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Marybeth Peters
Register of Copyrights
U.S. Copyright Office
101 Independence Avenue, S.E.
Washington, D.C. 20057

Dear Ms. Peters:

The National Cable & Telecommunications Association (“NCTA”) respectfully requests that the Copyright Office extend for 30 days its filing deadline for cable copyright Statements of Account (“SOAs”) covering the first accounting period of 2010.

Section 111(d)(2) of the Copyright Act requires cable operators to file semi-annual Statements of Account. Copyright Office regulations provide that those filings “shall be deposited in the Copyright Office, together with the total royalty fee for such accounting periods as prescribed by Section 111(d)(1) (B), (C), or (D) of title 17, by not later than the immediately following August 29, if the Statement of Account covers the January 1 through June 30 accounting period....” 37 C.F.R. Section 201.17 (c). Royalty fee payments “submitted as a result of late or amended filings” must include interest. *Id.*, Section 201.17(i)(4). NCTA requests that the Office issue a waiver so that SOAs currently due August 30, 2010 (the first business day after the deