>	10	•
		10	I don't remember the name of the company, but
11			it used to be called BIB, and MPAA had a
12		12	subscription to whatever the new company's
13		13	name is to see the producer and syndicator of
14		14	a work. And we would often go to that source
15		15	and see if the syndicator or the producer was
16		16	one of our claimants.
17	<b>"</b>	17	Also, and this was just I don't
18	*	18	know if it's fortuitous, but whatever I
19		19	speak Spanish, and there are a lot of English
20		20	language movies that are broadcast in Spanish,
21		21	either dubbed or subtitled. And so there was
22	I'm just wondering, where did the	22	a and, unfortunately, the foreign language
	Page 167		Page 169
1	information come from to begin with? What was	1	title may frequently have nothing to do with
2	the fount of knowledge, if you will? Is	2	the American language title.
3	there, you know was there a big stack of	3	So it's not a matter of
4	papers you looked through or files or	4	translation. It would be a matter of looking
5	something like that? Maybe the contracts	5	at who the actors were, the production year,
6	themselves?	6	et cetera. And so if I saw something that had
7	A Wouldn't have been the	7	Paul Newman and whoever, and I knew the
. 8	representation agreements. It may have been	8	Amerícan language, and I could sort of figure
9	the certifications of entitlement	9	out, I would match those together, see if
10	Q Okay.	10	there was an MPAA claimant, and assign it to
11	A because those would list, with	11	that company to see if they could take credit
· . 12	the exception of anything lined out, those	12	for it.
13	would provide the works for which MPAA is	13	Q And what materials did you get
14	- claiming remuneration.	14	such information from? Like, for instance, in
15	Q Okay. There was a statement in	15	your example, where would you see a Spanish
16	-	16	title and information about the actors that
	• •	17	you would then use to try and do the inquiry
18	question to try and figure out if there were	18	you just described?
19	additional titles that should be included in	19	A Those would be works on the
20	the MPAA's list.	20	retransmitted stations, from their program
20	A Correct.	21	logs.
22	Q Do you recall doing that, or	22	Q So you'd get that information from
	2 Do you recuir doing that, or	6- 6-	

λ.



	Page 170		Page 172	2
1	retransmitted stations program-wise.	1	exhibit this was, but	0.62.020
2	A Correct.	2	Q 501.	07 1-12-1-12
3	Q And where does one get a	3	A 501 is the certification. So we	ľ
4	retransmitted I know the answer, but where	4	sent them a document that consisted of two	- 10 M
5	does	5	parts, the certification page and a page	
6	A You want to see if I know the	6	listing the works that we believed were	1000
. 7	answer.	7	attributable to their company. We told them	100
8	Q Well, I know you do, too, but I	в	to cross out anything that didn't belong to	140
9	want to sure everybody else does. Where does	9	them, and also to bring our attention my	the second second
10	one get a retransmission log on that you	10	attention to anything they thought we had	14.42
11	just described?	11	missed.	ALC: N
12	A A television station log?	12	Q Okay.	1.000
13	0 Yes.	13	A So that we could doublecheck, see	
14	A I don't know how many sources	14	if we had missed something, and make sure that	477747
15	there are for that information. We purchased	15	it was included.	1000
16	ours from Tribune Media, which was previously	16	Q And the first let's take the	
17	known as TV Data. I'm not sure which company	17		100
18	name was appropriate or	18	first certification on 501, because it's easy	
19	Q Okay. So those	19	and at the top. The second page, that is the	0.422
20			program list that you referred to. This one	1000 - 10 A
		20	only has two, I believe, but I believe the	1.00
21 22	-	21	program list is Miss Hawaiian Tropic	the state
2 2 •••••••••••	you used to do this independent research.	22	International Pageant, and Miss Hawaiian	
	Page 171		D 197	2
	· · · · · · · · · · · · · · · · · · ·		Page 173	1
1	A Correct.	1	Fage 1/3 Tropic United States Pageant. Is that the	
1 2		1 2	2	a de la de la construction de la construcción de la construcción de la construcción de la construcción de la co
	A Correct.		Tropic United States Pageant. Is that the	
2	A Correct. Q Okay. Do you know whether or not	2	Tropic United States Pageant. Is that the "program list" you refer to?	
2 3	A Correct. Q Okay. Do you know whether or not those documents were ever produced in	2 3	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is.	A set of the
2 3 4	A Correct. Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?	2 3 4	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to	
2 3 4	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not</li> <li>those documents were ever produced in</li> <li>discovery in this matter to IPG?</li> <li>A I do not know.</li> </ul>	2 3 4	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say,	
2 3 4 5 6	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?</li> <li>A I do not know.</li> <li>Q Okay. Now, once you did these</li> </ul>	2 3 4 5 6	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say, "Okay. I'll cross it off if it's not mine.	
2 3 4 5 6 7	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?</li> <li>A I do not know.</li> <li>Q Okay. Now, once you did these various things, the independent research,</li> </ul>	2 3 4 5 6 7	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say, "Okay. I'll cross it off if it's not mine. If it's not mine, I'll keep it the way it is	
2 4 5 6 7 8	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?</li> <li>A I do not know.</li> <li>Q Okay. Now, once you did these various things, the independent research, et cetera, and you decided, gee, I think these</li> </ul>	2 3 4 5 6 7 8	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say, "Okay. I'll cross it off if it's not mine. If it's not mine, I'll keep it the way it is and send it back."	n de ference op werdt gegenste en witten in de trebet gener en tit sterret werdte in de trebet en trebet en en
2 3 4 5 7 8 9	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?</li> <li>A I do not know.</li> <li>Q Okay. Now, once you did these various things, the independent research, et cetera, and you decided, gee, I think these make the list of 11,600, I believe the next</li> </ul>	2 3 4 5 6 7 8 9	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say, "Okay. I'll cross it off if it's not mine. If it's not mine, I'll keep it the way it is and send it back." A That's the understanding, yes.	
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2 3 4 5 7 8 9 10 11	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?</li> <li>A I do not know.</li> <li>Q Okay. Now, once you did these various things, the independent research, et cetera, and you decided, gee, I think these make the list of 11,600, I believe the next thing was to send out the certification notices, correct?</li> </ul>	2 3 4 5 6 7 8 9 10 11	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say, "Okay. I'll cross it off if it's not mine. If it's not mine, I'll keep it the way it is and send it back." A That's the understanding, yes. Q Okay. A And sign the piece of paper	
2 3 4 5 6 7 8 9 10 11 12	<ul> <li>A Correct.</li> <li>Q Okay. Do you know whether or not those documents were ever produced in discovery in this matter to IPG?</li> <li>A I do not know.</li> <li>Q Okay. Now, once you did these various things, the independent research, et cetera, and you decided, gee, I think these make the list of 11,600, I believe the next thing was to send out the certification notices, correct?</li> <li>A Correct. But we didn't do it all</li> </ul>	2 3 4 5 6 7 8 9 10 11 12	Tropic United States Pageant. Is that the "program list" you refer to? A Yes, it is. Q So the idea is you send this to these folks, and they see that and they say, "Okay. I'll cross it off if it's not mine. If it's not mine, I'll keep it the way it is and send it back." A That's the understanding, yes. Q Okay. A And sign the piece of paper Q Right.	
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1	are more honorable people and corporations	1	would be the case, but it's unlikely, correct?
2	than not.	2	MS. PLOVNICK: Objection. This
3	Q Okay. Do you ever have situations	3	calls for speculation.
4	or strike that. Still looking back at the	4	CHIEF JUDGE BARNETT: Sustained.
5	same document, in the same two pages, it	5	BY MR. BOYDSTON:
6	doesn't look what if they only owned it for	6	Q Now, as I understand it, the
7	part of the year? Does this take account for	7	certification report is only asking about
8	that or	8	claims broadcast on U.S. stations, correct?
9	A It doesn't. But we did have a way	9	A Correct.
10	of let me think. I know we had	10	Q And is this one of the reasons why
11	circumstances where one claimant might own a	11	in your testimony you said you excluded
12	work for a portion of the time, and a second	12	Canadian and Mexican station broadcasts?
13	claimant would pick it up for the remainder of	13	A And public television, yes.
14	the year, something like that. And if they	14	Q Okay. And why did you think it
15	told us about that, we were able to allocate	15	was appropriate to exclude Mexican and
16	the royalties according to what information	16	Canadian broadcasts?
17	they called our attention to.	17	A I hate to say it's the way it has
18	Q Okay. And what about a situation	18	always been done. Essentially, that's it. We
19	where maybe like the Miss Hawaiian Tropic	19	have MPAA has, throughout the years,
20	owner only owned the rights in a certain	20	asserted for we get a tiny bit of indirect
21	region. Did you have a way of dealing with	21	allocation from Canadian stations, but it is
22	that?	22	not a direct payment or one that can be pinned
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1	A When I think of region, I think of	1	to specific works or even specific stations.
2	worldwide royalties, but that's a term of art.	2	Q Okay
2	I am not aware, in my experience, that more	3	A But we don't get an allocation for
4	than one syndicator would have different	4	anything on Mexican stations and not for
5	would be authorized to distribute in different	5	public television stations.
6	markets. I'm not saying it's not so; it's	6	Q Do you understand that Canadian
	just not in my experience.	7	broadcasts of U.Sowned material is
7		8	compensable in this proceeding?
8	Q And this document doesn't really	9	A I understand that there is a
9	do anything to make that determination as far		minute amount of programming that is
10	as we can see.	10 11	compensable, yes.
11	A No, it doesn't.		
12	Q Okay. So like here, it happens to	12	Q And that minute amount is where it
	be Hawaii. Let's say this person only owned	13	was broadcast by a Canadian station, picked up
13	and the second		
14	the rights in Hawaii. You would go ahead and	14	by a U.S. cable system operator, and the
14 15	make the claim for rights across the United	15	material itself was owned by an American, is
14 15 16	make the claim for rights across the United States.	15 16	material itself was owned by an American, is that correct?
14 15 16	make the claim for rights across the United States. A I don't think that	15 16 - 17	material itself was owned by an American, is that correct? A I don't have that much
14 15 16 17 18	make the claim for rights across the United States. A I don't think that Q I realize that is hypothetical,	15 16 17 18	material itself was owned by an American, is that correct? A I don't have that much information.
14 15 16 17 18 19	<pre>make the claim for rights across the United States. A I don't think that Q I realize that is hypothetical, but</pre>	15 16 17 18 . 19	material itself was owned by an American, is that correct? A I don't have that much information. Q Okay. Is it fair to say you don't
14 15 16 17 18 19 20	<pre>make the claim for rights across the United States. A I don't think that Q I realize that is hypothetical, but A circumstance is not not</pre>	15 16 17 18 19 20	<pre>material itself was owned by an American, is that correct?         A I don't have that much information.         Q Okay. Is it fair to say you don't have enough information to say yes or no to</pre>
14 15 16 17 18 19	<pre>make the claim for rights across the United States. A I don't think that Q I realize that is hypothetical, but</pre>	15 16 17 18 . 19	material itself was owned by an American, is that correct? A I don't have that much information. Q Okay. Is it fair to say you don't

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1	Q Okay. Now, the certifications are	1	Q Okay. Do you well, strike
2	once again, these certifications, you only	2	that. Now, you don't have a background in
3	receive the certifications from agents like	3	statistics, I understand.
4	AFMA, not the parties they contract with,	4	A I have coursework in statistics.
5	correct?	5	Q Okay. And how much coursework in
6	A That's correct.	6	statistics?
7	Q Okay. And so you have AFMA	7	A Two courses.
8	saying, "Yes, we know that Bennett has these	8	Q And how long ago was that?
9	rights," but nothing from Bennett, although	9	A A thousand years. Let me think,
10	you said Bennett you actually had a phone	10	I'm going to guess the early '90s.
11	call with them, so Carolco, I'll say. AFMA is	11	Q Okay. Do you consider yourself to
12	saying, "We, AFMA, have a right for the	12	be to have an ability to handle statistics?
13	programming of Bennett." But you have no	13	In other words, let me ask, I don't believe
14	certification with Bennett with Carolco	14	you hold yourself out as an expert in
15	saying, "We have the right," correct?	15	statistics, correct?
16	MS. PLOVNICK: Objection. This	16	A Definitely not.
17	calls for speculation. Ms. Kessler testified	17	Q Okay. Do you feel like you have
18	about one claimant. He is asking for a	18	an ability to use statistics and handle
19	generalization as to the whole group. She has	19	statistics?
20	already testified as to Bennett having a	20	A Not comfortably.
21	specific telephone conversation. I don't know	21	Q Okay. Me neither. That's why I'm
.22	that it is a generalized statement that can be	22	a lawyer.
- <b>62 6</b> 1999: 1999: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 1997: 19			
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1	made to the whole group.	1	A I was just going to say also, in
2	CHIEF JUDGE BARNETT: Overruled.	2	the course of my ESL training, I had to take
3	MR. BOYDSTON: And I think I asked	3.	a testing course. So I have actually had
4	the question twice, so I apologize to	4	three courses in statistics, and I didn't like
5	everybody.	5	any of them.
6	BY MR. BOYDSTON:	6	Q Okay.
7	Q I think in the case of Carolco	7	A They were wretched.
8	there is no agreement with there is no	8	Q Fair enough.
9	certification from Carolco. The certification	9	A With all due respect to the bench.
10	comes from AFMA, correct?	10	Q Now, you have been part of these
11	A That is correct.	11	proceedings for a long time, correct?
12	Q And your understanding is that is	12	A Yes, I have been.
13	the way it is done for all of the parties that	13	Q And I'm not going to ask your
14	the MPAA has contracts with where they	14	legal opinion, Scout's honor, but after they
15	represent other parties, too.	15	conclude they usually publish some kind of a
16	A Not just my understanding; it's a	16	ruling or a decision, right?
17	fact.	17	A That's correct.
18	Q Yes. Okay. Thanks. Now, are you	18	Q And do you tend to read those
19	aware that there are programs within these	19	after they come out?
20	certifications that are not being claimed by	20	A I think I've read most of them,
21	the MPAA in this proceeding?	21	yes,

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1	legal conclusion, but just based on the fact	1	Q Okay. Is it your feeling that
2	that having read these, have you noted	2	I think the highest number of these four years
3	before that there have been times when the	3	was 2003 when you used a list of 125 stations,
4	decisions have suggested that the MPAA maybe	4	correct?
5	should have more stations in its surveys?	5	A Bear with me here.
6	A I believe the '97 proceeding said	6	Q Sure Okay.
7	that I'm just trying to remember if any	7	A Yes. It went from 81 stations in
8	after that stated that.	8	2000 to 125 in 2003.
9	Q Okay.	9	Q And is it accurate that 125 in
10	A I know the '97 proceeding did.	10	2003 started out as 128, but you had to you
11	Q Were you working at the MPAA when	11	took off three stations because they had 100
12	the 1983 proceedings went on? That's	12	percent zero viewing, does that ring a bell?
13	A Yes.	13	A That does ring a bell.
14	Q Okay. I didn't know if that	14	Q Okay. And so what happened was
15	was a ways back. Do you recall that in the	15	you had 128, but when you looked at them there
15	1983 proceedings the MPAA used 117 stations in	16	were three stations that just had a complete
17	its survey?	17	blank line, right?
18	A I don't recall.	18	A I didn't see the data myself. I
19	Q Okay. Does that number sound	19	believe that Nielsen advised me that there was
20	about right or	20	no viewing distant cable viewing for those
21	A Don't recall.	21	stations.
22	Q Okay. Fair enough. Do you recall	22	Q Okay. Based on having done this
PORTO A CARGO PORTO -	a lan nang ang ang ang ang ang ang ang ang	ana ing sa	ана макета до колона на селото с на колона и селота селото подата по селото како покото подата селото на колона По селото на селото с на колона на селото с селото на селото селото на колона подата селото на колона на колона По селото на селото с на колона на селото с селото на селото селото на колона на колона на колона на колона на к
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1	that back in '83 there were about 622	1	for these different years, have you observed
2	retransmitted stations carrying MPAA material	2	that if you have fewer stations you pick up
3	at the time?	3	fewer programs?
4	A I have no recollection of that.	4	A No.
5	Q Okay. Now, during this time	5	Q Are there some times when you have
6	period, 2000 to 2003, do you have a general	6	fewer stations but you pick up more programs?
7	notion as to how many retransmitted stations	7	A I don't know.
8	carried MPAA material?	8	Q Okay. When you got together the
9	A I would think all of them did.	9	Nielsen data in this proceeding, do you recall
10	Q Okay. So probably something on	10	when approximately it was that you ordered
11	the order of 900. Does that sound correct?	11	this data for 2000 to 2003 from Nielsen?
12	A I have no idea.	12	A I can recall, I think, that it was
13	Q Okay. Now, I think for the first	13	certainly after the fact, meaning after the
14	year here, 2000, you end up picking or coming	14	royalty years, by several years for each
15	up with a list of 81 stations, correct?	15	sample, for each study. But I don't recall
16	A Yes.	16	specifically.
	Q Okay. And how did you decide what	. 17	Q Okay. I seem to recall that you
18	a minimum amount of stations should be? Well,	18	also told Nielsen you wanted them to segregate
19	I think I it was asked in your direct, and	19	certain things, because you wanted certain
20	you saíd you used your intuition. Is that	20	counties only and not other counties. Why was
1 01	correct?	21	that again?
21		22	A The Nielsen data Nielsen takes



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1	measurements to TV stations on a county-by-	1	Q Who directed you to order the
2	county basis. But the distinction between	2	Nielsen data?
3	distant and local is appropriate only for the	3	A It was my job to do that.
4	people in this room and the claimants we	4	Q Okay. And you just knew that you
5	represent. So there has to be a mechanism by	5	had to do that, no one had to say, "Ms.
6	which Nielsen knows where not to measure	6	Kessler, order that Nielsen data"?
7	because it would be local viewing.	. 7	A No. It was part of my
8	So the county analysis that I	8	responsibility.
9	referred to identifies for each station the	9	Q Okay. Are you able to explain the
10	local counties, so that when Nielsen does its	10	MPAA viewer study to the Judges?
11	measurements the measurements that it gets	11	A I don't know.
12	filter out local viewing, so that only distant	12	Q . Well, do you want to give it a
13	cable viewing is captured.	13	try?
14	Q And I think that local viewing is	14	A Yes. Let's see. Okay. I send
15	there is a term of art, I believe.	15	Nielsen a list of the stations, and I tell
16	Sometimes people refer to the FCC footprint.	16	them, "Don't measure viewing for Station 1,
17	Are you familiar with that?	17	don't measure viewing in these counties
18	A 1 am not.	18	because it is local. Only measure viewing
19	. $Q$ Oh, okay. Is it fair to say that	19	outside these counties." So that's one
20	you don't know what the FCC footprint is?	20	instruction.
21	A Not a clue.	21	A second instruction is, "Put the
22	Q Okay. Then I won't ask you about	22	programming in put each program in one of
1	it. Who would you describe, if you	1	eight categories representing the eight categories here before the Judges. Give us
3	could, as the architect of the MPAA viewer	3	the answers." I think that's it.
4	study? Who is the person most in charge of it	4	Q Thank you. I believe that you
5	as far as you would say?	5	
6	A Well, you have asked two different	6	asserted in your it may have been in your
7	questions.	7	written testimony that viewing, as measured by
			Nielsen, is the predominant standard by which
8 9	Q Sorry.	8	all television programming is commercially
	A You didn't realize it. The	9	evaluated.
10	architect is the late Alan Cooper. He was my	10	A That's correct.
11 12	supervisor when I came to MPAA in the '80s,	11	Q And what is the basis or,
12	and it was he who he certainly didn't do	12	excuse me, strike that. Have you ever been
	the programming, but he had the concept of	13	involved with the U.S excuse me. Have you
14	doing it. And then the person who perpetuated	14	ever been involved with U.S. television
15	it, meaning selecting the sample stations and	15	syndication of a program?
16	commissioning the studies, was I.	16	A No.
	Q That was who?	17	Q Okay. Then, is your statement
18	A Me.	18	that viewership is the basis for commercial
19	Q Oh. It was you. Okay. Do you	19	evaluation of television programming based on
20	know when Mr. Gray was engaged for this	20	conjecture?
21	proceeding?	21	A Based on just experience and
22	A I do not.	22	not direct experience but knowledge of the

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		Page 190		Page 192
	1	syndication industry.	1	BY MR. BOYDSTON:
	2	Q Okay. Once again, going back to	2	Q In this proceeding, and in putting
	3	some of the rulings that have been set down	3	together the MPAA study for this proceeding,
	4	over the years by the different panels that	4	do you know whether or not the MPAA discussed
	5	have come and gone and, again, not asking	5	ways to reduce the incidence of zero viewing
	6	for a legal conclusion but do you just	6	in the study?
	7	remember from reading those that at times	7	A We did not discuss it, and we did
	8	there has been criticism of viewership-based	. <b>8</b>	not consider that it was a problem.
	9	studies?	9	Q Okay. Now, you explained that one
1	10	A I am aware of that.	10	of the things you worked on was what you
1	11	Q Okay. Has there ever been any	11	called an overlap between MPAA claimed
1	12	discussion at the MPAA of looking for a	12	programs and IPG claimed programs
	13	different approach, other than viewership-	13	A Correct.
3	14	based studies?	14	Q correct? With regard to the
:	15	A For purposes of royalty	15	BBC, which we have discussed previously, they
	16	distribution, no.	16	were claimed as a program their programs
	17	Q Okay. Obviously, it has never	17	were claimed by Fintage, correct?
:	18	been done, but in addition to that, it has	18	A I believe, yes.
:   :	19.	never even been considered?	19	Q Okay. And they are also claimed
	20	A Not during my tenure there.	20	by IPG, correct?
	21	Q Okay. You'll recall the last	21	A Correct.
	22	Phase 2 proceeding was some time ago, and I	22	Q Did you ever ask Fintage to
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	1	think you testified in it. That was for the	1	validate its claims on behalf of the BBC? Or
	~			
	2	'97 royalty year, correct?	2	do you know if anyone else did at the MPAA?
	2	'97 royalty year, correct? A Yes, that's correct.	2	do you know if anyone else did at the MPAA? A I want to back up just a second,
	2 3 4	A Yes, that's correct.		
	3 4	<ul><li>A Yes, that's correct.</li><li>Q And do you recall that the</li></ul>	3	A I want to back up just a second,
	3 4 5	<ul> <li>A Yes, that's correct.</li> <li>Q And do you recall that the</li> <li>decision that came out by the CARP made</li> </ul>	3	A I want to back up just a second, and then I promise to respond to your
	3 4 5 6	A Yes, that's correct. Q And do you recall that the decision that came out by the CARP made comments about zero viewing the incidence	3	A I want to back up just a second, and then I promise to respond to your question.
	3 4 5	<ul> <li>A Yes, that's correct.</li> <li>Q And do you recall that the</li> <li>decision that came out by the CARP made</li> </ul>	3	A I want to back up just a second, and then I promise to respond to your question. Q No problem.
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	Page 194		Page 19
1	Do you know whether or not the MPAA ever asked	1	Farm Journal seems to be making pretty clear
2	Fintage to validate that it was permitted to	2	that it's IPG who has got them, right?
3	assert claims and try to collect claims on	3	A They certainly say, "Disregard the
4	behalf of Reel Media?	4	previous correspondence."
5	A We did not make that effort.	5.	Q Right. And I ask you this in part
6	Q Do you understand from these	6	because you remembered Farm Journal in your
7	proceedings that in fact Fintage's claim on	7	direct independently, so I'm wondering if you
8	behalf of Reel Media has been disavowed by	8	might have a few other memories. Do you know
9	Reel Media?	9	whether or not the MPAA ever confirmed
10	A Yes, I'm aware of that.	10	MS. PLOVNICK: Objection. Ms.
11	Q Are you familiar with the entity	11	Kessler didn't remember it independently.
12	I think you mentioned it strike that.	12	That's a mischaracterization of her testimony.
13	Didn't you mention something about Farm	13	CHIEF JUDGE BARNETT: Sustained.
14	Journal what's their name? Farm Journal	14	BY MR. BOYDSTON:
15	Electronic Media, do you recall them?	15	Q Okay. With regard to Farm
16	A Yes. It's my last appendix in my	16	Journal, do you recall whether or not the MPAA
17	rebuttal testimony.	17	ever tried to validate with Farm Journal that
18	Q Okay. And that was an entity, I	18	in fact Farm Journal wanted its rights pursued
19	think you said, where there was an overlap	19	by the MPAA or one of its agents?
20	between IPG and MPAA, correct?	20	MS. PLOVNICK: Objection. Ms.
21	A Correct.	21	Kessler never testified that MPAA represents
22	Q Okay. I'd like to present what	22	Farm Journal. It is also not on the list of
	en e	- 	na 1, 2 a dens de de la martin de la martin de la devisión de la martin de la m
	Page 195		Page 19
1	I'd like to mark as Exhibit 503. And this one	1	claimants.
2	is not voluminous, I'm happy to say. I'm	2	MR. BOYDSTON: I thought I heard
3	sorry, 502. The first one was 500.	3	oh, sorry.
4	I apologize, Your Honor.	4	CHIEF JUDGE BARNETT: Well, there
5	(Whereupon, the above-referred to	5	upp tootimony that there upg an evenly in
6		5	was testimony that there was an overlap in
	document was marked as IPG Exhibit	6	claims.
7	document was marked as IPG Exhibit No. 502 for identification.)	-	
		6	claims.
7	No. 502 for identification.)	6	claims. MS. PLOVNICK: No, Your Honor.
7 8 9	No. 502 for identification.) Let me ask you to take a look at	6 7 8	claims. MS. PLOVNICK: No, Your Honor. There was testimony that they separately had
7 8 9 10	No. 502 for identification.) Let me ask you to take a look at that, and let me know if you have seen that	6 7 8 9	claims. MS. PLOVNICK: No, Your Honor. There was testimony that they separately had notified the Judges that they terminated IPG,
7 8 9 10 11	No. 502 for identification.) Let me ask you to take a look at that, and let me know if you have seen that before.	6 7 8 9 10	claims. MS. PLOVNICK: No, Your Honor. There was testimony that they separately had notified the Judges that they terminated IPG, not that MPAA represented
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	<b></b>	Page 198		Page 200
	1	CHIEF JUDGE BARNETT: Or Mr.	1	that IPG produced to the MPAA a copy of an
	2	Boydston can clear it up, if he cares to. But	2	agreement with Martha Stewart Living. Did you
	3	I will leave it in your hands.	3	ever see such a document?
	4	THE WITNESS: I'm confused.	4	A It's possible, but I don't recall
	5	BY MR. BOYDSTON:	5	specifically.
	6	Q Do you know whether or not the	6	Q Okay. Are you aware as to whether
	7	MPAA ever made a claim for the programming	7	or not the MPAA has ever produced or has a
	8	that is owned by Farm Journal?	6	document with Martha Stewart Living, has an
	9	A MPAA does not assert claims at the	9	agreement with them? Sorry.
	10	Copyright Office level. We don't file claims.	10	A Has an agreement? I would think
	11	And to my knowledge, this is the first time	11	there would be one in here.
	12	Farm Journal's programming has been subject to	12	Q Okay. And the one in here would
	13	litigation before whatever body.	13	be redacted like this one probably, right?
	14	Q Okay. So I think it's probably.	14	A Certainly.
	15	then, fair to say that you are not aware of	15	Q Okay. And so do you know, or do
	16	the MPAA at any time ever trying to say	16	you recall whether or not it was affirmed by
	17	confirm with the folks at Farm Journal that	17	IPG that IPG had a contract with Martha
	18	the MPAA had a right to pursue their rights.	18	Stewart Living for the year 2000?
	19		19	A I don't know what IPG did.
		It sounds like you don't think they	20	
	20	A I can tell you that we became	20	
		aware of their claims when they filed their	22	Stewart Living has never terminated sent a
	22	own claims. And we I think had once talked	<b>2</b> 2 (1)	termination letter to IPG, has it?
		Page 199		Page 201
	1	about the fact that, did they want MPAA	1	A I don't know.
	2	representation? My recollection, though it	2	Q With regard to the United States
	3	may be faulty, is that they thought that they	3	Olympic Committee, do you know whether that
	4	were represented by IPG, and I don't recall	4 -	entity has ever asserted that the claims made
	5	that a representation agreement was ever	5	by IPG in these proceedings are claims that
	6	executed with them.	6	should have been made by the MPAA?
	7	Q Okay. Let me ask you about Martha	7	A Say that again.
	8	Stewart Living.	8	Q Do you know whether or not the
	9	A Okay.	9	USOC has ever said that it should be the MPAA
	10	Q Do you recall that programming?	10	making claims on its behalf, not IPG making
	11	A Yes.	11	claims on its behalf?
	12	Q And do you recall that and I	12	A We have a representation agreement
	13	think it was affirmed by you, but that's why	13	with them, and I believe there is a letter
	14	I'm asking, to make sure, that IPG affirmed	, 14	from them terminating their agreement with
	15	its representation of Martha Stewart for the	15	IPG.
	15 16	its representation of Martha Stewart for the year 2000, does that sound familiar?	15 16	IPG. Q And would that be included in
-	16	year 2000, does that sound familiar?	16	Q And would that be included in
· · ·	16	year 2000, does that sound familiar? A Are you asking, were these	16 17	Q And would that be included in Exhibit 500, the redacted representation
	16 .17 18	year 2000, does that sound familiar? A Are you asking, were these overlapping claims?	16 - 17 18	Q And would that be included in Exhibit 500, the redacted representation agreements?
	16 17 18 19	year 2000, does that sound familiar? A Are you asking, were these overlapping claims? Q No, not exactly.	16 17 18 19	Q And would that be included in Exhibit 500, the redacted representation agreements? A No. The letter that I'm referring

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	Page 202	:	Page 20
1	brought up the letter, I understand that.	1	correct. And, actually, 500 was admitted as
2	What I'm asking you is, does the MPAA have a	2	a restricted document. So 501 and 502 are
3	contract, like a certification or a	3	admitted.
4	representation agreement, with the USOC? I'm	4	(Whereupon, the above-referred to
5	sorry.	5	documents, previously marked as
б	A I believe there should be one	6	IPG Exhibits Nos. 501 and 502 for
7	there.	7.	identification, were admitted into
8	Q Okay. And redacted like the rest	в	evidence.)
9	of them, I presume?	9	MR. BOYDSTON: Thank you, Your
10	A Correct. I'm saying correct. I	10	Honor.
11	don't know what the redaction process was.	11	Now, Your Honor, I was instructed
12	But to the extent that they are all redacted,	12	by my staff, who was instructed by Lakeshia
13	so what's true for one is true for all.	13	Keys, to present these here today at this
14	MR. BOYDSTON: Thank you. Nothing	14	hearing.
15	further.	15	CHIEF JUDGE BARNETT: Correct.
16	CHIEF JUDGE BARNETT: This is	16	Thank you.
17	probably a good time for us to take our	17	MR. BOYDSTON: And then the last
18	afternoon recess, so we will do that. We will	18	housekeeping matter, Your Honor, is this.
19	be at recess for 15 minutes.	19	With regard to exhibits that have been
20	(Whereupon, the proceedings in the	20	attached to the documents already filed with
21	foregoing matter went off the	21	the Court, meaning the direct statements and
22	record at 2:15 p.m. and went back	22	the rebuttal statements, may we refer to those
444 mining #1997.	Page 203	ant and a second second second	Page 20
1	on the record at 2:39 p.m.)	1	exhibits as they are attached to those
2	CHIEF JUDGE BARNETT: Thank you	2	documents? Or do we need to have fresh copies
3	for your patience. I'm afraid we ran over a	3	all around?
4	bit.	4	CHIEF JUDGE BARNETT: They are
5	Mr. Boydston, you are on your	5	attached to the testimony, the written direct
6	feet.	6	testimony, the written rebuttal testimony.
7	MR. BOYDSTON: Your Honor, may I	7	Let's just keep them we accepted Ms.
8	approach briefly?	8	Kessler's testimony with the appendices to it,
9	CHIEF JUDGE BARNETT: Yes.	9	and, you know, that is now in evidence. It
10	MR. BOYDSTON: I have a couple of	10	was admitted as a whole, so
11	housekeeping things. But, first, I wasn't	11	MR. BOYDSTON: Like, for instance,
12	sure if I had done it, and I just wanted to	12	if I refer to exhibits that are attached to
12	ask I wanted to move to admit Exhibits 500,	13	the rebuttal testimony of Mr. Galaz that has
13	501, and 502 into evidence. I think I had	14	been previously filed with the CRB, with the
14	them marked but not admitted.	15	Panel, do I need to have a new copy of that?
	CHIEF JUDGE BARNETT: Any	16	Or can I rely on the fact that the Judges have
16		10	
4 77	objection, counsel?	. т.	the copies we filed in the normal course? CHIEF JUDGE BARNETT: We have the
17	MO DIGUNITOR, Only the approximate	10	
18	MS. PLOVNICK: Only the previous	18	
18 19	gualification that 500 is subject to the	19	copies. Please don't provide us with more
18			



[		1	Decie 000
	Page 206		Page 208
1	CHIEF JUDGE BARNETT: Okay.	1	claims.
2	MR. BOYDSTON: saw that the	2	A That's right.
3	MPAA had new stuff, and I didn't know if I	3	Q That's correct? So is it your
4	should, too.	4	understanding that the entities that signed
5	CHIEF JUDGE BARNETT: You don't	5	representation agreements with MPAA had
' 6	need to, as long as we are all clear and we	6	attested their authority to represent
7	know what we are referring to.	7	underlying claimants on joint claims?
8	MR. BOYDSTON: Great. Thank you.	8	A Yes, it is.
9	CHIEF JUDGE BARNETT: Okay.	9	Q All right. The MPAA
10	MS. PLOVNICK: Brief redirect,	10	representation agreement is perpetual,
11	Your Honor.	11	correct?
12	CHIEF JUDGE BARNETT: Yes. Well,	12	A Yes, it is.
13	first, let me ask if there is any cross-	13	Q And you talked a little bit about
14	examination from the Settling Devotional	14	the 1997 proceeding and the Phase 2 order in
15	Claimants.	15	that proceeding. Do you know when that order
16	MR. HARRINGTON: No, Your Honor.	16	came out, the date of it?
17	CHIEF JUDGE BARNETT: Okay. Now,	1,7	A I don't recall.
18	Ms. Plovnick.	18	Q Was it December 26, 2001?
19	MS. PLOVNICK: Thank you, Your	19	A If you assert to me that it was, I
20	Honor.	20	will accept your word.
21	REDIRECT EXAMINATION	21	Q Do you know if that decision was
22	BY MS. PLOVNICK:	22	appealed?
ar in seal of the search of the search of the search of the sea	Page 207	1919 - NAME ANG	Page 209
1	Q Hello, Ms. Kessler. First, I	1	A Yes, I do.
2	wanted to clarify, does MPAA file claims on	2	Q Do you know when the appeal was
3	behalf of	3	resolved?
4	A We do not.	4	A I do not.
5	Q And did all of the entities on	5	Q Would it be April 2004?
6	Appendix B to MPAA Exhibit 358 file a claim	6	A It might be.
7	with the Copyright Office	7	Q It might be. All right. Did any
8	A Yes, they did.	8	action that MPAA may have taken in regard to
9	Q for the particular royalty year	9	those rulings, would that have been after the
10	indicated?	10	appeal was resolved, or after the decision
11	A Yes, they did.	11	came out, or later?
12	Q And as a part of filing that	12	A All are possible. I don't know.
13	claim, did they have to attest that they had	13	Q But it would certainly have not
14	authority to file the claim on behalf of any	14	been prior to a decision
15	joint claimant they may have filed on behalf	15	A Correct.
16	of?	16	Q correct?
17	A. I believe that language is in the	17	A Absolutely.
18	claim language.	18	Q All right. I wanted to clarify
10	Q And then, again, when they signed	19	Farm Journal Electronic Media, is it your
		20	understanding that MPAA is claiming to
20	a representation agreement with MPAA, there is	20	represent Farm Journal Electronic Media?
21	a provision which you talked about previously	21	rebreasur sarm contugt prederoure ments:
22	regarding representation of entities on joint	22	A I believe we are not.



P				
	Page 210		Page 212	2
1	Q Thank you.	1	A So it would seem.	
2	A And my apologies for suggesting	2	Q Fintage didn't have the authority,	
3	otherwise.	3	I mean. Now, if IPG had signed up with the	
4	Q With regard to Reel Funds Media,	4	MPAA like Fintage, would IPG have had to have	
5	Mr. Boydston asked you questions about them.	5	shown the MPAA all of its contracts with all	
6	Are you aware that Fintage filed a withdrawal	6	of the entities it represents?	
7	as to Reel Funds Media?	7	A No.	
8	A I have been told that they did.	8	MR, BOYDSTON: Thank you.	
9	Q And do you know why they did?	9	CHIEF JUDGE BARNETT: Any	
10	A I have been told that IPG	10	questions from the bench?	
· 11	threatened litigation against Reel Funds.	11	JUDGE STRICKLER: I have one or	
12	Q And Mr. Boydston also asked you	12	two. Ms. Kessler, this goes back to something	
13	questions about Dr. Gray. Do you know what	13	I had addressed with you before. In your	
14	Dr. Gray did with the diary study that you	14	direct testimony, in your written testimony,	
15	ordered from Nielsen?	15	you list in your chart the number of sample	
16	A I do not.	16	stations on page 12.	
17	Q Have you read Dr. Gray's	17	THE WITNESS: Yes, sir.	
18	testimony?	18	JUDGE STRICKLER: It varies from	
19	A I have not.	19		
20	Q So you don't really know anything	20	year to year, a range of 81 through 125. What was the universe of the number of stations?	
. 21	about Dr. Gray's analysis.	20		
22	- <u>-</u>	21	You sampled on those numbers. What was the	
LL Mitchell Strategies	A Completely ignorant.	4 ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	universe?	
	Page 211		Page 213	3
1	MS. PLOVNICK: All right. Thank	1	THE WITNESS: I don't recall. I	
2	you. I have no further questions for Ms.	2	heard Mr. Boydston suggest that it may have	
3	Kessler.	3	been in the range of 900 stations.	
4	CHIEF JUDGE BARNETT: Thank you.	4	JUDGE STRICKLER: Well, separate	
5	Mr. Boydston?	5	and apart from what counsel had said, do you	
6	MR. BOYDSTON: May I have a	6	recall? Or does that refresh your	
7	recross, very briefly?	7	recollection?	
8	CHIEF JUDGE BARNETT: Very	8	THE WITNESS: I do not recall.	
9	briefly.	9	JUDGE STRICKLER: Does that	
10	MR. BOYDSTON: Certainly, ma'am.	10	refresh your recollection of	
11	RECROSS-EXAMINATION	11	THE WITNESS: No, it doesn't.	
12	BY MR. BOYDSTON:	12	JUDGE STRICKLER: You have no	
13	Q Ms. Kessler, with regard to Reel	13	knowledge of this.	
14	Funds, you said that all of the entities in	14	THE WITNESS: I can find out. I	
15	your Exhibit B attested that they had the	15	don't know here on the stand.	
16	authority to represent those people with whom	16	JUDGE STRICKLER: Okay. And with	
. 17	they had contracts, correct?	17	regard to the year 2003, you said originally	
18	A Correct.	18	you had sampled 128 stations, not 125, is that	
19	Q Wouldn't you agree with me that in	19	right?	
20	the case of Reel Funds that attestation was in	20	THE WITNESS: Correct.	
21	fact false, since they didn't have the	20		
	-	21	JUDGE STRICKLER: And the reason why you reduced it from 128 to 125 was because	
22	authority as it turned out?			

[		1	
	Page 214		Page 216
1	you had heard from Nielsen	1	to why you should do that?
2	THE WITNESS: Correct.	2	THE WITNESS: No. There was not
3	JUDGE STRICKLER: that three of	3	any discussion. It is like I am just
4	those stations showed no viewership	4	trying to think of an analogy. Zero is zero.
5	whatsoever?	5	So there wasn't anything we could do with it.
6	THE WITNESS: Correct.	6	It's like oh, golly. You have to have data
7	JUDGE STRICKLER: Who did you hear	7	in order to generate. You can't generate
8	from from Nielsen in that regard? Do you	8	something out of nothing. You need data to
9	אסמא?	9	produce a result, and there were no data, no
10	THE WITNESS: Our contact person	10	viewing data. So there was no there was
11	changed. I don't recall if it was Mr.	11	nothing to work with. Nothing to work with.
12	Lindstrom, who is going to be here, or	12	JUDGE STRICKLER: You considered
13	somebody named David, whose last name I don't	13	the zero to mean nothing to work with?
14	recall. But I know he is not there anymore.	14	THE WITNESS: Correct. It would
15	But between the two of them, one	15	not result in a royalty to any claimant.
16	of them and to tell you the truth, I don't	16	JUDGE STRICKLER: So ultimately
17	even recall if they told us or if we looked	17	was it your decision to reduce the number of
18	and we thought we were missing three stations,	18	stations in 2003 in the sample from 128 to
19	and we went back and we said, "We ordered	19	125, or was it Nielsen's, or was it a joint
20	these three stations, but there is no data."	20	THE WITNESS: It was not a
21	And then they said, "Oh, that's because there	21	decision. It was a default. There is nothing
22	was no viewing."	22	there. It wasn't a they were stricken.
	Page 215		Page 217
1	I don't recall the specific	1	They were ordered. If they had had viewing,
2	circumstances. I just recall that they did	2	we would have used them for the distribution
⇒ 3	not have any distant cable viewing.	3	of royalties. But the there was no purse.
4	JUDGE STRICKLER: Well, in light	4	There was a purse, but there was
5	of the fact that there was no distant or	5	nothing in it. There was no basis. There was
6	despite the fact that there was no cable	6	no data, and so you can't generate something
7	distance viewing, why did you not just keep	7	out of nothing. I think I'm not answering
8	the 128 in the number of stations? That's the	8	your question.
9	number that you had selected and it was your	9	JUDGE STRICKLER: Well, if that
10	selection being given to Nielsen, rather than	10	you've answered it. If that's your answer,
11	the other way around.	11	that's fine.
12	THE WITNESS: It was not a matter	12	THE WITNESS: That's my answer.
13	of ditching the three stations. It just meant	13	But if you have a concern, I would love to
14	for the purposes of royalty distribution,	14	address it.
15	there would not be a royalty for any claimants	15	MS. PLOVNICK: Your Honor, may I
16	who had works on those, because there had to	16	ask a clarifying question?
. 17	be viewing to the programs in order for the	17	CHIEF JUDGE BARNETT: You may.
18	claimant to accrue a royalty.	18	MS. PLOVNICK: Ms. Kessler, when
1	JUDGE STRICKLER: Was there any	19	you ordered the data, was it for this
19			
19 . 20 .	discussion between you and Mr. Lindstrom, or	20	proceeding, or was it for an internal
	discussion between you and Mr. Lindstrom, or David, whose last name you don't recall, about	20 21	proceeding, or was it for an internal distribution of royalties that

*******	Page 218		Page 220
1	internal distribution of royalties and	1	A I have an undergrad B.S./B.A. in
2	potentially for a Phase 1 proceeding.	2	Business Administration from American
3	MS. PLOVNICK: But you did not	3	University with a concentration in management
4	you ordered it for your own internal purposes	4	information systems, and an M.B.A. from
5	at MPAA when you made the order. That was	5	University of Maryland.
б	your primary purpose.	6	Q And where do you work?
7	THE WITNESS: That's correct.	7	A Cable Data Corporation.
8	JUDGE FEDER: And when was this?	8	Q And is there an acronym by which
9	THE WITNESS: I don't recall, but	9	Cable Data Corporation is often referred?
10	it would have been between one and two years	10	A Yes. It's commonly referred to as
11	after the royalty year. So if we're talking	11	CDC.
12	about the 2000 sample, I most likely would not	12	Q So what does the CDC do?
13	have ordered it until 2002 at the earliest.	13	A We spend a lot of time collecting
14	CHIEF JUDGE BARNETT: Any other	. 14	statements of account here at the Licensing
15	questions? Any questions of counsel based on	15	Division, Copyright Office, researching,
16	the questions from Judge Strickler or Judge	16	collecting, aggregating, reporting, analyzing
17	Feder?	17	the data as filed.
18	(No response.)	18	Q And when did you start working for
19	Okay. Thank you.	19	CDC?
20	Thank you, Ms. Kessler. You may	20	A Twenty-five years ago.
21	step down.	21	Q And what were your duties and
22	THE WITNESS: Thank you.	22	responsibilities at the time you started
	У на окупната и на се поста поставление с поразерно забина на постава и разписа. В поставлена и на се на се поставление се на разписа на поставление на пост Поставление на поставление на по Поставление на поставление на поставление на поставление на поставление на поставление на поставление на поставл Поставление на поставление на поставление на поставление на поставление на поставление на поставление на постав Поставление на поставление на поставление на поставление на поставление на поставление на поставление на постав Поставление на поставление на пост поставление на поставление на поставлени Поставление на поставление на постав Поставление на поставление на поставление на поставление на поставление на поставление на поставление на поста Поставление на поставление на поставление на поставление на поставление на поставление на поста Поставление на поставление на поставление на поставление на поставление на поставление на поставление на Поставление на поставление на поставление на поставление на поставление на поставление на поставление на поставл Поставление на поставление на поставление на поставление на поставление на поставление на поставление на поставл Поставлен	a da ang sa ta ang s	ан саландагы алардан топ жараттар кандаралардык түртүргүү түртүргүү кандараан арам тарактанан жарардагынан кандар
	Page 219		Page 221
1	(Whereupon, the witness was	1	working at CDC?
2	excused.)	2	A Initially, largely at a research
3	CHIEF JUDGE BARNETT: Mr.	3	and data entry analysis level.
4	Olaniran, you may call or, Ms. Plovnick,	4	Q Did those responsibilities change
5	you may call your next witness.	5	over time?
6	MS. PLOVNICK: MPAA calls Jonda	6	A They did.
7	Martin to the stand. We are going to pull her	7	Q And what is your current position
8	out of the witness room.	8	there?
9	WHEREUPON,	9	A I currently am owner and president
10	JONDA MARTIN	10	of Cable Data.
11	was called as a witness by Counsel for MPAA	11	MS. PLOVNICK: All right. Now, so
12	and, having been first duly sworn, assumed the	12	just for Your Honor, so you just so I'm
13	witness stand, was examined and testified as	13	clear, I have additional copies, but you would
14	follows:	14	prefer that I don't give you an additional
15	DIRECT EXAMINATION	15	copy of Ms. Martin's testimony? Because I was
16	BY MS. PLOVNICK:	16	going to mark it for the record and distribute
10	Q Can you please state your name,	10	and show the witness, but
18	and spell it, for the record?	18	CHIEF JUDGE BARNETT: I would
19	A Sure. Jonda Martin. J-O-N-D-A,	19	prefer that you not, except for the fact that
20	Martin, M-A-R-T-I-N.	20	I left mine.
21	Q Ms. Martin, what is your	21	MS. PLOVNICK: Oh, okay.
22	educational background?	22	CHIEF JUDGE BARNETT: So if I

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MPAA EXHIBIT 303

### Before the COPYRIGHT ROYALTY JUDGES Washington, D.C.

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In the Matter of

Distribution of the

2000, 2001, 2002, and 2003 Cable Royalty Funds Docket No. 2008-2 CRB CD 2000-2003 (Phase II)

# **Direct Testimony of**

Paul B. Lindstrom

May 30, 2012

# nielsen

Paul B. Lindstrom Sr. Vice President Strategic Media Research

#### **TESTIMONY OF PAUL B. LINDSTROM**

My name is Paul Lindstrom. I am a Senior Vice President with Nielsen. I am in charge of research design and analysis for the Nielsen Strategic Media Research group. Nielsen is a global leader in information services for the media and entertainment industries. Nielsen serves the information and marketing needs of television and radio broadcasters, cable networks, advertisers, agencies, media planners, music companies, publishers, motion-picture studios, distributors and exhibitors, and the Internet industry.

I have worked for Nielsen for thirty-four years and have spent the majority of that time designing custom research with a particular focus on new television viewing sources and audience measurement of new services that might compete with television. These have included cable television, pay-TV, satellite services, over-theair subscription television, VCRs, PC's, on-line services, the Internet, DVDs, cinema, and most recently, place-based and location-based digital networks. I am currently responsible for all national custom research and all custom research for local cable. In my current role, I work with clients to determine the best methodologies to answer their audience research questions. In the television area, these methods can involve either the analysis of existing databases of collected user meter data, local television diary samples, or the development of new databases through the use of new single-

> Nielsen 770 Broadway New York, NY 10003-9595 tel 646-654-8474 fax 646-654-8593 Paul.Lindstrom@nielsen.com www.nielsen.com

client sponsored data collections. Through the years I have worked on projects as varied as the pre-launch concept tests for ESPN, The Weather Channel and DirecTV, the design of Nielsen's Syndicated Pay Cable, VCR Usage, Syndicated Satellite and Home Technology Reports, the CommerceNet Study of Internet Usage, the Nielsen Cinema Audience Report, and Nielsen On Location Media. I have been involved in all of the studies that the Motion Picture Association of America ("MPAA") has directed Nielsen to conduct for proceedings before the Copyright Royalty Tribunal, the Copyright Arbitration Royalty Panel, and the Copyright Royalty Judges since 1980. Also, I have testified before those bodies.

The Nielsen name is synonymous with television ratings. Ratings are the percent of the universe of households tuned to a TV program during the average quarter hour. Nielsen ratings provide an estimate of television audience size and are a barometer for viewing choices and preferences. Viewing information is important to broadcast networks, local and national syndicated programs, local cable system operators, multi-system cable operators (MSOs), and interconnects. Interconnects are aggregations of cable systems that cover a particular market or region, thus allowing an agency or advertiser to buy a large area at one time without having to negotiate with many different companies.

As more local cable ad sellers sell local advertising time on cable channels, they need an agreed "currency" in order to maximize the value of their advertising time. Nielsen ratings offer that currency. Nielsen's charter as an independent measurement service is to provide both the buyer and seller of time with unbiased estimates of viewing behavior.

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#### SAMPLING TV RATINGS

To set the context of my testimony, I want to take a minute to discuss ratings and sampling. The Nielsen rating you may see reported in newspapers or magazines is simply a statistical estimate of the number of homes tuned to a program. For example, a rating of 15 for a network television program means that 15% of U.S. television homes are estimated to be tuned in to that program. In 2000, approximately 100.8 million U.S. households (98% of the total) had television sets. A rating of 15 meant that an estimated 15.1 million television households tuned in:

#### Equation for determining viewing households:

Rating x Total Television Households = Viewing Households .15 x 100.8 million = 15.1 million

Note that when we described the rating, we used the words "statistical estimate." Ratings are based not on a count of all television households, but on the count within a sample of television households selected from all television households. The findings within the sample are then "projected" to national totals. We also sometimes use the phrase "share" to quantify audience viewing levels. "Share" refers to the percentage of television sets in use tuned to a program. In other words, a rating measures what percentage of the universe of television households tuned in to a program, while a share measures what percentage of the number of television households in use are tuned in to a particular program.

### DATA COLLECTION

During 2000-2003, Nielsen utilized two basic data collection instruments in our syndicated services: meters and diaries. A set meter is an electronic device attached to a television set in a particular household that detects the channel to which the television is being tuned. The data from these set meters are then converted into household ratings. Household meter data was collected year-round in Nielsen's metered markets during 2000-2003.<sup>1</sup> Diaries are paper booklets in which each person in the household records viewing information. In 2000-2003, diary data was collected in Nielsen's metered markets during the months of November, February, May, and July, which are also known as the "sweeps" rating periods. Seven-day diaries were mailed to homes to keep a tally of what was watched on each television set and by whom. Over the course of a sweeps period, diaries were mailed to a new panel of homes each week. At the end of each month, all of the viewing data from the individual weeks were aggregated into Nielsen's database.

nielsen

#### **PURPOSE OF TESTIMONY**

The purpose of my testimony is to explain the methodology employed in a custom analysis of Nielsen diary data for 2000-2003 that I designed for MPAA. My custom analysis estimated actual distant viewing by cable households to the signals identified in Appendix D to Marsha Kessler's testimony (the "Kessler Stations") for

<sup>&</sup>lt;sup>1</sup> At the beginning of 2000, Nielsen had 47 metered markets. By the end of 2003, Nielsen had 55 metered markets.

each year at issue in this proceeding. I understand that this distant viewing data is a part of Dr. Jeffrey Gray's economic analysis.

#### METHODOLOGY

The MPAA study is a custom analysis of the sweeps diary viewing data that are used for generating the cable and broadcast network ratings. The methodology, in brief, is as follows:

- MPAA supplied Nielsen with the list of the Kessler Stations (all of which were distantly retransmitted by cable systems in 2000, 2001, 2002, and 2003). I understand that MPAA relied on data from Cable Data Corporation ("CDC") identifying stations distantly retransmitted by cable systems during 2000-2003 and selected the Kessler Stations based on the number of distant subscribers and the amount of Section 111 royalty fees generated by each station.
- 2) To limit the result to only distant viewing, MPAA provided Nielsen with the information as to whether counties were distant or local for each of the Kessler Stations. To do this, MPAA performed a county analysis and gave us the identities of the counties that should be considered local for the purpose of Nielsen's custom analysis.
- 3) Nielsen eliminated all non-cable viewing of programs for the Kessler Stations and all viewing to each station that occurred within the station's local area. Nielsen only measured the cable viewing for each station individually for counties that were <u>not</u> identified as local by the MPAA. What was left after

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the elimination of local viewing was distant viewing among cable households. This is reported in the form of minutes of viewing by households.

#### "ZERO VIEWING" INSTANCES

One concern that has been raised in past Phase II proceedings was the incidence of the so-called "zero viewing" instances that appeared in Nielsen's custom analysis. The appearance of these "zero viewing" instances is consistent with what I would expect to find in a custom analysis of viewing to distant signals by cable subscribers, for at least two reasons. First, it is important to recognize that Nielsen's custom analysis excluded all distant viewing to programs that are not compensable in this proceeding. This included distant viewing to ABC, CBS, and NBC network programs and programs that were not simultaneously broadcast on both WGN's local feed and WGN's satellite feed (known as WGN-A). Where noncompensable programs aired, Nielsen's custom analysis properly reported a zero viewing value. Second, the amount of actual viewing minutes to certain distant signals is very small. Where the viewing minutes to particular distant signal programs were so small as to be statistically insignificant, Nielsen's custom analysis would assign a zero viewing value.

Thank you for the opportunity to testify in this proceeding.

# **DECLARATION OF PAUL B. LINDSTROM**

I declare under penalty of perjury that the foregoing testimony is true and correct, and of my personal knowledge.

Executed on May <u>23</u>, 2012

Paul B. Lindstrom

Nielsen 770 Broadway New York, NY 10003-9595

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#### COPYRIGHT ROYALTY BOARD

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THE LIBRARY OF CONGRESS

	:	
IN THE MATTER OF:		
	:	
DISTRIBUTION OF 2000,	:	No. 2008-02
2002, 2003 CABLE	;	
ROYALTY FUNDS	:	CD 2000-03
	:	Phase II

Monday,

June 3, 2013

Fourth Floor Hearing Room Madison Building Library of Congress 101 Independence Avenue, SE Washington, DC

The above-entitled matter came on for hearing, pursuant to notice, at 9:30 a.m.

BEFORE: THE HONORABLE SUZANNE M. BARNETT,

Chief Judge .

THE HONORABLE JESSE FEDER

THE HONORABLE DAVID STRICKLER

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APPEARANCES:	CONTENTS	
On Behalf of the Settling Devotional	WITNESS DIRECT CROSS REDIRECT RECROSS	
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	Marsha Kessler 101 206	
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On Behalf of the Independent Producers		
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BRIAN D. BOYDSTON, ESQ.	359 Rebuttal Testimony of	
of: Pick & Boydston, LLP	Marsha Kessler 127 129	
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	1 P-R-O-C-E-E-D-I-N-G-S	~
	I I-K-O-C-B-B-D-I-W-G-S	
	2 (9:32	a.m.)

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ALSO PRESENT:

RAUL GALAZ VICTORIA LYNCH DENISE VERNON been one change since we were all here before. It used to be that the microphones on counsel table were not live unless you pressed. They're the opposite now. They're always live. So, if you're going to confer with one another be sure to mute the microphone. Okay, good morning, all. This is the date and time set for hearing in Phase II of the distribution proceedings commenced under Copyright Royalty Board Docket Number 2008-2 in re the distribution of cable royalty funds for the years 2000 through 2003. I think I have met you all. I'm Judge Suzanne Barnett, the proverbial last man standing since we last met. Judge Strasser

CHIEF JUDGE BARNETT: There has

very happily reclaimed his position as senior counsel to the Copyright Royalty Board. Judge Roberts accepted a position as Senior Counsel to the Register of Copyrights.

	Page 278		Page 280
1	identified as being matches.	1	THE WITNESS: I do not.
2	JUDGE STRICKLER: Those various	2	CHIEF JUDGE BARNETT: Any follow-
3	iterations were never compiled into one list?	3	on questions then from counsel?
4	THE WITNESS: I don't believe so.	4	MR. OLANIRAN: No, your Honor.
5	JUDGE STRICKLER: Do you know a	5	MR. BOYDSTON: No, your Honor.
6	percentage of total titles that fell into that	6	CHIEF JUDGE BARNETT: Thank you,
7	gray category, if I may call it that, that you	7	Mr. Patterson. You may be excused.
8	had to send back to MPAA?	8	(Witness excused.)
9	THE WITNESS: I do not know.	9	MR, OLANIRAN: Your Honor, MPAA
10	JUDGE STRICKLER: You were	10	would like to call Mr. Paul Lindstrom.
11	supposed to, you were charged with removing	11	CHIEF JUDGE BARNETT: An obstacle
12	program titles identified by Tribune as	12	course there for you.
13	broadcast type because those would not be	13	WHEREUPON,
14	covered by this proceeding. And I think you	14	PAUL LINDSTROM
15	acknowledged that your company missed those	15	was called as a witness by Counsel for the
16	and Dr. Gray caught those; is that correct?	16	Motion Picture Association of America and,
17	THE WITNESS: The network, those	17	having been first duly sworn, assumed the
18	that should have been attributed to ABC, NBC,	18	witness stand, was examined and testified as
19	and CBS	19	follows:
20	JUDGE STRICKLER: Yes.	20	DIRECT EXAMINATION
21	THE WITNESS: yes.	21	BY MR. OLANIRAN:
22	JUDGE STRICKLER: that's what I	22	Q Good afternoon, Mr. Lindstrom.
	Page 279	00 - m, 401 w. 47 1220 (810 - 1	Page 281
1	meant. Can you tell us why it was that those	1	Greg Olaniran. I represent MPAA-Represented
2	were missed?	2	Program Suppliers. Would you please state
3	THE WITNESS: As I said, it was a	3	your name and spell it for the record?
4	very iterative process. We were doing a lot	4	A It's Paul Lindstrom. That's L-I-
5	of what-if analysis, you know, show-me	5	N-D-S-T-R-O-M.
6	analysis, those kind of things. And in some	6	Q And, Mr. Lindstrom, what's your
7	of the iterations, we went back to the	7	educational background?
8	underlying raw data, as opposed to the	8	A I have a bachelor's degree from
9	potentially compensable, just to see if there	9	NYU.
10	were other matches that we could use as	10	Q And where do you work?
11	leverage to say, hey, it matched here, maybe	11	A I work for Nielsen.
12	it makes sense here. And just in the final	12	Q How long have you been with
13	deliverable, we just, it was an oversight and	13	Nielsen?
14	was not included.	14	A I've been working for Nielsen, at
		1	
15	JUDGE STRICKLER: It fell out in	15	this point, slightly over 35 years. I just
	JUDGE STRICKLER: It fell out in the final deliverable? It fell out for all of	15 16	this point, slightly over 35 years. I just passed an anniversary about a month ago.
15			
15 16	the final deliverable? It fell out for all of	16	passed an anniversary about a month ago.
15 16 17	the final deliverable? It fell out for all of the network programming? So Dr. Gray was able	16 17	passed an anniversary about a month ago. Q That's a long time. What does
15 16 17 18	the final deliverable? It fell out for all of the network programming? So Dr. Gray was able to find so you had included all the network	16 17 18	passed an anniversary about a month ago. Q That's a long time. What does Nielsen do?
15 16 17 18 19	the final deliverable? It fell out for all of the network programming? So Dr. Gray was able to find so you had included all the network programming in the final deliverable?	16 17 18 19	passed an anniversary about a month ago. Q That's a long time. What does Nielsen do? A Nielsen is a market research

1.1.1.1.1	Page 282		Page 284
1	television ratings, I think.	1	Q And all of, all of this experience
2	Q Okay. And what position do you	2	is under the umbrella of custom research
3	hold with Nielsen?	3	and/or custom analysis?
4	A I'm in a senior vice president	4	A Almost all of it, with some
5	position with a group within Nielsen called	5	exceptions. We've had products that have gone
6	Strategic Media Research. We focus on	6	on from the custom research group to become
7	producing custom research and custom analysis	7	syndicated entities out within the industry.
8	for a wide variety of clients.	8	-
9			I could go into details, but it's probably not
		9	key right now.
10	within that group?	10	Q And in the course of your
11	A I'm responsible for the products	11	experience, how much statistical analysis, to
12	that are being issued from that group and a	12	what extent does statistical analysis feature
13	primary responsibility for the design work on	13	in your work?
14	the research that we do within that group. It	14	A Statistical analysis comes in
15	covers, as I said, both custom research and	15	quite frequently. It becomes part of the
16	custom analysis.	16	research design, and it becomes part of the
17	.Q And what is custom research versus	17	process that I have to go, in terms of working
18	custom analysis?	18	with our clients to help them understand and
19	A I probably should have explained	19	to utílíze it. So it's a very pragmatic
20	that as I started, but, just to clarify,	20	approach and one that, again, I've been
21	custom research is work where you're going out	21	required to get into for, you know, nearly all
22	to establish a new database. You're doing	22	of those 35 years in this type of role.
	Page 283		Page 285
1	separate data collection, often for an	1	Q And in terms of statistical
2	individual client. Custom analysis is a	2	analysis, are you talking in terms of sample
3	situation where you're going into an existing	3	design, sample selection, that sort of thing?
4	database. It might be the diary, it might be	4	A It's impossible to design a
5	meters. It might be a variety of different	5	research project without being intimately
6	existing databases, but you're looking at it	6	involved in the sample design and sample
7	in a new custom way, usually, again, for a	7	selection. Any type of issues that could crop
			bereetten. mil elbe er ibbueb ende could erop
8	single client.	8	up all tie into it; so it, therefore, has to
8 9	single client. Q Okay. And would you please	8 9	
			up all tie into it; so it, therefore, has to
9	Q Okay. And would you please	9	up all tie into it; so it, therefore, has to be part of the design from the very outset.
9 10 11	Q Okay. And would you please describe the range of your experience, if you	9 10	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do
9 10 11	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at	9 10 11	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom
9 10 11 12	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen?	9 10 11 12	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis?
9 10 11 12 13 14	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I	9 10 11 12 13	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media
9 10 11 12 13 14	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to	9 10 11 12 13 14	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters,
9 10 11 12 13 14 15	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to bottom. So I've been involved in every aspect	9 10 11 12 13 14 15	<pre>up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters, local stations, national cable networks, local</pre>
9 10 11 12 13 14 15 16	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to bottom. So I've been involved in every aspect from the operational side of the data	9 10 11 12 13 14 15 16	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters, local stations, national cable networks, local cable systems, MSOs. We've worked with
9 10 11 12 13 14 15 16 17	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to bottom. So I've been involved in every aspect from the operational side of the data collection, the data processing, data	9 10 11 12 13 14 15 16 17	<pre>up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters, local stations, national cable networks, local cable systems, MSOs. We've worked with internet companies, cinema advertising</pre>
9 10 11 12 13 14 15 16 17 18 19	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to bottom. So I've been involved in every aspect from the operational side of the data collection, the data processing, data analysis, questionnaire design, the research	9 10 11 12 13 14 15 16 17 18	<pre>up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters, local stations, national cable networks, local cable systems, MSOs. We've worked with internet companies, cinema advertising companies, place-based, almost, again, top to</pre>
9 10 11 12 13 14 15 16 17 18 19 20	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to bottom. So I've been involved in every aspect from the operational side of the data collection, the data processing, data analysis, questionnaire design, the research design into what needs to be done, sampling	9 10 11 12 13 14 15 16 17 18 19	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters, local stations, national cable networks, local cable systems, MSOs. We've worked with internet companies, cinema advertising companies, place-based, almost, again, top to bottom within the media field. It's been a
9 10 11 12 13 14 15 16 17 18 19 20	Q Okay. And would you please describe the range of your experience, if you will, over the 35 years that you've been at Nielsen? A In the position that I'm in, I actually have to do the research work top to bottom. So I've been involved in every aspect from the operational side of the data collection, the data processing, data analysis, questionnaire design, the research design into what needs to be done, sampling processes, literally top to bottom from	9 10 11 12 13 14 15 16 17 18 19 20	up all tie into it; so it, therefore, has to be part of the design from the very outset. Q And for what type of clients do you perform custom research and custom analysis? A It's been a wide range of media clients. We've done television broadcasters, local stations, national cable networks, local cable systems, MSOs. We've worked with internet companies, cinema advertising companies, place-based, almost, again, top to bottom within the media field. It's been a particular emphasis on companies that are

	Page 286		Page 288
1	literally, beginning with cable straight on	1	MR. BOYDSTON: No objection.
2	through up to the first work that Nielsen has	2	CHIEF JUDGE BARNETT: Mr.
3	done on the internet, I've been responsible	З	Lindstrom is qualified as an expert in those
4	, for.	4	areas.
5	Q And so you've worked with cable	5	MR. OLANIRAN: Thank you, your
6	systems. Have you done audience measurement	6	Honor.
7	work for, television audience measurement work	7	BY MR. OLANIRAN:
8	for cable systems?	8	Q Mr. Lindstrom, what were you asked
9	A Very extensive audience work for	9	to do for this proceeding?
10	both cable systems and cable networks.	10	A We were asked to produce estimates
11	Q What about broadcast stations?	11	of distant cable viewing to specific stations,
12	A Yes, for broadcasters, as well.	12	as supplied to us.
13	Q And why would a cable system	13	Q Did you prepare a written report
14	require you to do audience measurement work?	14	of your work for this proceeding?
15	A There's a variety of reasons on	15	A Yes, we did.
16	why it's done, but the most common is a way of	16	Q Okay.
17	being able to document audiences in order to	17	MR. OLANIRAN: Approach the
18	sell them for advertising purposes. There's	18	witness, your Honor?
19	a need for an independent barometer so that	19	CHIEF JUDGE BARNETT: Certainly.
20	both buyers and sellers in the marketplace can	20	BY MR. OLANIRAN:
21	agree on what they think they're going to be	21	Q Mr. Lindstrom, I'm handing you a
22	getting and then whether or not that was	22	pre-marked MPAA Exhibit 363. Again, in the
<b></b>	Page 287	and the second sec	Page 289
-	delivered.	1	interest of the environment, I won't provide
1 2	Q Does the same thing apply to the	2	copies to the Judges and counsel.
3	audience measurement work you've done for	3	CHIEF JUDGE BARNETT: Can we just
4	broadcast stations, the same	4	identify, are you getting ready to identify it
	A That's true. In most instances,	5	for the record?
5	we're being commissioned in order to do	6	MR. OLANIRAN: Yes.
7	audience work for the purposes of buying and	7	CHIEF JUDGE BARNETT: Thank you.
	selling advertising in the television	8	MR. BOYDSTON: Your Honor, could
8 9	marketplace.	9	it be identified the way it was identified
	•		when it was produced to us? In other words,
	O Have von previously restitied in	1 10	when it was produced to us: in other words?
10	Q Have you previously testified in any distribution proceedings in the past?	10	I understand it's an exhibit on something that
11	any distribution proceedings in the past?		
11 12	any distribution proceedings in the past? A I've been involved in all of the	11	I understand it's an exhibit on something that
11 12 13	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned	11 12	I understand it's an exhibit on something that was, I don't know where from.
11 12 13 14	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being	11 12 13	I understand it's an exhibit on something that was, I don't know where from. CHIEF JUDGE BARNETT: Sure.
11 12 13 14 15	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being virtually all of the phase one hearings since	11 12 13 14	I understand it's an exhibit on something that was, I don't know where from. CHIEF JUDGE BARNETT: Sure. MR. BOYDSTON: Or I'll take
1.1 12 13 14 15 16	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being virtually all of the phase one hearings since the 1980 proceedings.	11 12 13 14 15	I understand it's an exhibit on something that was, I don't know where from. CHIEF JUDGE BARNETT: Sure. MR. BOYDSTON: Or I'll take originals.
11 12 13 14 15 16 17	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being virtually all of the phase one hearings since the 1980 proceedings. MR. OLANIRAN: Your Honors, at	11 12 13 14 15 16 17	I understand it's an exhibit on something that was, I don't know where from. CHTEF JUDGE BARNETT: Sure. MR. BOYDSTON: Or I'll take originals. CHIEF JUDGE BARNETT: You can have
11 12 13 14 15 16 17 18	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being virtually all of the phase one hearings since the 1980 proceedings. MR. OLANIRAN: Your Honors, at this point, based on Mr. Lindstrom's years of	11 12 13 14 15 16 17 18	I understand it's an exhibit on something that was, I don't know where from. CHIEF JUDGE BARNETT: Sure. MR. BOYDSTON: Or I'll take originals. CHIEF JUDGE BARNETT: You can have a copy. BY MR. OLANIRAN:
11 12 13 14 15 16 17 18 19	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being virtually all of the phase one hearings since the 1980 proceedings. MR. OLANIRAN: Your Honors, at this point, based on Mr. Lindstrom's years of experience in the field, I offer Mr. Lindstrom	11 12 13 14 15 16 17 18 19	I understand it's an exhibit on something that was, I don't know where from. CHIEF JUDGE BARNETT: Sure. MR. BOYDSTON: Or I'll take originals. CHIEF JUDGE BARNETT: You can have a copy. BY MR. OLANIRAN:
11 12 13 14 15 16 17 18	any distribution proceedings in the past? A I've been involved in all of the proceedings in which the MPAA has commissioned work from us. That has ended up being virtually all of the phase one hearings since the 1980 proceedings. MR. OLANIRAN: Your Honors, at this point, based on Mr. Lindstrom's years of	11 12 13 14 15 16 17 18	I understand it's an exhibit on something that was, I don't know where from. CHIEF JUDGE BARNETT: Sure. MR. BOYDSTON: Or I'll take originals. CHIEF JUDGE BARNETT: You can have a copy. BY MR. OLANIRAN: Q Mr. Lindstrom, you should have in

	Page 290	1	Page 292
1	Q And the document is, what is the	1	THE WITNESS: It says, "First, it
2	title of that document?	2	is important to recognize that Nielsen's
: 3	A "Direct Testimony of Paul D.	3	custom analysis excluded"
4	Lindstrom."	. 4	JUDGE STRICKLER: And you're
5	Q And it's dated May 30, 2012?	5	replacing it with what?
6	A Yes, it is.	6	THE WITNESS: It should be "Dr.
7	Q Okay. Is this your written	7	Gray's custom analysis of the Nielsen data."
8	testimony for this proceeding?	8	BY MR. OLANIRAN:
9	A Yes, it is.	9	Q And Dr. Gray's custom analysis or
10	Q And do you have any corrections or	10	Dr. Gray's analysis?
10	additions to your testimony?	11	A Dr. Gray's analysis would be fine,
12	A Yes. There's three of them, I	12	:
			of the Nielsen data. And then approximately
13	believe.	13	the fourth line from the bottom, it says
14	Q Just go ahead.	14	there, as well, "Nielsen's custom analysis,"
15	A I'll have to find them in there.	15	and it should be "Dr. Gray's analysis."
16	Bear with me for one moment. On page four, in	16	Q Of the Nielsen data also; is that
17 .	the first paragraph under data collection,	17	right?
18	approximately halfway down, it talks about the	18	A That would be correct.
19	months of November, February, May, and July,	19	Q Okay. Any other corrections?
20	which are known as the sweeps. It should also	20	A No.
21	say "and, in some instances, October and	21	Q Can I direct your attention to the
22	March."	22	last sentence on that page? Should that be
A	Page 291		Page 293
1	Q That's at the end of the sentence?	1	Nielsen's custom analysis or Dr. Gray's
2	A That would be at the end of the	2	analysis, just to
3	sentence. There are two additional	3	A That should be Nielsen's custom
4	measurement periods, the ones that are not	4	analysis, so that would stay as it is.
5	done for all markets and are, therefore, not	- 5	Q Okay. Thank you. And with those
6	formally known as the sweeps.	6	corrections you've just made, do you declare
7	Q Okay. So next one?	7	your testimony to be true and correct
8	A The second would be on page six,	8	A Yes, I do. Oops, sorry.
9	the second sentence from the top, it says,	9	Q and of your personal knowledge?
10	"This is reported in the form of minutes of	10	A Yes, I do.
11	viewing by households," that should say it's	11	MR. OLANIRAN: Your Honors, I move
11	reported in the form of quarter hours of	12	for admission of Exhibit, MPAA Exhibit 363.
12	viewing by households.	12	MR. BOYDSTON: No objection,
13	Q Do you have any other corrections?	13	MR. HARRINGTON: No objection.
		19	CHIEF JUDGE BARNETT: Exhibit 363
15			
16	viewing instances, the next paragraph,	16	is admitted, as corrected.
17	approximately halfway down on page six, it	17	(Whereupon, MPAA Exhibit No. 363
18	says "Nielsen's custom analysis," and it	. 18	was received into evidence.)
19	should say "Dr. Gray's analysis."	19	MR. OLANIRAN: Thank you.
20	JUDGE STRICKLER: Can you clarify,	20	BY MR. OLANIRAN:
21	sir, where because it says Nielsen's custom	21	Q You stated earlier that you were
22	analysis	22	asked to do some work with regard to 2000

	Page 294		Page 296
1	through 2003 Nielsen information for MPAA.	1	for seven days. And the households are asked
2	Could you please describe, just very briefly,	2	to supply certain pieces of information. Each
3	exactly what you did for MPAA?	3	time they view, they're to indicate what the
4	A We produced estimates of viewing	4	channel member, the call letters, and the
	for individual stations among distant cable	5	program was, and then who within the household
. 5	households. The process that we used was that	6	was viewing.
6	-	7	Q And how does Nielsen select its
7	the MPAA supplied Nielsen with a list of	8	households?
8	stations which had been distantly transmitted	9	A It is a random sampling process in
9	by cable systems in 2000 to 2003. In order to		order to identify those homes.
10	limit the viewing that we were reporting on to	10	<i>"</i>
11	only distant viewing, we were supplied with an	11	Q Okay. And after going through the
12	analysis that had been done which defined	12	process where you looked at the, you excluded
13	counties for each stations so that they were	1.3	the local counties from the viewing data and
14	either classified as local or distant. And we	14	you also limited non-cable household viewing.
15	eliminated all local counties. Again, that	15	What then did you do?
16	information was provided to us by the MPAA	16	A What we would be doing is to
17	with the definitions so that the data was	17	generate estimates of the projection value of
18	restricted to only distant counties for each	18	the amount of tuning that was being done by
19	of those stations.	19	households within our sample who met that
20	We then went through the database	20	definition on a quarter-hour basis for each
21	and further cut back so that we eliminated all	21	station within the sample.
22	non-cable households from those distant	22	Q Well, you talk about estimates of
ar in data dan pendangan nganas	Page 295		Page 297
1	counties that had viewing to those stations so	1	projected viewing. What exactly do you mean
2	that what was left was ultimately a sample for	2	by that?
3	each station that was based on distant	3	A It would be an estimate of how
4	definitions and cable viewing.	4	many households would have been tuned during
5	Q The work that you did for MPAA, is	5	the average quarter hour that were distant and
6	that considered custom analysis or custom	6	cable.
ł	research?		
7		7	Q And in doing the estimate, you're
7 8	A That's custom analysis. The goal	8	Q And in doing the estimate, you're not going around and measuring in every TV
8	A That's custom analysis. The goal	8	not going around and measuring in every TV
8 9	A That's custom analysis. The goal that we have had with this has been the idea	8 9	not going around and measuring in every TV set. I think we know that. How are you
8 9 10	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database	8 9 10	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly
8 9 10 11	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular	8 9 10 11	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of
8 9 10 11 12 13	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary	8 9 10 11 12	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the
8 9 10 11 12 13 14	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same	8 9 10 11 12 13	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population,
8 9 10 11 12 13 14 15	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for	8 9 10 11 12 13 14	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will?
8 9 10 11 12 13 14 15 26	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for the industry.	8 9 10 11 12 13 14 15	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will? A What's important to keep in mind
8 9 10 11 12 13 14 15 16 17	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for the industry. Q And what exactly is a diary?	8 9 10 11 12 13 14 15 16	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will? A What's important to keep in mind with the measurement that we're talking about
8 9 10 11 12 13 14 15 16 17 18	A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for the industry. Q And what exactly is a diary? What's a diary?	8 9 10 11 12 13 14 15 16 17	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will? A What's important to keep in mind with the measurement that we're talking about here is that, as I noted, the diary itself was
8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for the industry.</li> <li>Q And what exactly is a diary?</li> <li>What's a diary?</li> <li>A The diary that's being used and</li> </ul>	8 9 10 11 12 13 14 15 16 17 18 19	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will? A What's important to keep in mind with the measurement that we're talking about here is that, as I noted, the diary itself was a seven-day diary. The sweeps are a four-week period of time. Each sweep is approximately -
8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for the industry.</li> <li>Q And what exactly is a diary? What's a diary?</li> <li>A The diary that's being used and referred to here is a seven-day diary. It's</li> </ul>	8 9 10 11 12 13 14 15 16 17 18 19 20	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will? A What's important to keep in mind with the measurement that we're talking about here is that, as I noted, the diary itself was a seven-day diary. The sweeps are a four-week period of time. Each sweep is approximately - or independent samples of around 25,000
8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>A That's custom analysis. The goal that we have had with this has been the idea of being able to analyze what is the database that's currently being used in the regular television measurement, and so the diary database allowed us to do that with the same types of metrics, the same reporting, and the same basic data set that's currently used for the industry.</li> <li>Q And what exactly is a diary?</li> <li>What's a diary?</li> <li>A The diary that's being used and</li> </ul>	8 9 10 11 12 13 14 15 16 17 18 19	not going around and measuring in every TV set. I think we know that. How are you let me make sure I phrase this correctly how are you projecting from the number of households that have provided you data to the remainder of a television tuning population, if you will? A What's important to keep in mind with the measurement that we're talking about here is that, as I noted, the diary itself was a seven-day diary. The sweeps are a four-week period of time. Each sweep is approximately -

1	Page 298		Page 300
1	have been based on more than 400,00 households	1	the purpose of the study was really to
2	contributing to it.	2	aggregate viewing, to aggregate quarter hours
.3	We searched those individual	3	across stations, across time, and across
4	records to meet those homes that qualified	4	sweeps to accumulate sufficient sample size.
5	and, again, find the viewing to those specific	5	Under that scenario, there's the necessity of
6	stations and identify it and add it up quarter	6	being able to add and to do your calculations,
7	hour by guarter hour.	7	so you have to put in a numeric value. And so
8	Q Okay. You testified in the 1997	8	as a result, in order to allow for the
9	phase two cable royalties proceeding, correct?	9	manipulation of the data, the reports and the
10	A That is correct.	10	data that we supplied, it's carrying a zero
11	Q And in that proceeding, the issue	11	numeric value because you couldn't do that
12	of zero viewing came up. Could you please	12	with an asterisk or a caret or some such
13	explain, first explain the issues of what zero	13	thing. But it shouldn't be interpreted as a
14	viewing means, if anything?	14	zero.
15	A There's one thing that I need to	14	Q So if I understand you correctly,
15	start out with because zero viewing is a	16	as to the data that Nielsen itself maintains,
10	start out with because zero viewing is a little bit of a misnomer. It's kind of a	10	you put the symbols and notes in the database
18		18	to say there was none reported viewing. But
19	colloquialism that's come into play.	10	
1	But Nielsen actually does not	20	with respect to the data that you provide for
20	estimate zero viewing. In instances, there is		MPAA, you have to put zeros in in the quarter
21	viewing that's too low or of a certain	21	hours essentially to allow for manipulation of
22	magnitude that can't be used, we'll tend to	22	the data?
	Page 299		Page 301
1	put either carets or asterisks or footnotes of	- 1	A That is correct.
2	some kind to say that the audiences small but	2	JUDGE STRICKLER: May I interject
3	not zero. I mean, we wouldn't go through and	3	for a second?
4	say nobody in fact would watch something.	4	MR. OLANIRAN: Absolutely, your
5	What we are saying when we go	5	Honor.
6	through with these cells with what's being	. 6	JUDGE STRICKLER: Mr. Lindstrom,
7	indicated with zero viewing is that there was	7	you're doing a sample with the Nielsen
8			
<sup>م</sup> ا	no reported viewing within that sample of	8	diaries, correct?
8	no reported viewing within that sample of homes during that day and quarter hour. And	. B 9	diaries, correct? THE WITNESS: That's correct.
9	homes during that day and quarter hour. And	9	THE WITNESS: That's correct.
9 10	homes during that day and quarter hour. And that's different, that idea of going, when you	9 10	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up
9 10 11	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter	9 10 11	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't
9 10 11 12	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific	9 10 11 12	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or
9 10 11 12 13	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not	9 10 11 12 13	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct?
9 10 11 12 13 14	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not surprising.	9 10 11 12 13 14	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct? THE WITNESS: That's correct.
9 10 11 12 13 14 15	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not surprising. Q And when you said that you tend to	9 10 11 12 13 14 15	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct? THE WITNESS: That's correct. JUDGE STRICKLER: Is there a
9 10 11 12 13 14 15 16	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not surprising. Q And when you said that you tend to put carets, where are you talking about that	9 10 11 12 13 14 15 16	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct? THE WITNESS: That's correct. JUDGE STRICKLER: Is there a margin of error or a level of confidence
9 10 11 12 13 14 15 16 17	homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not surprising. Q And when you said that you tend to put carets, where are you talking about that you place this	9 10 11 12 13 14 15 16 17	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct? THE WITNESS: That's correct. JUDGE STRICKLER: Is there a margin of error or a level of confidence associated with the numbers, particularly at
9 10 11 12 13 14 15 16 17 18	<pre>homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not surprising. Q And when you said that you tend to put carets, where are you talking about that you place this A They're within the reports</pre>	9 10 11 12 13 14 15 16 17 18	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct? THE WITNESS: That's correct. JUDGE STRICKLER: Is there a margin of error or a level of confidence associated with the numbers, particularly at the lower level, where you have these carets
9 10 11 12 13 14 15 16 17 18 19	<pre>homes during that day and quarter hour. And that's different, that idea of going, when you get into very finite, very specific quarter hours defined, that there was no specific mentions of viewing within the sample is not surprising. Q And when you said that you tend to put carets, where are you talking about that you place this A They're within the reports themselves. The difference between the report</pre>	9 10 11 12 13 14 15 16 17 18 19	THE WITNESS: That's correct. JUDGE STRICKLER: And you end up with these very low numbers, and you don't know what they are, so you put in the caret or the asterisk, as you say, correct? THE WITNESS: That's correct. JUDGE STRICKLER: Is there a margin of error or a level of confidence associated with the numbers, particularly at the lower level, where you have these carets or asterisks so that we know what I know,

	Page 302	Page 30
1	adamantly but we have either zero or some	1 this was a respondent and you had two of them,
2	number above it. How do you statistically, if	2 and that was your entire sample. And you were
.3	at all, how does Nielsen statistically, if at	3 viewing a guarter hour, and it could be a
4	all, account for a margin of error within a	4 yes/no. And if that were the case where you
5	certain level of confidence?	5 had two respondents, then it would be a yes or
6	THE WITNESS: We didn't produce	6 a no. You'd either have a zero, a 50 rating,
7	that data for this particular report.	7 or 100 rating.
8	JUDGE STRICKLER: So, so I'm	8 But the actual viewing level or
9	sorry. Go ahead.	9 rating level that you would end up expecting
10	THE WITNESS: No, so I'm saying	10 under this type of scenario, you know, even
11	that I don't have that data to be able to	11 traditional broadcast ratings might be about
12	readily identify.	12 a one rating, which is about one percent of
13	JUDGE STRICKLER: But Nielsen	13 the audience, so under that type of scenario,
14	produces that sort of information as a matter	14 you would fully expect that, in fact, as you
15	of course is what you're saying?	15 started adding sample, the bulk of the sample
16	THE WITNESS: Yes, it is possible	16 would still be non-viewers. They would be no
17	to produce that sort of data, and we do it	17 to having viewed that quarter hour. I mean,
18	frequently. What you would expect, and this	18 think about those nos as being your zeros
19	goes back to is that, for any given station on	19 because that's really what it is, a yes/no, no
20	any given quarter hour, you would expect high	20 is a zero.
21	levels of relative error. It's the	21 And you would have to add in 99
22	accumulation of information that, in fact,	22 nos in order to, in fact, give the accurate
1	Page 303	Page 30
1	ends up reducing those error levels because	1 reflection of the one-percent viewing level
. 2		
	you have more different people, more	2 that was there. That's the reason why it's
3	you have more different people, more independent samples that are going together in	<ul><li>2 that was there. That's the reason why it's</li><li>3 important to accumulate the sample. Low</li></ul>
3	-	
	independent samples that are going together in	3 important to accumulate the sample. Low
4	independent samples that are going together in order to generate that, and it's part of the	3 important to accumulate the sample. Low 4 sample sizes with very small levels of
4	independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see	3 important to accumulate the sample. Low 4 sample sizes with very small levels of 5 viewing, which, again, any given station for
4 5 6	independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see the results in the fashion that we are. The	<ul> <li>3 important to accumulate the sample. Low</li> <li>4 sample sizes with very small levels of</li> <li>5 viewing, which, again, any given station for</li> <li>6 any given quarter hour on a distant cable</li> </ul>
4 5 6 7	independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see the results in the fashion that we are. The relative error on any given quarter hour for	<ul> <li>important to accumulate the sample. Low</li> <li>sample sizes with very small levels of</li> <li>viewing, which, again, any given station for</li> <li>any given quarter hour on a distant cable</li> <li>basis will be very, very low. In order to</li> </ul>
4 5 6 7 8	independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see the results in the fashion that we are. The relative error on any given quarter hour for any given station, again, would be very high.	<ul> <li>3 important to accumulate the sample. Low</li> <li>4 sample sizes with very small levels of</li> <li>5 viewing, which, again, any given station for</li> <li>6 any given quarter hour on a distant cable</li> <li>7 basis will be very, very low. In order to</li> <li>8 measure that, you need to build up the sample</li> </ul>
4 5 7 8 9	independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see the results in the fashion that we are. The relative error on any given guarter hour for any given station, again, would be very high. MR. OLANIRAN: Is your Honor	3 important to accumulate the sample. Low 4 sample sizes with very small levels of 5 viewing, which, again, any given station for 6 any given quarter hour on a distant cable 7 basis will be very, very low. In order to 8 measure that, you need to build up the sample 9 and you fully expect to be including a lot of
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4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<pre>independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see the results in the fashion that we are. The relative error on any given quarter hour for any given station, again, would be very high. MR. OLANIRAN: Is your Honor JUDGE STRICKLER: Thank you. BY MR. OLANIRAN: Q And I wanted to follow up. Why does the non-reported viewing occur, particularly with respect to the data that you provided to MPAA? A I think one way to think about this, and it's not a direct comparison but it's an analogous, that each quarter hour, in</pre>	important to accumulate the sample. Low sample sizes with very small levels of viewing, which, again, any given station for any given quarter hour on a distant cable basis will be very, very low. In order to measure that, you need to build up the sample and you fully expect to be including a lot of these non-viewing instances in order to accurately average out across time, across programs, and across viewing instances. I don't know if that helped, but it's that basic idea if you only do that one quarter hour and if you only had those two people, then the response that you get is, in fact, not going to be accurate. It is only the accumulation of quarter hours in sample
4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>independent samples that are going together in order to generate that, and it's part of the reason, again, that you would expect to see the results in the fashion that we are. The relative error on any given quarter hour for any given station, again, would be very high. MR. OLANIRAN: Is your Honor JUDGE STRICKLER: Thank you. BY MR. OLANIRAN: Q And I wanted to follow up. Why does the non-reported viewing occur, particularly with respect to the data that you provided to MPAA? A I think one way to think about this, and it's not a direct comparison but it's an analogous, that each quarter hour, in many ways, is a sampling point. And what</pre>	important to accumulate the sample. Low sample sizes with very small levels of viewing, which, again, any given station for any given quarter hour on a distant cable basis will be very, very low. In order to measure that, you need to build up the sample and you fully expect to be including a lot of there non-viewing instances in order to accurately average out across time, across programs, and across viewing instances. I don't know if that helped, but tit's that basic idea if you only do that one quarter hour and if you only had those two people, then the response that you get is, in fact, not going to be accurate. It is only the accumulation of quarter hours in sample size that allows the measures to be an

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	Page 306		Page 308
1	know it's somewhat elemental but	1	on. But what I wanted to stress within this
2	A Again, a quarter hour is the time	2	is that we weren't actually combining the
3	frame that's being measured within the diary.	З	metered data and the diary data. The mixing
4	So within a diary, it will say, 8 to 8:15,	4	of those two pieces, if you just added them up
5	what did you do, you know, I either didn't	5	together, would kind of compound a lot of, it
6	watch television or I watched television and	6	would compound certain types of issues. And
7	it was this channel, this call letters, and	7	this isn't a comment on Dr. Gray's analysis,
8	this program name, so that we can identify	8	which I think is a different thing.
9	what it is that's being viewed.	9	But the idea of saying we do have
10	And so, in the same fashion, if	10	diaries in metered markets that we could
11	you think about this yes/no for a particular	11	utilize for purposes of this analysis, so
12	station, again, people are watching a lot of	12	we're looking at diary data across the entire
13	other television that is, in fact, being	13	country, including metered markets where we
14	recorded there. It's not a matter of they're	14	have diary sample that's also being collected.
15	not viewing. We're looking at all their	15	JUDGE STRICKLER: So the diary
16	viewing. We're just not finding very much	16	data is in metered markets and also outside of
17	under those circumstances of some of the	17	metered markets?
18	distant cable broadcast signals.	18	THE WITNESS: That's correct. And
19	JUDGE STRICKLER: Counsel, may I	19	that's what I was trying to say. So it's not
20	interject again? The diary samples you do,	20	a case of there are diary markets that are
21	those are diary samples that are sent to homes	21	some portion of the country and metered
22	that are already metered; is that correct?	22	markets for some portion of the country. We,
	entrol na mai a construction en la matria calenda en construction de construction de construction de construction de construction en construction de construction de C	N 14998 - 1 - 1499 - 149 AND	
	Page 307		Page 309
1	THE WITNESS: No, that's not.	1	in fact, at this point in time, did diaries
2	They're independent samples. There's a	2	across the entire country, which are included
3	separate metered measurement that goes on,	3	here.
4	both in terms of local markets, some of the	4	JUDGE STRICKLER: And metered
5	metered markets, and on a national basis. The	5	markets are, those meters run not just during
б	diaries are independent of that.	6	the sweeps months but 12 months a year; is
7	JUDGE STRICKLER: I was probably	7	that correct?
8	confused, and it's probably my fault. You say	8	THE WITNESS: That's correct.
9	on page four of your direct statement in 2000	9	Twenty-four hours a day, 365 days a year.
10	to 2003 diary data was collected in Nielsen's	10	JUDGE STRICKLER: And are there
11	metered markets, so you're saying the diary	11	more people metered, if you will, than diary,
12	data came out of the metered markets but not	12	or households I should say?
13	out of the same households that had meters; is	13	THE WITNESS: No. The diary is
14	that it?	14	substantially larger in terms of the sample
15	THE WITNESS: I actually realized	15	sizes. You couldn't afford to have metered
16	as I was going through this and saying, what	16	samples of the type of size, certainly at the
17	I was trying to convey probably wasn't	17	point in time that we're talking about in the
18	conveyed very well there. And I'm actually	18	early 2000s. Sample size is the magnitude of
19	glad that you raised it so that I can clarify.	19	what you can do with a diary. That's why we
20	We do have a large number of markets that, in	20	took the approach with the diary simply
1		~ ~	· · · · · · · · · · · ·
21	fact, are metered. It was 50-plus, I believe,	21	because, again, in order to measure very low

	Page 310		Page 312
	т. Т	1	absence of the sample size to be able to do an
	sizes, which only the diary can provide.	2	analysis of this type adequately, the diary is
	There's really no other good database of its	3	really a preferable approach.
	kind to be able to measure viewing of these	. 4	JUDGE STRICKLER: Thank you.
	types of levels.	. 5	JUDGE FEDER: Now, if I understood
5	JUDGE STRICKLER: We have to go	6	your testimony correctly, each sweep includes
	from the local diary information, we took it	7	about 100,000 homes?
	from local information to more national		THE WITNESS: That's correct.
	information through a regression analysis, but	8 9	Four independent samples of seven days each
	the meters, if I understand this correctly,		during a month.
	while it's a smaller sample, the meters would	10 11	JUDGE FEDER: Okay. And then so
	give you that overall information without	12	over the course of a year, we're talking
	having to do a regression. It would just be		
	a really small sample. Is that the problem?	13	400,000 homes that are sampled? THE WITNESS: That's correct. And
14	THE WITNESS: Without commenting		some additional within March and October.
	on the regression because I want to hear	15	JUDGE FEDER: And then, as part of
	specifically what that question is because I	16	this process, you then excluded all those
1.	think it actually sounded as if there was	17	samples that are in local markets, as opposed
	something I think we'll have to clarify	18	-
1	that at some point in terms of what the	19	to distant markets, and those samples that are
	regression was being used in order to	20	non-cable households?
	estimate. But, I'm sorry, if you could just	21	THE WITNESS: Yes. And it's
22	clarify the tail end of that.	22	important to keep in mind, just to clarify,
	Page 311		Page 313
1	JUDGE STRICKLER: Well, let me ask	1	when we're talking about it, that this is done
2	it more generally. Would there have been a	2	for each station. So each station is
3	benefit to using the meters, as opposed to the	3	specifically identified as to what should be
4	diaries, notwithstanding the fact that the	4	the local counties, so it's not a global type
5	meters are a smaller sample?	- 5	of definition. It's done going for this
6	THE WITNESS: I think that, if one	6	station these are the counties that are local,
7	were to ask most people within the television	7	for this station those are the counties that
8	business, they would probably say that the	8	are local.
9	meter, as a data collection method, is a	9	JUDGE FEDER: So for any given
10	superior method to the diary. It's why the	10	station, you're obviously talking about much
11	industry has shifted over time to that.	11	fewer than 400,000 samples to start with. And
12	There's been extended metered markets,	12	then that number of samples is declining as
13	etcetera. The diary does a very good job at	13	you exclude essentially non-compensable
14	what it does, but the very fact that a meter	14	categories in the households that don't have
15	can get very precise and 365 days a year is a	15	cable?
16	huge plus.	16	THE WITNESS: That's correct.
17	But the reality is is that, if you	17	JUDGE FEDER: So is there anywhere
18	were going to, again, try and measure under	18	in the report that you produced that tells us
19	these very small and finite circumstances,	19	what the sample size is for the various sample
20	that you need extremely large sample sizes in	20	stations that are in this survey?
21	order to be able to do it and, at this point	21	THE WITNESS: The answer to that
22	in time, it wasn't out there. So given the	22	is, perhaps, slightly complicated because the

	Page 314		Page 316
1	way that you described it is true, but you	1	wouldn't ultimately be the real key in terms
2	would still be thinking, for purposes of how	2	of sort of judging those sample sizes.
3	you would examine the data, as the sample size	3	JUDGE FEDER: Is it possible that,
4	there are really two factors, sorry, in	4	for some of these stations, after you apply
5	terms of producing anything on relative	5	the filters, that there simply are no diary
6	errors, for example. One is sample size, and	6	measurements for those particular stations?
7	one is some form of correlation of viewing in	7	THE WITNESS: No. I mean, the
8	terms of who's doing all this viewing? Is it	8	answer to that is that the sample sizes are
9	the same people or different ones? Is it kind	9	large enough that it would be virtually
10	of unique?	10	impossible for any of those stations to not
11	For a sample size purpose, the	10	have people who would be in a position of
12		12	
	actual sample size that you would be looking		being able to view that could have recorded
13	at, despite the fact that you're applying	13	that viewing. The fact that they didn't is a
14	filters, is actually the 400,000 that's going	14	different issue, but it's not a case where,
15	into the base because part of that estimate is	15	for any of them, that people wouldn't have had
16	all of the people that can't view or be	16	that ability. I mean, we measure all cable
17	included in that as a result of being local.	. 17	systems across the U.S. You couldn't have any
18	All of those people who, in fact, are non-	18	kind of relatively large distribution of a
19	cable. They don't come out of that base for	19	signal that, in fact, would not have the
20	estimating the size of the viewing population	20	capacity of being able to have somebody who
21	of those distant cable folks. It all goes	21	could have viewed it. It's a case of they
22	into generating the percentages of everybody	22	could have, but they didn't indicate it within
	Page 315		Page 317
1	who would have viewed certain viewing	1 -	the diary.
2	entities.	2	JUDGE FEDER: Thank you.
3	So the base really is truly	З	JUDGE STRICKLER: How many
4	everybody in the U.S. with that large a	4	stations were metered? I mean, excuse me, how
5	sample. But you need that large because of	5	many meters were out in public in the United
6	the filters to take it down.	6	States in the period 2000 to 2003, if you
7	Once you get into that spot, it	7	know?
8	would be not an impossible analysis but a	8	THE WITNESS: I don't know off the
9	difficult one because you would have to go	9	top of my head.
10	into a secondary step that would say let's	10	JUDGE STRICKLER: Not even
11	now, instead of just looking for viewing to a	11	ballpark?
12	given station during a given time period, what	12	THE WITNESS: I mean, if I had to
13	we would have to do is start computing cable	13	quess, I'd put the number probably at that
14	coverage to go what are the cable systems for	14	point in time as somewhere in a five to ten
15	which each of these stations is then available	15	thousand kind of range maybe. It expanded
15	and how many homes do we have within those	15	greatly into the mid 2000s with the advent of
17	stations that would be considered distant?	17	the Local People Meter and a shift that we
18	It's a step that we don't actually	18	made then in terms of how we accumulated
19	need to do to process the data as we do it.	19	households both locally and nationally. But
20	And, therefore, to estimate it would be kind	20	the sample sizes were substantially lower at
21	of, would be a separate full-custom study to	21 22	the time of this analysis.
22	produce it. And, again, quite frankly, it		JUDGE STRICKLER: Thank you.

	Page 318		Page 320
1	CHIEF JUDGE BARNETT: Just to ask	1	A That's correct.
2	you to say this for the third time, you	2	Q This is a national sample of
3	distributed diaries to 100,000 households each	3	households. And then there's a sample of
4	of the four weeks	4	station that you've been asked to study by
5	THE WITNESS: Twenty-five thousand	5	MPAA, correct?
6	during each week of the four weeks, so it's	6	A That is correct.
7	four independent samples of 25,000, roughly	7	Q And when you're going through your
8	25,000 each.	8	elimination process, that sample of stations
9	CHIEF JUDGE BARNETT: And they're	9	does not shrink. It's the data, because of
10	not the same over those four weeks?	10	the elimination, the data that's contributing
11	THE WITNESS: That's correct. And	11	to your study that has been eliminated, not
12	then as you go through the sweeps, those are	12	the number of samples, though, right?
13	also not the same.	13	A That is correct.
14	CHIEF JUDGE BARNETT: Not the same	14	Q And the national sample, the
15	between May and July?	15	sample of households, diary households, that
16	THE WITNESS: That's correct.	16	doesn't change either. It's a question of
17	CHIEF JUDGE BARNETT: Okay. Thank	17	whether or not there's reported or non-
18	you.	18	reported viewing within that sample; is that
19	THE WITNESS: And that's an	19	correct?
20	important thing because if they were the same	20	A And, you know, technically,
21	homes then you'd run into situations of going	21	whether viewing by that household would be
22	is there, that's where you get into that idea	22	compensable or not so that you're saying if it
Earnaigh na na le a féirth an Anna	Page 319		Page 321
1	of the number of unique people and whether	1	wouldn't be, because it was local, then it is
2	it's the same folks who were viewing or not.	2	really counting as a zero. If it wouldn't be
3	The very fact that they're independent samples	3	because it was non-cable or for whatever
4	means that the potential is there for	4	reasons, it wouldn't be included and it would
-5	somebody, 8:00 on Monday with this particular	5	be indicated again as zero.
6	station, that there would be no viewing. On	6	Q Now, going back to the issue of
7	the other hand, when you get into the	7	non-reported viewing, in your view, do the
8	following week at 8:00 on Monday, there may	8	instances of non-reported viewing, did they
9	very well be because you've got an independent	9	invalidate the results of your study?
1			
10	sample now that could. And then the following	10	A No. They're not only consistent,
10 11		10 11	
	sample now that could. And then the following		A No. They're not only consistent,
11	sample now that could. And then the following week there could be, which is, again, why you	11	A No. They're not only consistent, but it is given and I hate to keep going
11 12	sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate	11 12	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind
11 12 13	sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples.	11 12 13	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given
11 12 13 14	sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples. BY MR. OLANIRAN:	11 12 13 14	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given point in time, that it is a virtual
11 12 13 14 15	sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples. BY MR. OLANIRAN: Q I just need to go back really	11 12 13 14 15	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given point in time, that it is a virtual statistical certainty that you would be having
11 12 13 14 15 16	<pre>sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples.</pre>	11 12 13 14 15 16	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given point in time, that it is a virtual statistical certainty that you would be having those types of zero cells. So it's not only
11 12 13 14 15 16 17	<pre>sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples.</pre>	11 12 13 14 15 16 17	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given point in time, that it is a virtual statistical certainty that you would be having those types of zero cells. So it's not only that it invalidates or makes you feel that the
11 12 13 14 15 16 17 18	<pre>sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples.</pre>	11 12 13 14 15 16 17 18	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given point in time, that it is a virtual statistical certainty that you would be having those types of zero cells. So it's not only that it invalidates or makes you feel that the data set is bad, it is something that, in
11 12 13 14 15 16 17 18 19	<pre>sample now that could. And then the following week there could be, which is, again, why you want to accumulate over time to accumulate those independent samples.</pre>	11 12 13 14 15 16 17 18 19	A No. They're not only consistent, but it is given and I hate to keep going back to it but it is something to keep in mind again. The low levels of tuning at any given point in time, that it is a virtual statistical certainty that you would be having those types of zero cells. So it's not only that it invalidates or makes you feel that the data set is bad, it is something that, in fact, you know, can and should be expected

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1 MR. OLANIRAN: I have two more	1 MR. OLANIRAN: Okay. No further
2 questions.	2 questions, your Honor.
3 CHIEF JUDGE BARNETT: All right.	3 CHIEF JUDGE BARNETT: Thank you.
4 Go ahead.	4 It is 4:36. We will be at recess until 9:00
5 BY MR. OLANIRAN:	5 in the morning. Thank you all, and we will,
6 Q The other question I had was if	6 I will Judge Feder has all of his documents
7 you looked at station X on a particular day at	7 on his iPad. Isn't he special? Judge
8 a particular quarter hour and you looked at	8 Strickler schlepped all of his over here, and
9 all of the households contributing to viewing	9 I schlepped mine over and left them in the
10 on that station, and let's say they were all	10 room. So I'll bring mind out tomorrow. We'll
11 zero, is there a way to tell whether or not	11 be all set with regard to paper, and we'll see
12 those households are watching actually, let	12 you at 9:00 in the morning. Thank you.
13 me strike that question but go back to the	13 (Whereupon, the foregoing matter
14 same hypothetical. If you had station X, a	14 was concluded at 4:36 p.m.)
15 particular quarter hour on a particular day,	15
16 and let's say, for two households let's say	16
17 you had non-reported viewing to that station	17
18 for that particular quarter hour, would you	18
19 need to know whether or not, can you tell from	19
20 just that information whether those two	20
21 households were watching something else?	21
22 A No.	22
Secure 1 in calma estadora parte estadora e no aconer estadora e contractivo contra de la contra entre estador A	
Page 32	3
1 Q Okay. And also, if I took station	
2 X and I added up all of the instances of non-	
3 zero, of non-reported viewing, what could I	
4 infer from the tabulation of just the zeros on	
5 that station?	
6 A The important thing to keep in	
7 mind with this type of question is if you	
8 think about my analogy of saying each quarter	
9 hour is a sampling point, that it is, in fact,	
10 important to include all of the sampling	
11 points in whatever type of analysis you're	
12 choosing to do, whether, again, by time period	
13 or program or station or however you're adding	
14 it up, fundamentally, going through and	
15 picking sampling points based upon the data	
16 piece that's in there is, in fact,	
17 fundamentally, a wrong thing to do and one	
18 that doesn't mean anything. You would expect	
19 cells to have zeros, but to pick only those	
20 cells that have zeros, it is not the way to	
21 look at it. It has to be accumulated and	
22 added together in order to have the validity.	

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# COPYRIGHT ROYALTY BOARD THE LIBRARY OF CONGRESS

IN THE MATTER OF: DISTRIBUTION OF 2000,

2002, 2003 CABLE

ROYALTY FUNDS

: :No. 2008-02 : :CD 2000-03 :Phase II

Tuesday, June 4, 2013

Fourth Floor Hearing Room Madison Building Library of Congress 101 Independence Avenue, SE Washington, DC

The above-entitled matter came on for

hearing, pursuant to notice, at 9:00 a.m.

BEFORE: THE HONORABLE SUZANNE M. BARNETT, Chief Judge THE HONORABLE JESSE FEDER THE HONORABLE DAVID STRICKLER

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Washington, DC 20037-1122	EXHIBIT NO. DESCRIPTION MARK RECD
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On Behalf of the Independent Producers	507 Regression Analysis 645 646
Group :	
	MPAA
BRIAN D. BOYDSTON, ESQ.	
ef. Dick ( Developer IID	364 Direct Testimony of
of: Pick & Boydston, LLP 10786 LeConte Avenue	Dr. Jeffrey Gray. 441 442
Los Angeles, CA 90024	365 Rebuttal Testimony of
(213) 624-1996	Dr. Jeffrey Gray 441 442
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	1 P-R-O-C-E-E-D-I-N-G-S
	2 9:03 A.M.
	3 CHIEF JUDGE BARNETT: We are back
On Behalf of the Motion Picture	4 on the record in the matter of the
Association of America:	5 distribution of cable royalty funds for the
Association of America.	6 years 2000-2003, Phase II.
	7 And Mr. Olaniran, had you
GREGORY O. OLANIRAN, ESQ.	8 completed your examination of your client, of
LUCY HOLMES PLOVNICK, ESQ.	
	9 your witness?
KIMBERLY NGUYEN, ESQ.	10 MR. OLANIRAN: Yes, Your Honor.
of: Mitchell Silberberg & Knupp, LLP	11 CHIEF JUDGE BARNETT: Okay, thank
1818 N Street, Northwest	12 you.
Eighth Floor	13 Mr. Boydston.
Washington, DC 20036	14 MR. BOYDSTON: Thank you, Your
(202) 355-7917	15 Honor.
	16 CROSS EXAMINATION
	17 BY MR. BOYDSTON:
ALSO PRESENT:	18 Q Good morning, Mr. Lindstrom.
	19 A Good morning,
	20 Q My name is Brian Boydston. I'm
RAUL GALAZ DENISE VERNON	20 Q My name is Brian Boydscon. 1 m 21 the attorney for Independent Producers Group.

1		1	Down 271
	Page 369		Page 371
1	diary data to the MPAA in connection with this	1	Q Are you familiar with the
2	proceeding, correct?	2	September 2001 distribution order that came
3	A That is correct.	3	out of those 1997 proceedings?
4	Q And that that information	4	A I don't recall the details.
5	constituted diary information for the four	5	Q Have you reviewed it at some time
6	sweeps weeks during each of the relevant four	6	though?
7	years, correct?	7	A I'm sure that I have, but I don't
8	A Including March and October in	8	recall when I did though.
9	some instances as well.	9	Q Fair enough. Do you recall that
10	Q Understood, thank you. Now I just	10	in that decision on the '97 proceedings the
11	want to confirm, I think you may have	11	CARP referenced a high incidence of zero
12	mentioned in your direct testimony, but I	12	viewing in the Nielsen diary data?
13	don't know if it guite made this clear. It	13	A Yes, I do.
14	seems an obvious point, but these ratings	14	Q And do you recall that in the '97
15	data, they don't reflect actual viewing by the	15	proceedings it was found that the aggregate
16	population that they're serving. They	16	zero viewing equaled 73 percent of all major
17	represent viewing based on discrete numbers of	17	broadcasts?
18	people within the population being surveyed,	18	A I don't recall the details of it.
19	correct?	19	Q Would that figure of 73 percent
20	A If I understand the question	20	surprise you or does that seem out of whack?
21	correctly, it is a sample that is being	21	A No, it's actually very much in
22	measured rather than the full census	22	line that even with the people meter that
9499° 1000 - 1000 - 1000			
	Page 370		Page 372
1			
1	population.	1	currently is the source of what's done for a
1 2	population. Q And so for instance, when there's	1	\$70 billion advertising business, that if you
			-
2	Q And so for instance, when there's	2	\$70 billion advertising business, that if you
2 3	Q And so for instance, when there's a diary entry for a particular program at a	2 3	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously,
2 3 4	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be	2 3 4	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact,
2 3 4 5	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional	2 3 4 5	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously,
2 3 4 5 6	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct?	2 3 4 5 6	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of
2 3 4 5 6 7	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct.	2 3 4 5 6 7	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more,
2 3 4 5 6 7 8	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as	2 3 4 5 6 7 8	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with
2 3 4 5 6 7 8 9	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less	2 3 4 5 6 7 8 9	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard
2 3 4 5 6 7 8 9 10	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households?	2 3 4 5 6 7 8 9 10	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement.
2 3 4 5 6 7 8 9 10 11	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in	2 3 4 5 6 7 8 9 10 11	\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer
2 3 4 5 6 7 8 9 10 11 12	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could	2 3 4 5 6 7 8 9 10 11 12	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings,</pre>
2 3 4 5 6 7 8 9 10 11 12 13	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range	2 3 4 5 6 7 8 9 10 11 12 13	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct?</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part.	2 3 4 5 6 7 8 9 10 11 12 13 14	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct.</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part. Q And I understand that you've	2 3 4 5 6 7 8 9 10 11 12 13 14 15	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct. Q And I assume you're talking on a</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part. Q And I understand that you've appeared in these proceedings for quite some	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct. Q And I assume you're talking on a national level in your previous comment?</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part. Q And I understand that you've appeared in these proceedings for quite some time, decades?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct. Q And I assume you're talking on a national level in your previous comment? A Yes, I was.</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct?</li> <li>A That is correct.</li> <li>Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households?</li> <li>A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part.</li> <li>Q And I understand that you've appeared in these proceedings for quite some time, decades?</li> <li>A That's correct.</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct. Q And I assume you're talking on a national level in your previous comment? A Yes, I was. Q On a national level would one see</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct? A That is correct. Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households? A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part. Q And I understand that you've appeared in these proceedings for quite some time, decades? A That's correct. Q And you appeared on behalf of the	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct. Q And I assume you're talking on a national level in your previous comment? A Yes, I was. Q On a national level would one see that sort of incidence of zero viewing for</pre>
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>Q And so for instance, when there's a diary entry for a particular program at a particular time, one diary entry may be extrapolated on to a number of additional households, correct?         <ul> <li>A That is correct.</li> <li>Q Sometimes maybe it could be as much as 10,000, maybe more, maybe less households?</li> <li>A Ten thousand would be high in terms of those weights, but it possibly could go that high. It's probably more in the range of a thousand for the most part.</li> <li>Q And I understand that you've appeared in these proceedings for quite some time, decades?</li> <li>A That's correct.</li> <li>Q And you appeared on behalf of the MPAA in the 1997 proceedings that took place</li> </ul> </li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<pre>\$70 billion advertising business, that if you dive into it that there's approximately 65 percent of the quarter hours would, in fact, be zero viewing for stations. Now obviously, that's in direct relationship to the size of the audience to those stations, some more, some less. But that is not inconsistent with what's currently out there in the standard audience measurement. Q You mentioned, in your answer right now, you mentioned metered ratings, correct? A That is correct. Q And I assume you're talking on a national level in your previous comment? A Yes, I was. Q On a national level would one see that sort of incidence of zero viewing for diaries as opposed to metered ratings?</pre>

	Page 373		Page 375
1	surprising to see those types of levels. And	1	A That's correct.
2	again, in direct relationship to the size of	2	Q Okay. Now isn't it true that the
3	the station that's trying to be measured. And	3	September 2001 order on the '97 proceedings
4	we try and be very inclusive for all stations	4	directed the MPAA to decrease the incidence of
5	and therefore there are a lot with very small	5	zero viewing in its study if it was going to
6	viewing levels.	6	use such Nielsen data in the future?
7	Q From your testimony yesterday, my	7	A I don't recall.
8	recollection is that you were saying that the	8	Q Let me ask you to take a look at
9	diary ratings or the ratings derived from	9	what's been marked as Exhibit 7 in the
10	diaries, there are many more diaries and much	10	document in front of you there which is the
11	more diary data that Nielsen collects than	1,1	testimony of Raul Galaz in rebuttal to the
12	metered data, correct?	12	direct statement of MPAA-represented program
13	A There are more sample households	13	suppliers and that's Exhibit 7 to the Galaz
14	that are being measured. The extent of the	14	testimony in rebuttal to the MPAA.
15	data that's being collected, because the meter	15	A Exhibit 7?
16	is 365 days a year, is very extensive, so I	16	Q Yes. And you can go past that
17	wouldn't phrase it that way. But there are	17	page that just says Exhibit 7. I'll represent
18	certainly much larger sample sizes with the	18	to you that this is a printout of one of the
19	diary.	19	Nielsen data, raw data files that was provided
20	Q In terms of number of households	20	to IPG in this matter. And if you could just
21	covered, my understanding from your testimony	21	look at the first page or so. Does this look
22	was that the diaries are much greater than the	22	like, does the data that's represented here
410 Y 40 Y			
	Page 374		Page 376
1	meters?	1	look like Nielsen diary data to you?
2	A That is correct.	2	A Yes, it does.
3	Q On what kind of a scale?	3	Q And my understanding is these are
4	A I don't know exactly what the	4	supposed to be representing 16 weeks of
5	metered sample was at the time, but I would	5	television viewing, correct?
6	estimate maybe 5,000 or 10,000 during that	6	A If it's 2003, I would I would
7	period of time. Currently, right now,	7	assume, but I'm not completely sure.
8	nationally, it's 25,000. And the diary itself	8	Q Okay, part of the reason for my
9	is about 25,000 per week within independent	9	inquiry here is that in terms of well, do
10	samples so that we're measuring about 400,000	10	you see it's about the fourth column over.
11	plus households a year with the diary.	11	It's entitled zero viewing instances, no, no.
12	Q So at the time in question, 2002,	12	It's the next one, aggregate instances.
13	2003, your estimate, just refresh my	13	My understanding is those figures
14	recollection, your estimate at that time is	14	under aggregate instances, the first of which
15	that there must have been a couple hundred	15	is 13,440, that these are the number of
16	thousand diary households and what did you	16	quarter hour time periods measured in these
17	say, 25,000 meters?	17	different entries. Is that correct?
18	A No, it's 25,000 now. It might be	18	A That would be my interpretation.
19	5,000 or 10,000. I honestly don't recall.	19	Q Now I'm going to have to do a
20	Q So there could be as much as a 40	20	little math here because I want to try and
1	to 1 ratio during this time period of diaries	21	figure out how many guarter hours are in a
21	to i facto during this time period of dialies		nagere oos nee manj desses neere are en a

1	Page 377		Page 379
1 -	time periods are in a 16-week sweeps sample.	1	would end up adding a considerable degree of
2	And my calculation is that there are 4 quarter	2	quarter hours to that.
3	hours in every hour, multiplied by 24 hours in	3	Q Right. It just seems from the
4	a day, multiplied by 7 days in a week,	4	mathematical standpoint there may be some time
5	multiplied by 16 weeks gives a product of	5	even in addition to those two months, would
6	10,752. And we can do it on our calculators.	6	you agree? Because two months would be an
7	Does that sound right to you?	7	additional 8 weeks, because 8 plus 16 would be
8	A The math as you were running	8	24. And as I say, the second entry represents
9	through, I didn't follow and multiply it out	9	32 weeks of quarter hour periods, so it seems
10	to the 10,000.	10	that there must be some additional data coming
11	Q Should we do that very quickly?	11	into these beyond just the regular sweeps
12	Would you mind doing that very quickly just to	12	weeks, the additional two months of October
13	confirm that? I can give you a paper and	1.3	and May. Do you know where that other time is
14	pencil or do you have the ability to do it in	14	coming from?
15	your head?	15	MR. OLANIRAN: Your Honor, I'd
16	So it was 4 quarter hours times 24	16	like to object to Mr. Boydston's line of
17	hours in a day times 7 days a week times 16	17	questioning.
18	weeks.	18	Mr. Boydston is actually implying that this
19	A Somewhere around 11,000 or so.	19	data that we're looking at is in fact the raw
20	Q The figure I had was 10,752. Now	20	data that Nielsen provided to IPG. In fact,
21	as I look back at Exhibit 7, under the	21	it is not. This is an analysis that was
22	aggregate instances which is listing the	22	prepared, I suppose, by Mr. Galaz, or someone
Surveyor March			distruction in the state attraction of the development of the development of the development of the state of the attraction of the development of t
	Page 378		Page 380
1	number of quarter hour time periods, what I	1	at IPG. For the purpose of this proceeding,
2	see are numbers generally in excess of that,	2	Nielsen does not, for example, if you look at
3		l .	
5	some close to double that or in fact, exactly	3	the last column, does not do zero viewing
4	some close to double that or in fact, exactly double that such as the second entry at	3 4	the last column, does not do zero viewing instances in its raw data.
			the last column, does not do zero viewing instances in its raw data. This is not the data or the format
4	double that such as the second entry at	4 5 6	the last column, does not do zero viewing instances in its raw data.
4 5	double that such as the second entry at 21,504. Now it would appear to me that that	4 5 6 7	the last column, does not do zero viewing instances in its raw data. This is not the data or the format in which you will find the Nielsen data. So -
4 5 6	double that such as the second entry at 21,504. Now it would appear to me that that means that on that second entry of WTBS that	4 5 6 7 8	the last column, does not do zero viewing instances in its raw data. This is not the data or the format in which you will find the Nielsen data. So - - MR. BOYDSTON: That contradicts
4 5 6 7	double that such as the second entry at 21,504. Now it would appear to me that that means that on that second entry of WTBS that appears on the first page of Exhibit 7 that that would mean that actually what was being presented here in this raw data was more than	4 5 7 8 9	<pre>the last column, does not do zero viewing instances in its raw data.     This is not the data or the format in which you will find the Nielsen data. So MR. BOYDSTON: That contradicts his testimony so far. His testimony was that</pre>
4 5 7 8	double that such as the second entry at 21,504. Now it would appear to me that that means that on that second entry of WTBS that appears on the first page of Exhibit 7 that that would mean that actually what was being presented here in this raw data was more than 16 weeks of information, more like 32 weeks.	4 5 7 8 9 10	the last column, does not do zero viewing instances in its raw data. This is not the data or the format in which you will find the Nielsen data. So - - MR. BOYDSTON: That contradicts his testimony so far. His testimony was that these numbers for minutes were what I asked
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	Page 381	.	Page 383
1	CHIEF JUDGE BARNETT: The witness	1	JUDGE STRICKLER: One of your
2	has already accepted this and has answered	2	answers before, Mr. Lindstrom, was that you
3	questions about it. You can cross examine,	3	understood that there were other reasons why
4	Mr. Olaniran.	4	- the aggregates would total more than the
5	BY MR. BOYDSTON:	5	additional two months. Counsel didn't ask you
6	Q Do you know where these additional	6	what those other instances would be that would
7	minute quarter hour periods could have come	7	account for that. Can you tell us what those
8	from? As I said, you clarified and you had	8	other instances would be?
9	already testified that in addition to the 16	9	THE WITNESS: There could be
10	sweeps, there's oftentimes time for May and	10	situations like with GN. GN, there's actually
; 11	October, But it seems like there's even more	- 11	two separate feeds that are going on, one of
12	in some of these entries and I'm just	12	which is the local GN. The other is the
13	wondering if you have knowledge as to where	13	satellite feed of GN which has in some cases
14	the other minutes come from?	14	different programming. It's possible if
15	A Again, I'm not sure where all the	15	somebody were looking at the data, they would
16	aggregates are being built up to, but there	16	aggregate up each signal individually for the
17	are many instances where that could end up	17	quarter hours and then put them together.
18	occurring.	18	JUDGE STRICKLER: Sort of a double
19	Q Okay. Have you performed an	19	count on the WGN numbers, is that what you're
20	analysis yourself in order to determine the	20	saying?
21	existence of zero viewing in the raw Nielsen	21	THE WITNESS: Potentially that's
22	data?	22	one way of thinking about it, but again, I'm
1	Page 382 A I personally have not.	1	Page 384 not sure what are the occurrences in terms of
2	Q Has someone at Nielsen done that	2	how this is built up. What I had been
3	as far as you know?	3	answering originally was going this looks to
4	A Not that I know of.	4	be consistent with the type of data that would
5	Q Do you know of anyone else who has	5	come out from what we were producing, but I'm
6	done that?	. 6	not sure where the 21,000 directly were coming
7	A Not in terms of specifically	7	from.
8	looking at that aspect that I recall.	8	JUDGE STRICKLER: And you said
9	Q My follow-up questions were	9	there were instances that you could imagine as
10	because	10	to why it would be that you have the aggregate
11	and I asked you and you said "I personally	11	totalling more than the additional two months
12	haven't" which implied to me that maybe you	12	and you just gave the WGN example. Any other
13	knew that someone else had. That was all.	13	instances or is that all that you can recall?
14	But you don't know of anyone else that has	14	THE WITNESS: That would be the
15	done that?	15	one that that type of situation would be
16	A I can only answer for myself in	16	the one that would be most likely to come to
17	this case.	17	mine.
18	Q Okay. Is	18	JUDGE STRICKLER: Anything else?
19	JUDGE STRICKLER: Excuse me,	19	THE WITNESS: Not that I can think
20	counsel. I didn't mean to step on your words.	20	offhand.
	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1		
21 22	May I ask him a question to follow up? MR. BOYDSTON: Absolutely.	21 22	JUDGE STRICKLER: Thank you.

	Page 385		Page 387
1	MR. BOYDSTON: Thank you.	1	instances, we could be looking for viewing
2	BY MR. BOYDSTON:	2	that are at levels of a 1,000 during any given
3		3	quarter hour. It takes a lot in order to find
	Q Have you reviewed the rebuttal		
4	testimony of Raul Galaz in this matter?	4	those which is why you need substantial sample
5	* A Very briefly.	5	sizes, but any given quarter hour only has
6	Q Have you reviewed the rebuttal	6	25,000 as the base sample. That's why in
7	testimony of Dr. Laura Robinson in this	7	order to analyze that data, it really is
8	matter?	8	imperative to aggregate is across time. Zero
9	A No, I haven't.	9	viewing is the specific quarter hours for
10	Q Based upon your review of Mr.	10	which the sample sizes would be relatively low
11	Galaz' rebuttal testimony, do you have any	11	comparatively. And it really is necessary to
12	disagreement that for this time period, 2000,	12	aggregate across.
13	2003 the Nielsen diary data aggregate zero	13	Q And the difficulty in doing that
14	viewing was between 78 percent and 82 percent	14	results in the incidence of zero viewing that
15	depending upon the year?	15	we see, correct?
16	A I have no reason to disbelieve	16	A Because individual guarter hours
17	that.	17	will be going against approximately a 25,000
18	Q Do you have any reason to disagree	18	sample size.
19	that the range of zero viewing for stations in	19	Q Right, if it was a 25 million
20	the MPAA viewer study was between less than 1	20	sample size, that would probably be a
21	percent and 99.9 percent zero viewing	- 21	different story, correct?
22	instances?	22	A Well, if it were two weeks, then
1		ŧ.	
al ta an a fan fan gan a fan fan de fan de fa	Page 386	androwa dan menerana ana	Page~388
1	Page 386 A I have no reason to believe that	1	Page 388 it would be 50,000; in 3 weeks, 75,000 and up
1 2		1 2	
	A I have no reason to believe that		it would be 50,000; in 3 weeks, 75,000 and up
2	A I have no reason to believe that would not be the case.	2	it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual
2 3	A I have no reason to believe that would not be the case. Q Thank you. Now is it accurate	2 3	it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is
2 3 4	<ul><li>A I have no reason to believe that</li><li>would not be the case.</li><li>Q Thank you. Now is it accurate</li><li>that some of the station data that was</li></ul>	2 3 4	it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is again not the purposes for which the study was
2 3 4 5	<ul> <li>A I have no reason to believe that</li> <li>would not be the case.</li> <li>Q Thank you. Now is it accurate</li> <li>that some of the station data that was</li> <li>provided by Nielsen to the MPAA included</li> </ul>	2 3 4 5	it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is again not the purposes for which the study was designed or terribly surprising when focusing
2 3 4 5 6	A I have no reason to believe that would not be the case. Q Thank you. Now is it accurate that some of the station data that was provided by Nielsen to the MPAA included stations that showed 100 percent zero viewing	2 3 4 5 6	it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is again not the purposes for which the study was designed or terribly surprising when focusing on that micro level.
2 3 4 5 6 7	A I have no reason to believe that would not be the case. Q Thank you. Now is it accurate that some of the station data that was provided by Nielsen to the MPAA included stations that showed 100 percent zero viewing for the selected stations?	2 3 4 5 6 7	it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is again not the purposes for which the study was designed or terribly surprising when focusing on that micro level. Q And that's the issue is that when
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	<ul> <li>A I have no reason to believe that would not be the case.</li> <li>Q Thank you. Now is it accurate that some of the station data that was provided by Nielsen to the MPAA included stations that showed 100 percent zero viewing for the selected stations?</li> <li>A I could not say one way or another for sure on that.</li> <li>Q Meaning you don't have any recollection as to whether that occurred?</li> <li>A I do not have a recollection as to that specific.</li> <li>Q Have you seen that instance before in Nielsen data?</li> <li>A I haven't looked for that specifically. It would not be, again, inconsistent if it were a station with very, very low viewing levels, again, keeping in mind that the base population that we're</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is again not the purposes for which the study was designed or terribly surprising when focusing on that micro level.</pre> Q And that's the issue is that when focusing on that micro level, this particular study has its limitations, correct? A If one were trying to decide on the audience for an individual quarter hour on a low-rated station, there would be high relative errors. Q Correct, which makes it kind of a tough yardstick to use for this, doesn't it? A No. Because the whole purpose is to aggregate programs across time. To aggregate across days on strip programming, to go across weeks and as those accumulate,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<ul> <li>A I have no reason to believe that would not be the case.</li> <li>Q Thank you. Now is it accurate that some of the station data that was provided by Nielsen to the MPAA included stations that showed 100 percent zero viewing for the selected stations?</li> <li>A I could not say one way or another for sure on that.</li> <li>Q Meaning you don't have any recollection as to whether that occurred?</li> <li>A I do not have a recollection as to that specific.</li> <li>Q Have you seen that instance before in Nielsen data?</li> <li>A I haven't looked for that specifically. It would not be, again, inconsistent if it were a station with very, very low viewing levels, again, keeping in</li> </ul>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<pre>it would be 50,000; in 3 weeks, 75,000 and up to the 400,000 plus, it's just the individual quarter hours to look for zero viewing is again not the purposes for which the study was designed or terribly surprising when focusing on that micro level.</pre> Q And that's the issue is that when focusing on that micro level, this particular study has its limitations, correct? A If one were trying to decide on the audience for an individual quarter hour on a low-rated station, there would be high relative errors. Q Correct, which makes it kind of a tough yardstick to use for this, doesn't it? A No. Because the whole purpose is to aggregate programs across time. To aggregate across days on strip programming, to go across weeks and as those accumulate, you're accumulating sample sizes which is the

	Page 389		Page 39
1	the people meter that I discussed of going	1	you will find viewing in subsequent airings.
2	becomes an acceptable measure because, in	2	And we're not producing the data specifically
3	fact, you aggregate across time.	3	in the type of analysis that you're speaking
4	Q Now the figures I mentioned a	. 4	to other than the end product as I understand
5	minute ago, in the '97 proceedings, there were	5	it is ultimately an aggregation, by program
6	73 percent zero viewing in the raw Nielsen	6	across time which is where you do end up sort
7	data and of these proceedings on these years	7.	of adding in the subsequent viewing. And you
8	it's between 78 and 82. Based on those simple	8	would not have anywhere near 80 percent of the
9	numbers, it seems clear that in this study for	9	programs with no viewing.
10	these years, the incidence of zero viewing is	10	JUDGE STRICKLER: Yes, so when we
11	certainly higher, isn't it? I mean it's 82	11	see 80 percent zero viewing, we're not saying
12	percent versus 73 percent on the high end,	12	let me ask it this way, is that statistic
13	correct?	13	showing that a particular show, a low-rated
14	A But at the same time I think it's	14	show, we'll call it Watching Paint Dry, a low-
15	imperative to go. It's not 80 percent of the	15	rated show. It's not zero every time, every
16	programs, in fact, have zero viewing. And so	16	quarter hour.
17	that all that that might tell you in terms of	-17	THE WITNESS: No.
18	a decline or an increase rather and the degree	18	JUDGE STRICKLER: Those 80 percent
19	of zero viewing would suggest that there is	19	zeros could be Watching Paint Dry, Watching
20	probably more fragmentation in the marketplace	20	Grass Grow, two different shows.
20	that would cause distant signals to perhaps	21	THE WITNESS: Right. And if it
21	have slightly less viewing. That is really	22	turned out that it was on five days a week and
~~~~	have blightly responses the start in the starty		
	Page 390		Page 3
1	the main conclusion that you can draw from	1	three days nobody watched it, not nobody
2	that type of data set.	2	watched it, but no viewing was recorded and in
3	JUDGE STRICKLER: I have a	3	the fourth and fifth day there was viewing
4	question for you about the zero viewing	1	
-	question for you about the zero vicking	4	that was recorded, it would still show under
5	question for you about the zero vicinity quarter hour segments. You said as the sample	4 5	that was recorded, it would still show under that scenario 65 percent zero viewing. But
5	quarter hour segments. You said as the sample	5	that scenario 65 percent zero viewing. But
5 6	quarter hour segments. You said as the sample gets larger, you tend to correct for that.	5	that scenario 65 percent zero viewing. But the accumulated viewing across the five days
5 6 7	quarter hour segments. You said as the sample gets larger, you tend to correct for that. Does Nielsen know whether or not the quarter	5 6 7	that scenario 65 percent zero viewing. But the accumulated viewing across the five days would be a fairly accurate or a reasonably
5 6 7 8	quarter hour segments. You said as the sample gets larger, you tend to correct for that. Does Nielsen know whether or not the quarter hours for the survey for one week which is a	5 6 7 8	that scenario 65 percent zero viewing. But the accumulated viewing across the five days would be a fairly accurate or a reasonably accurate reflection. And as you went across
5 6 7 8 9	quarter hour segments. You said as the sample gets larger, you tend to correct for that. Does Nielsen know whether or not the quarter hours for the survey for one week which is a zero, whether or not the zero repeats for that	5 6 7 8 9	that scenario 65 percent zero viewing. But the accumulated viewing across the five days would be a fairly accurate or a reasonably accurate reflection. And as you went across weeks so that you have independent samples
5 7 8 9 10	quarter hour segments. You said as the sample gets larger, you tend to correct for that. Does Nielsen know whether or not the quarter hours for the survey for one week which is a zero, whether or not the zero repeats for that same quarter hour for that same low-rated show	5 6 7 8 9 10	that scenario 65 percent zero viewing. But the accumulated viewing across the five days would be a fairly accurate or a reasonably accurate reflection. And as you went across weeks so that you have independent samples adding to it, it will be a better and better
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5 6 7 8 9 10 11 12 13 14 15 16 17 18	quarter hour segments. You said as the sample gets larger, you tend to correct for that. Does Nielsen know whether or not the quarter hours for the survey for one week which is a zero, whether or not the zero repeats for that same quarter hour for that same low-rated show in the next survey and then survey and the next survey or are these zeros all across the low-rated shows and you don't figure out which is which? THE WITNESS: No, well, we don't take that step in the analysis. That's done further down the line. But that's sort of the way that this works is the idea that you may	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	that scenario 65 percent zero viewing. But the accumulated viewing across the five days would be a fairly accurate or a reasonably accurate reflection. And as you went across weeks so that you have independent samples adding to it, it will be a better and better number the more weeks and sweeps that are being combined. BY MR. BOYDSTON: Q Now isn't it true there are instances of zero viewing and not just for guote unquote small shows or small stations, but even big stations as well, is it not true that for instance WGN by far and away the largest station that's distantly retransmitted

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	Page 397		Page 399
1		1	information from the raw Nielsen data?
1	but I'm quite sure that Mr. Nielsen did not	2	A I recognize that it contains data
2.	prepare this document.		
3	CHIEF JUDGE BARNETT: The	3	that wouldn't have been there as well, given
4	objection is sustained. Exhibit 7 to the	4	some of my perhaps speculation on the last
5	rebuttal testimony is rejected.	5	one, I think I need to avoid this one. We
6	MR. BOYDSTON: Not admitted.	6	didn't do data that was connected with the
7	CHIEF JUDGE BARNETT: Not	7	application of the program names.
8	admitted.	8	Q Okay, are you referring to field
9	(Laughter.)	. 9	three there?
10	MR. BOYDSTON: Thank you.	10	A Yes, which seems to be a key
11	CHIEF JUDGE BARNETT: I know	11	component of the data set.
12	you'll make another stab at it, Mr. Boydston.	12	Q Is there anything else in this
13	MR. BOYDSTON: I appreciate that.	13	that you would add to that field three in your
14	Thank you.	14	answer?
15	MR. HARRINGTON: Your Honor, if I	15	A I am not sure what the rest of the
16	could be heard for a second?	16	fields are either, but I do know that, in
17	CHIEF JUDGE BARNETT: You may.	. 17 🔹	fact, the program name data we did not get
18	MR. HARRINGTON: I note we didn't	18	involved with.
19	state a position on this, but the fact is	19	Q Okay, the field at the far right,
20	we've never received this document. We	20	do you have a recognition of what that is,
21	haven't received any of the proposed exhibits	21	based upon what the raw Nielsen data is?
22	that IPG has exchanged regarding MPAA. And if	22	A I'm not sure offhand. I could
	Page 398		Page 400
1	we're going to have a meaningful involvement,	1	speculate.
		2	Q What's your speculation?
2	we would like to be provided with a copy of	3	A Actually, I'm not completely sure.
3	the exhibits that are going to be proposed for		CHIEF JUDGE BARNETT: We're not
4	entry in this case.	5	going to ask witnesses to speculate.
5	MR. BOYDSTON: Your Honor, this is		
6	not the case against SDC. I'm not talking to	6	MR. BOYDSTON: He said I could
. 7	an SDC witness.	7	speculate. That's why I followed up.
. 8	CHIEF JUDGE BARNETT: Mr.	8	CHIEF JUDGE BARNETT: Could, but
9	Boydston, I thought we had made it clear that	9	he's not allowed to.
10	all documents were to be provided to all	10	MR. BOYDSTON: Fair enough.
11	parties and so to the extent that you have not	11	BY MR. BOYDSTON:
12	provided MPAA to Mr. Harrington or SDC	12	Q Let me ask you to look back at
13	documents to Mr. Olaniran, you need to do	13	Exhibit 7 and do you see stations on the left
14	that.	14	hand side of that document that based upon
15	MR. BOYDSTON: All right. I mean	15	your experience you would believe were
16	the only reason we haven't is as I said	16	probably independent stations as opposed to
17	CHIEF JUDGE BARNETT: I understand	. 17	network stations?
18	your point, but you need to understand ours.	18	A Yes.
19	MR. BOYDSTON: Okay.	19	Q And do you see that those
20	BY MR. BOYDSTON:	20	independent stations and I realize that this
21	Q With regard to Exhibit 8, do you	21	is something that did not come from Nielsen,
22	recognize this exhibit as containing	22	but they show an incidence of zero viewing on

	the second s	1	
	Page 401		Page 403
1	the far right hand corner, at least as	1	Q I don't know if it's in front of
2	represented in this document?	2	you there or not, but I think I can ask a
3	A Yes.	3	question and you can answer it without it in
4	Q Do you have any reason to believe	4	front of you. If not, let me know. What I'm
5	that there would be a difference between zero	5	referring to is your statement that you talked
6	viewing of an independent station and a	6	about yesterday and you provided several
7	network station?	7	changes in your statement, as of yesterday, do
8	A There could be differences,	8	you recall that?
9	depending on how this was calculated.	9	A I do.
10	Q Just based upon what you see here,	10	Q And particularly on page six of
11	do you see that or do you believe that	11	your testimony, you changed the references a
12	network-affiliated stations have a higher	12	couple of times from the MPAA analysis, or
13	incidence of zero viewing than network	13	excuse me, the Nielsen custom analysis to Dr.
14	stations?	14	Gray's custom analysis. Do you recall that?
15	A I'm not familiar with all the	15	A Yes, I do.
16	stations. I couldn't divvy them up in my	16	Q When you refer to Dr. Gray's
17	mind.	17	custom analysis, what exactly is it you're
18	Q Okay, let me ask the question just	18	referring to?
19	a little different way. In general, is it	19	A I'm referring to an analysis
20	your belief that network-affiliated stations	20	that's downstream from the work that Nielsen
21	would have a different, fundamentally	21	did. We produced quarter hours, estimates of
22	different zero viewing incidents than network	22	quarter hours of viewing for distant cable
	Page 402		
		1	Pade 404
1		1	Page 404 households among individual stations on a
1	stations?	1	households among individual stations on a
2	stations? A The main reason why there would be	2	households among individual stations on a quarter hour basis. And down the line from
2 3	stations? A The main reason why there would be a difference depending on how the calculations		households among individual stations on a quarter hour basis. And down the line from that point in time, program names were affixed
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	Page 405		Page 40'
1	the question. He used the terminology in his	1	further downstream from the work that we were
2	testimony.	2	doing.
3	THE WITNESS: The piece that the	3	Q And how do you know that?
4	adjustment had been made for was the notation	4	A Because we didn't do it.
5	regarding two aspects of zero viewing, one of	5 -	Q Well, how do you know it was done
6	which was taking out, in fact, the broadcast	6	in the first place then?
7	network; viewing guarter hours that would not	7	A It is my understanding that it's
8	have been compensable. We are producing	8	done. I couldn't sit and tell you the details
9	viewing data for all stations for all quarter	9	of how I know that.
10	hours without tying to program name, so that	10	Q Well, you say that you know it,
11	step within the process to take out	11	something must have made you know it?
12	noncompensable quarter hours would have been	12	A I would say that I may have
13	done further on and would have been part of	13	overstepped my statement in too strong a way.
14	included within Dr. Gray's analysis. And the	14	And in fact, I would requalify that as saying
15	same with GN, where comparisons were necessary	15	I, in fact, have I have no positive
16	in order to determine which quarter hours	16	confirmation to say one way or another that it
17	should be included or not having to do with	17	was done. I only can speak to the data set
18	the comparison of the national satellite feed	18	that we provided which is again, the estimates
19	versus the local feed and where there are	19	of the audience on a distant cable basis on a
20	differences.	20	station by station.
20	BY MR. BOYDSTON:	21	Q I'm sorry, I beg your pardon. The
22	Q So are you saying that after	22	data set you produced did include
1.	Page 406 Nielsen provided the raw data to Dr. Gray	1	noncompensable programming, correct?
2	which included things like noncompensable	2	A It would because we wouldn't have
3	programming, network programming, if you will,	3	gone through to identify the program level
4	that after that, Dr. Gray removed that	4	data. It has to be done once the program
5	noncompensable programming from the data set	5 -	schedules are affixed.
6	you received from Nielsen and then did	6	Q And noncompensable programming.
7	something with it?	7.	includes, for instance, network programming,
8	A We provided our data to the MPAA	8	correct?
9	which was then gone on to Dr. Gray, but it is,	9	A I'm probably best not commenting
10	in fact, my understanding that that was done	10	on that because I didn't get involved with
11	in between Nielsen's work on the estimates of	11	that aspect of it.
12	the audience and Dr. Gray's final analysis.	12	Q Well, are you aware as to whether
13	Q And how do you know that?	13	or not network programming is compensable in
14	A It is my understanding that that	14	these matters?
15	is part of Dr. Gray's analysis.	15	A I am aware, but not to the extent
16	Q What's the basis for that	16	of being able to answer on details on it. To
17	understanding?	.17	a certain extent, you could almost go into a
18	A I cannot speak with full expertise	18	speculation mode. It doesn't affect what we
19	on the details of Dr. Gray's analysis, so	19	produced and as I said, I may have made a
20	Q Well, do you know if it was Dr.	20	stronger statement before than perhaps I
21	Gray who did that or some other person?	21	should have.
	A I only know that it was done	22	Q Now you said yesterday in your

	Page 409		Page 41
1.	testimony that zero viewing is a misnomer in	1	translates to no value in these proceedings?
2	the sense that when Nielsen data shows zero	2	MR. OLANIRAN: Objection, Your
3	viewing Nielsen isn't really saying no one is	3	Honor. Mr. Lindstrom is not testifying what
4	watching, correct?	4	MPAA's distribution methodology or what MPAA's
5	A Other than for analysis purposes	5	methodology is in this proceeding. He's
6	where we're putting numeric fields in, Nielsen	6	testifying to what Nielsen produced to MPAA.
7	doesn't show zero viewing.	7	CHIEF JUDGE BARNETT: Sustained.
8	Q But I think your point was and	8	And let's keep our objections to the statement
9	forgive me if I'm wrong, but your words	9	of the legal basis for the objection, please,
10	yesterday I believe were just because you have	10	not a narrative. Objection sustained.
11	something that shows no viewing under the	11	BY MR. BOYDSTON:
12	Nielsen data, doesn't mean that no one is	12	Q Do you have an understanding of
13	actually watching at that time, correct? It	13	how the MPAA study accords shares of these
14	just means that the Nielsen method did not	14	royalty pools to individual program suppliers?
15	pick that up?	15	A To the extent that my knowledge
16	A That the levels would likely have	16	goes and it is again and a step further
17	been too small to have found reported viewing.	17	downstream than what we do, but it examines
18	Yes.	18	programs and examines programs across time and
19	Q And again, this may be asking you	19	across stations in a very aggravated way.
20	to be overstepping your bounds and if not, I'm	20	And under that scenario, instances
21	sure you'll avoid that. Isn't it the case	21	with multiple stations and multiple time
22	that MPAA study accords no value to programs	22	periods coming up with zero viewing are going
	Page 410		Page 41
1	that have a zero viewing incidence?	1	to be certainly the exception to that rule.
2	A That's not true.	2	It's why again you have to keep aggregating
3	Q And why is that not true?	3	and a zero for a given quarter hour, as we
4	A Once again, it's important to keep	4	keep going back to it, zero viewing for a
4 5		5	given quarter hour doesn't mean anything. It
6	in mind sampling in the way that it works so	6	is only in that aggregation. And to the best
7	that during any individual quarter hour you may or may not find viewing in the same way	7	of my knowledge of what the MPAA does, I think
	that for any given respondent it might be a	8	it's a fair representation of the relative
8	yes or a no in terms of have they viewed. You	9	amount of viewing going to those programmings
9	would expect that to occur. But it's only	10	across times and station.
10	•	10	Q Do you think it's a fair and
11	once you only add up all of the aggravated	11	relative representation if the MPAA
12	viewing that, in fact, your estimate is	12	methodology accords no compensation whatsoever
13	accurate.	13	for a program that, in fact, does have
14	And so it's a situation that it		viewership?
15	really is necessary to add up the viewing	15	Viewersnip? MR. OLANIRAN: Objection,
16	across time.	16	relevance, Your Honor.
17	Q Yes, but to the extent that the	17	
18	MPAA study accords no royalty rights or no	18	CHIEF JUDGE BARNETT: Sustained.
19	right to actually get paid royalties out of	19	THE WITNESS: Can you rephrase
0.0	this proceeding to a program that shows up	20	that?
20			OUTER TIDOR DADNERR, You don't
20 21 22	with a zero viewing on the Nielsen data, is it not true that zero viewing in the Nielsen data	21 22	CHIEF JUDGE BARNETT: You don't have to answer.

	Page 413		Page 415
1	THE WITNESS: I'm sorry, I thought	1	size. It's whether there's a correlation of
2	you were saying go ahead with it.	2	viewing between events. And so the net result
3	CHIEF JUDGE BARNETT: I used to	3	is each program will have different
4	confuse those two all the time myself.	4	correlations or each aggregation will have
5	(Laughter.)	5	different correlations and different sample
6	BY MR. BOYDSTON:	6	sizes, causing it to again be very difficult.
7	Q Would you as an expert normally	7	BY MR. BOYDSTON:
8	provide relative error rates as part of your	8	Q You've testified a number of times
9	report?	9	in these proceedings. I understand going back
10	A It's actually a difficult question	10	a significant amount of time.
	to answer. It's something that will often be	10	MR. HARRINGTON: Asked and
11 12	-	11	
1	provided if it's asked for in terms of		answered, Your Honor.
13	syndicated data. It's frequently done. In	13	MR. BOYDSTON: There's a little
14	situations like this one, relative errors are	14	more to it.
15	exceedingly complicated because effectively	15	BY MR. BOYDSTON:
16	every single program depending on how it's	16	Q Have you ever testified on behalf
17	aggregated will have different relative	17	of Settling Devotional Claimants?
18	errors. I don't know whether it pays to go	18	A I actually don't recall. I've
19	into the reasons for that or whether you can	19	done so many of these. I don't remember as
20	accept that as what the situation is, but as	20	people have gone in and out of these
21	a result, trying to calculate out relative	21	situations. I'm also a little bit unclear on
22	errors on a study like this that will	22	exactly what the question is asking.
		Constant money or second states	
	Page 414		Page 416
1	Page 414 subsequently be aggregated at a later point is	1	Page 416 Q Sorry about that. What I was
1 2		1 2	· · · · ·
1	subsequently be aggregated at a later point is		Q Sorry about that. What I was
2	subsequently be aggregated at a later point is exceedingly difficult and cumbersome. If we	2	Q Sorry about that. What I was asking is have you ever testified in these
2	subsequently be aggregated at a later point is exceedingly difficult and cumbersome. If we had a set of numbers that we did, we could	2 3	Q Sorry about that. What I was asking is have you ever testified in these proceedings or proceedings before the CARP or
2 3 4	subsequently be aggregated at a later point is exceedingly difficult and cumbersome. If we had a set of numbers that we did, we could produce it, something along these lines, very	2 3 4	Q Sorry about that. What I was asking is have you ever testified in these proceedings or proceedings before the CARP or before its predecessor the CRT on behalf of
2 3 4 5	subsequently be aggregated at a later point is exceedingly difficult and cumbersome. If we had a set of numbers that we did, we could produce it, something along these lines, very hard. And they will differ all over the place	2 3 4 5	Q Sorry about that. What I was asking is have you ever testified in these proceedings or proceedings before the CARP or before its predecessor the CRT on behalf of Settling Devotional Claimants prior to now?
2 3 4 5 6	subsequently be aggregated at a later point is exceedingly difficult and cumbersome. If we had a set of numbers that we did, we could produce it, something along these lines, very hard. And they will differ all over the place and need separate calculations for each.	2 3 4 5 6	Q Sorry about that. What I was asking is have you ever testified in these proceedings or proceedings before the CARP or before its predecessor the CRT on behalf of Settling Devotional Claimants prior to now? A Again, I can't remember off the
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	subsequently be aggregated at a later point is exceedingly difficult and cumbersome. If we had a set of numbers that we did, we could produce it, something along these lines, very hard. And they will differ all over the place and need separate calculations for each. JUDGE STRICKLER: Excuse me, counsel. Can you define that term formally, relative errors? THE WITNESS: Relative error would be the relationship of the standard error to the number that's being measured. So if we produced a 10 rating, for example, and it had a standard error of 2.5 points, it would be a 25 percent relative error. And so it's a gauge of how tight the fit will be. It's kind of a direct reflection of standard error. The reason why it differs is that one of the key components in calculating	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<ul> <li>Q Sorry about that. What I was asking is have you ever testified in these proceedings or proceedings before the CARP or before its predecessor the CRT on behalf of settling Devotional Claimants prior to now?</li> <li>A Again, I can't remember off the top of my head whether I have specifically done it. I have certainly been cross examined by the devotionals. I know that. (Laughter.)</li> <li>Q Have you testified on behalf of anyone other than the MPAA in these proceedings?</li> <li>A Again, I don't recall. I have done work for other claimants. I do not recall whether I was specifically called for those studies independent of the work that I've done with the MPAA. But we are fundamentally Nielsen is a fence-sitter,</li> </ul>

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1	Q Nothing further.	1	A I would tend not to do linear
2	CHIEF JUDGE BARNETT: Mr.	2	relationships in terms of television viewing
3	Harrington?	3	overall.
4	MR. HARRINGTON: Yes, Your Honor,	4	Q Thank you very much. That's all I
5	just one or two questions.	5	have.
б	CROSS EXAMINATION	6	CHIEF JUDGE BARNETT: Mr.
7	BY MR. HARRINGTON:	7	Olaniran?
8	Q Mr. Lindstrom, in your experience	8	REDIRECT EXAMINATION
9	reviewing viewing data, have you found that	9	BY MR. OLANIRAN:
10	viewing is constant across a 24-hour day or	10	Q Good morning, Mr. Lindstrom. Greg
11	does it change from quarter hour to quarter	11	Olaniran for MPAA. I just have a couple of
12	hour? Let's assume national aggregate	12	very quick questions.
13	numbers.	13	Just so we're clear, this zero
14	A Change in which way, if you could	14	viewing idea we're talking about, when you're
15	just	15	looking at a particular station on a
16	Q So do the same number of people	16	particular date at a particular quarter hour
17	watch television generally, all programs at	17	and the specific households that are viewing
18	say six in the morning or six in the	18	that station, is that your understanding of
19	afternoon?	19'	what the zero viewing instances are?
20	A No, it changes throughout the	20	A They're instances of particular
21	course of the day.	21	stations, particular households, particular
22	_ Q It does. And are how would you	22	days and particular quarter hours, yes.
angan pikanan di sa		-	99 (1) (2) (2) (2) (2) (2) (2) (2) (2) (2) (2
	Page 418		Page 420
1	would you say that viewing during the hours	1	Q And you spoke
2	of say 2 a.m. or 6 a.m. are relatively low as		A And if I could add on, and
3	compared to other hours during the day?	3	particular weeks.
4	A They tend to be relatively low,	4	Q Okay.
5	yes.	5	A So that it's not an instance of
6	Q And based upon your experience in	6	Monday at 8 across all weeks. It's Monday at
7	doing this for many years, am I correct that	7	8 on February 2nd.
8	starting at the hour of 2 a.m. viewing is	8	Q Thank you. You spoke in terms of
9	quite low and then at some point say at about	9	fragmentation as probably accounting for the
10	5 o'clock it builds up again and that the	10	difference between say the incidence of zero
11	lowest viewing level would be what, 2:30, 3:00	11	viewing in some prior years versus say when
12	o'clock in the morning?	12	you compare those prior years to say the
13	A It tends to be in that type of	13	period from 2002 to 2003. What do you mean by
14	neighborhood, but I couldn't give you the	14	fragmentation in the marketplace? Are you
15	specifics.	15	talking in terms of programming?
16	Q Okay, so if someone took the	16	A It was mainly meant to be a
	viewing levels nationally at 1:30 a.m. and	17	reflection of saying that television usage for
17	drew a linear interpolation and reduced it	18	individual stations has declined over time and
17 18	- · · · · · · · · · · · · · · · · · · ·		has declined considerably for individual
	each quarter hour until, or half hour, until	19	
18	each quarter hour until, or half hour, until 6:30 a.m., so that the lowest viewing levels	20	viewing sources. And part of the reason for
18 19			

1	Page 421		Page 423
	television is about the same, but the	1	declines in traditional television usage.
2	individual stations have gone down. And the	2	But those are not they're
3	most likely scenario for that is simply there	3	reflected in the numbers that we're producing,
4	are more stations. Cable systems have more	4	but they're not included them if that makes
5	channels. There are more channels that are	5	sense.
6	available. And so the viewing is getting	6	CHIEF JUDGE BARNETT: Okay.
7	divided up to a greater extent. And so a	7	THE WITNESS: They would impact.
8	situation with more zero cells as one piece of	8	you'd see those impacts, but not specifically
9	what could cause that would be simply saying	9	included.
10	viewing is declining for individual stations	10	CHIEF JUDGE BARNETT: Thank you.
11	overall, so it's not surprising it would occur	11	BY MR. OLANIRAN:
12	here.	12	Q Your general point seems to be
13	CHIEF JUDGE BARNETT: May I	13	that in addition to more stations, let's say,
14	inquire?	14	these additional media services are
15	MR. OLANIRAN: Oh, sure.	15	necessarily competing with broadcast stations
16	CHIEF JUDGE BARNETT: Mr.	15	and that could account for some of the lower
17	Lindstrom, is there any way that Nielsen	17	numbers for the broadcast stations. Is that
18	measures Netflix streaming or Hulu or any of	18	a fair statement?
19	those other sources of TV light time?	19	A It's a fair statement that there's
20	THE WITNESS: We're doing that	20	been a considerable degree of competition that
21	now. That's all part of the way that the	21	has come on, you know, through the years and
22	measurement system has changed. It's actually	22	to the extent that it was occurring during the
LL Denk Says State Contract			
	Page 422		Page 424
1 -	some of the streaming sources of video have	1	period of this study, I couldn't say, but it
2	been causing the biggest headaches in the	2	has, in fact, been an ongoing change within
3	business right now, but we have gotten to a	3	the marketplace since probably the '80s.
4	point at this point where we're now beginning	4	Q Thank you. No further questions,
5	to include PC usage. We're beginning to	5	Your Honor.
6	include on-demand. It doesn't have to be	. 6	JUDGE FEDER: Going back to Judge
7	viewed simultaneously. And our measuring	7	Barnett's question, similarly, is there
8	services like Netflix and Hulu to be able to	8	anything in these data that reflect DVR usage,
9	track. It's a very big component for the	9	delayed viewing of broadcast programming using
1	industry, but also very hard as you can	10	a DVR?
10	imagine.	11	THE NUMBER. DUD, of that paint
10 11	Indgine.		THE WITNESS: DVRs at that point
	CHIEF JUDGE BARNETT: But for the	12	in time were very small and wouldn't have been
11		12 13	
11 12	CHIEF JUDGE BARNETT: But for the		in time were very small and wouldn't have been
11 12 13	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no	13	in time were very small and wouldn't have been a significant player. We would have included
11 12 13 14	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no consideration of DVD usage? I guess that was	13 14	in time were very small and wouldn't have been a significant player. We would have included videotaping, if there was playback, but it
11 12 13 14 15	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no consideration of DVD usage? I guess that was the in technology at that point or videotapes	13 14 15	in time were very small and wouldn't have been a significant player. We would have included videotaping, if there was playback, but it would only be included if it had occurred
11 12 13 14 15 16	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no consideration of DVD usage? I guess that was the in technology at that point or videotapes or any other when the TV was on and the	13 14 15 16	in time were very small and wouldn't have been a significant player. We would have included videotaping, if there was playback, but it would only be included if it had occurred during the week in question. Remember,
11 12 13 14 15 16 17	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no consideration of DVD usage? I guess that was the in technology at that point or videotapes or any other when the TV was on and the source of the signal was something other than	13 14 15 16 17	in time were very small and wouldn't have been a significant player. We would have included videotaping, if there was playback, but it would only be included if it had occurred during the week in question. Remember, somebody is only keeping this diary for a
11 12 13 14 15 16 17 18	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no consideration of DVD usage? I guess that was the in technology at that point or videotapes or any other when the TV was on and the source of the signal was something other than cable or broadcast?	13 14 15 16 17 18	in time were very small and wouldn't have been a significant player. We would have included videotaping, if there was playback, but it would only be included if it had occurred during the week in question. Remember, somebody is only keeping this diary for a week's time. So effectively, there would be
11 12 13 14 15 16 17 18 19	CHIEF JUDGE BARNETT: But for the period relevant to this case, there was no consideration of DVD usage? I guess that was the in technology at that point or videotapes or any other when the TV was on and the source of the signal was something other than cable or broadcast? THE WITNESS: It would not be	13 14 15 16 17 18 19	in time were very small and wouldn't have been a significant player. We would have included videotaping, if there was playback, but it would only be included if it had occurred during the week in question. Remember, somebody is only keeping this diary for a week's time. So effectively, there would be some degree of taping that would occur that

	Page 425		Page 427
1 think about it as being live view	· · · · · · · · · · · · · · · · · ·	1 I'm sc	
2 JUDGE FEDER: Thank y	_		Q Sure. Were the number of TV
3 CHIEF JUDGE BARNETT:		3 static	ons in the United States, did they
4 questions from the bench raise qu		4 increa	se appreciably between the 1950s and the .
5 counsel?		5 1960s?	<ul> <li>I'll make it more specific, say</li> </ul>
6 MR. BOYDSTON: Yes, b	ut I also 6	6 betwee	n 1965 and 1969? Was there a
7 have a question to follow up on t	. 1	7 signif	ficant increase in stations?
8 CHIEF JUDGE BARNETT:	All right.	8	A I couldn't tell you.
9 RECROSS EXAMINATIO	N	9	Q At some point was there a
10 BY MR. BOYDSTON:	10	0 signif	ficant increase in stations over the
11 Q Mr. Lindstrom, I want	ed to ask you 11	1 statio	on landscape from the 1950s?
12 about fragmentation which Mr. Ola	niran asked 12	2	A Again, I am not an expert on
13 you about. To lay a foundation f	or that	3 histor	rical television. I've got a pretty good
14 though I need to ask a question.		4 idea d	on what was going on from '78 when I
15 Nielsen to be around for as long		4	i Nielsen on, but prior to that I
16 but why don't you give me a bette		6 couldr	n't answer definitively.
17 better information than that. No			Q Was there an increase in TV
18 Nielsen been doing this been i	n this 18	8 static	ons from say 1978 to 1990 that was
19 business of TV ratings?	19	9 notice	eable or significant?
20 A It goes back into the	'50s and 20	0	A There would have been an increase
21 they've been in the market resear		1 both i	in terms of stations and cable sources of
22 before that.	22	2 progra	amming.
	na n	10 0 - 20 Y -	Namesamentista maanada ya ka
	Page 426		Page 428
1 Q Okay, and when in the	1950s, 1	1	Q Do you have an estimate as to what
2 that's a whole decade, but to the	extent we 2	2 sort o	of percentage growth there was during
3 can collectivize it, from what I	know there	3 that t	time period?
4 were three national networks, cor	rect, and 4	4	A I couldn't tell you.
5 then there were independent station	ons around 5	5	Q How about the difference in the
6 the country. Is that a fair expl	anation of 6		r of stations and cable systems or cable
7 the TV landscape at that time?	5	7 channe	els rather from when you started in 1978
8 A I couldn't tell you t	he exact 8	8 and sa	ay 2000, was there an appreciable change
9 number of networks. They've kind	of come and	9 or inc	crease?
10 gone and gone in and out of busin	ess, but it 10		A There would be an appreciable
11 certainly has been a reasonable d	efinition of 11	1 change	e, but I couldn't dimension the size of
12 what the marketplace looked like a	many years 12	2 it. C	Cable systems went from 20 channels being
13 ago.	13	3 a big	one to 100 channels being a small one.
14 Q Okay, and my question	s on this are 14	4 The di	stribution technologies and the
المحافظين ومعصبت المراجع	because this 15	5 progra	mmning to fill it has grown extremely
15 certainly questions for an expert	Sociality 1		v
<ul> <li>15 certainly questions for an expert</li> <li>16 is something that I don't think and</li> </ul>		6 rapidl	-7 -
	nyone else 16	-	Q And what I'm trying to get a
16 is something that I don't think an	nyone else 16 I'm asking 17	7	- ,
16 is something that I don't think at 17 here perhaps knows and that's why	nyone else 16 I'm asking 17 fragmentation 16	7 8 handle	Q And what I'm trying to get a
16 is something that I don't think an 17 here perhaps knows and that's why 18 you. In terms of fragmentation, s	nyone else 16 I'm asking 17 fragmentation 16 say the dawn 19	7 8 handle 9 testin	Q And what I'm trying to get a on is when that growth occurred. Your
<ul> <li>16 is something that I don't think an</li> <li>17 here perhaps knows and that's why</li> <li>18 you. In terms of fragmentation,</li> <li>19 was there much fragmentation from</li> </ul>	nyone else 16 I'm asking 17 fragmentation 16 say the dawn 19 1960s or was 20	7 8 handle 9 testin 0 questi	Q And what I'm trying to get a e on is when that growth occurred. Your mony in response to Mr. Olaniran's

		1	
	Page 429		Page 431
1	your testimony to Mr. Olaniran's question,	1	Q My follow up to Judge Feder's
2	correct?	2	question was how he asked about DVR viewing
3	A My answer to why you might find an	3.	and I was curious with regard to the Nielsen
4	increase in zero viewing was that there has	4	meter, how does a Nielsen meter, does a
5	been increases in fragmentation, but to the	5	Nielsen meter detect and take note of and
6	degree to be able to give specific growth	6	record a DVR event?
7	numbers, I couldn't do offhand to say it	7	A It does now. It didn't during the
8	occurred in 1988 or whatever the period of	8	time in question in the early 20002.
9	time was. It's just there has been a general	9	Q Thank you. Nothing further.
10	flow from 1978 when I began working at	10	CHIEF JUDGE BARNETT: Mr.
11	Nielsen. There was three networks. The three	11	Harrington?
12	network share was 90 and a program was	12	MR. HARRINGTON: Just one
13	canceled if it didn't have a 30 share. And	13	question?
14	nowadays if somebody got a 30 share, that	14	CHIEF JUDGE BARNETT: You may.
15	would be a super event. And it has been a	15	RECROSS EXAMINATION
16	continuum based upon, as I said, ease of	16	BY MR. HARRINGTON:
17	distribution, digital, as the technology	17	Q Mr. Lindstrom, we've used a couple
18	simple growth in cable. Cable penetration has	18	of different terms here. We talked about
19	gone from 25 percent during that period of	19	ratings and about shares and you talked about
20	time up to 90, all of which leads to increases	20	a 1 rating was good and now an 18 share is
21	in channels. So it's not a clear cut case of	21	good. Could you explain for the record the
22	going the number of broadcast stations has	22	difference between a rating point and share?
	Do oo 420	<u> </u>	Page 432
	Page 430		
1	increased. It's going at that point in time 25	1	A Sure. A rating is a percentage of
2	percent of people had increases in channels	2	a universe that was watching something, so
3	because of cable and now it's become virtually	3	let's say that there's 100 million households
4	ubiquitous.	4	in the United States as a very rough number.
5	So there's a lot of factors at	5	If 10 million were watching a particular
6	play, but there's no question the average	6	programming during the average minute, it
7	number of channels that people can receive has	7	would be 10 million divided by 100 million or
8	gone up and gone up considerably.	8	10 percent. That's a 10 rating. It's the
9	Q And to that point you used a	9	percentage of the universe that would be
10	particular metric. You said when you started	10	viewing it.
11	out if a network program didn't get a 30	11	A share is really looked at and
12	share, it might be canceled. How would you	12	that's an absolute level. A share is a
13	characterize that situation today? What's the	13	relative one in order to see how you're doing
14	I know it's a generalization, but how do	14	competitively. So taking that same example,
15	you generalize that figure today? What does	15	if the percentage of people which is the HUT
16	a network program have to get to avoid	16	level, Households Using Television, I
17	cancellation as a general matter?	17	shouldn't say percentage of people, but
18	A Again, it varies all over the	18	percentage of households, was 50, 50 percent
19	place, but for a variety of reasons. It is	19	of them were viewing during the period in
20	substantially lower than that. It's in the	20	question, and you had 10 percent that were
21	teens at this point in time, can still be	21	tuned to your channel, it's 10 divided by 50
22	considered a healthy number.	22	or 20 share. So in that scenario, you would

	Page 433		Page 435
1 ha	ave a 10 rating and a 20 share.	1	in that position?
2	Q Thank you.	- 2	A Well, I have various
3	CHIEF JUDGE BARNETT: Thank you,	3	administrative responsibilities including
4 Mr	. Lindstrom. You may be excused.	4	hiring into the group, setting compensation,
5	THE WITNESS: Thank you.	5	overseeing staffing levels, representing the
6	(The witness was excused.)	б.	group in leadership functions and meetings.
7	CHIEF JUDGE BARNETT: Mr.	7	But my primary responsibility really is client
8 · 01	aniran.	8	service which is providing economic and
9	MR. OLANIRAN: We will call Dr.	9	statistical consulting services to companies,
10 Je	effrey Gray.	10	government agencies and sometimes indirectly
11 WH	iereupon,	11	via law firms.
12	DR. JEFFREY GRAY	12	Q And where were you prior to
13 WA	AS CALLED FOR EXAMINATION BY COUNSEL FOR THE	13	Deloitte?
14 MC	DTION PICTURE ASSOCIATION OF AMERICA AND,	14	A Well, prior I should say I
15 HA	AVING FIRST BEEN DULY SWORN, WAS EXAMINED AND	15	started at Deloitte in 2002, but then from
16 TE	ESTIFIED AS FOLLOWS:	16	2006 in the summer through 2009, I left
17	MR. OLANIRAN: May I proceed, Your	17	Deloitte and was with Huron Consulting Group.
18 Ho	onor?	18	Q Prior to your first stint at
19	CHIEF JUDGE BARNETT: Yes, you	19	Deloitte, would you please provide with a
20 ma	ay.	20	sense of your work experience at all of the
21	MR. OLANIRAN: Thank you.	21	other places, where you worked over the last
22	DIRECT EXAMINATION	22	several years?
an an an an ta ta dharan an ta ta ta ta ta			ми на ставители на просторители на просторители на ставители со ставители на ставители на ставители на ставители на политически на ставители на ставители По ставители на ставит
	Page 434	1	Page 436
1	BY MR. OLANIRAN:	1	A Sure. I worked for both large and
2	Q Good morning, Dr. Gray. My name	2	small economic consulting shops. I also spent
	Greg Olaniran and I'm counsel for MPAA.		a year at the White House, the President's Council of Economic Advisors.
	ould you please state your name for the	4	
5 re	cord and spell it?	5,	Q And describe briefly the subject
6	A Yes, it's Jeffrey Gray, J-E-F-F-R-	6	matter of your specialty.
	Y G-R-A-Y.	7	A Sure. In general, I focus on
8	Q And what is your educational	. 8	understanding and studying markets, how prices
	nckground?	9	and quantities are determined in those markets
10	A I have a Ph.D. in Economics from	10	and how market imperfections or distortions
	e University of Pennsylvania and also an	11	affect those equilibrium prices and
	dergraduate degree in Economics from the	12	quantities. I would say my specialty is
	niversity of California at Santa Cruz.	13	analyzing data associated with those markets,
14	Q Where do you work?	14	often large amounts of data, to draw
15	A I work at Deloitte Financial	15	conclusions regarding those alleged or actual
	lvisory Services, LLP.	16	imperfections and distortions.
17	Q And what position do you currently	17	Q And what are the specific fields
	old at Deloitte?	18	in terms of how would you define those
19	A I'm a principal and also the	19	different fields?
	tional leader of their Economic and	20	A I would say economics, statistics,
21 St	atistical Consulting Group.	21	and econometrics.
22	Q And what are your responsibilities	22	Q What is the distinction among

		1	P 400
	Page 437		Page 439
1	how do you distinguish between among those	1	A Some consulting experience. I've
2	three fields?	2	done work on behalf of large metropolitan
.3	A Good question. I would say	3	newspapers. I was also engaged by outside
4	economics is the study of the sort of	4	counsel for a performance rights organization,
5	production, allocation, and consumption of	5	also known as a PRO to assess the economic
6	goods and services, very broadly speaking.	6	value of a blanket license, giving certain
7	Statistics, also broadly speaking,	7	companies the right to perform music from the
8	is the study of the collection, analysis, and	8	PRO's library on their internet sites.
9	the interpretation of data.	9	Q Have you done any work related to
10	Econometrics is the intersection	10	cable television industry?
11	of those two disciplines. It's the	11	A Yes. I've also been engaged by
12	application of statistical methods to economic	12	outside counsels for CSOs who have been
13	data to provide content to economic	13	involved in I guess either negotiations and/or
14	relationships being studied.	14	contract disputes with basic cable channels
15	Q And how long have you worked in	15 .	concerning the programming on those channels,
16	these fields?	16	how that programming has changed over time,
17	A Approximately 25 years.	17	and the associated viewership of those
18	Q Have you taught also in these	18	programs and channels.
19	fields?	19	Q And have you previously testified
20	A Yes.	20	either before this body, the CARP, the CRT, or
21	Q And where did you teach?	21	any other Court or regulatory body?
22	A I taught at the University of	22	A I have not testified before this
ursun.cove.et/a)	Page 438	a su a caracteria da caract	Page 440
1	Illinois at Urbana-Champaign. I was a tenured	1	body, but I've testified before both
1			bouj, but i to tobtilitou boloto soon
2	track assistant professor there. I also	2	international and Federal Courts in the United
2	track assistant professor there. I also taught while I was a grad student at the	{	
		2	international and Federal Courts in the United
3	taught while I was a grad student at the University of Pennsylvania. I taught at the	2 3	international and Federal Courts in the United States, both written and orally.
3	taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co-	2 3 4	international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this
3 4 5	taught while I was a grad student at the University of Pennsylvania. I taught at the	2 3 4 5	international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert
3 4 5 6	taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton.	2 3 4 5 6	international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert in the field of economics, statistics, and
3 4 5 6 7 8	taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton.	2 3 4 5 6 7	international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert in the field of economics, statistics, and econometrics?
3 4 5 6 7 8 9	taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published?	2 3 4 5 6 7 8	international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert in the field of economics, statistics, and econometrics? MR. BOYDSTON: No objection.
3 4 5 6 7 8 9 10	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes.</pre>	2 3 4 5 6 7 8 9	<pre>international and Federal Courts in the United States, both written and orally.</pre>
3 4 5 6 7 8 9 10 11	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer-</pre>	2 3 4 5 6 7 8 9 10	<pre>international and Federal Courts in the United States, both written and orally.</pre>
3 4 5 6 7 8 9 10 11 12	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area</pre>	2 3 4 5 6 7 8 9 10 11	<pre>international and Federal Courts in the United States, both written and orally.</pre>
3 4 5 6 7 8 9 10 11 12 13	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on</pre>	2 3 4 5 6 7 8 9 10 11 12	<pre>international and Federal Courts in the United States, both written and orally.</pre>
3 4 5 6 7 8 9 10 11 12 13 14	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on labor economics.</pre>	2 3 4 5 6 7 8 9 10 11 12 13	<pre>international and Federal Courts in the United States, both written and orally.</pre>
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3 4 5 6 7 8 9 10 11 12 13 14 15 16	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on labor economics. Q And have you served as a referee for peer-reviewed journals?</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	<pre>international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert in the field of economics, statistics, and econometrics? MR. BOYDSTON: No objection. MR. HARRINGTON: No objection. CHIEF JUDGE BARNETT: Dr. Gray is so qualified. BY MR. OLANIRAN: Q Dr. Gray, what were you asked to do in this proceeding? A Yes, I was asked to propose an allocation methodology of the cable royalty</pre>
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on labor economics. Q And have you served as a referee for peer-reviewed journals? A Yes. Throughout my career, I've</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	<pre>international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert in the field of economics, statistics, and econometrics? MR. BOYDSTON: No objection. MR. HARRINGTON: No objection. CHIEF JUDCE BARNETT: Dr. Gray is to qualified. BY MR. OLANIRAN: Q Dr. Gray, what were you asked to do in this proceeding? A Yes, I was asked to propose an allocation methodology of the cable royalty funds attributable to the program suppliers</pre>
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3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on labor economics. Q And have you served as a referee for peer-reviewed journals? A Yes. Throughout my career, I've been asked to serve as a referee to judge the appropriate use of economics and statistics</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>international and Federal Courts in the United States, both written and orally. MR. OLANIRAN: Your Honor, at this point, I'd like to offer Dr. Gray as an expert in the field of economics, statistics, and econometrics? MR. BOYDSTON: No objection. MR. HARRINGTON: No objection. CHIEF JUDGE BARNETT: Dr. Gray is to qualified. BY MR. OLANIRAN: Q Dr. Gray, what were you asked to do in this proceeding? A Yes, I was asked to propose an allocation methodology of the cable royalty funds attributable to the program suppliers category between 2000 and 2003, between IPG represented claimants and MPAA represented</pre>
3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on labor economics. Q And have you served as a referee for peer-reviewed journals? A Yes. Throughout my career, I've been asked to serve as a referee to judge the appropriate use of economics and statistics when people submit publications.</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	<pre>international and Federal Courts in the United States, both written and orally.</pre>
3 4 5 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>taught while I was a grad student at the University of Pennsylvania. I taught at the University of Pennsylvania as well as co- taught a course in the Business School there called Wharton. Q Are you published? A Yes. Q In what areas? A I've been published in peer- reviewed journals in the sort of general area applied microeconomics with a special focus on labor economics. Q And have you served as a referee for peer-reviewed journals? A Yes. Throughout my career, I've been asked to serve as a referee to judge the appropriate use of economics and statistics</pre>	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	<pre>international and Federal Courts in the United states, both written and orally.</pre>

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## **CERTIFICATE OF SERVICE**

I hereby certify that on this 9th day of May, 2014, a copy of the foregoing MPAArepresented Program Suppliers' Written Direct Statement, Volumes I and II, was hand-delivered by courier to the parties listed on the attached service list.

Lucy Holmes Plannick

## SERVICE LIST

# JOINT SPORTS CLAIMANTS

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## SETTLING DEVOTIONAL CLAIMANTS

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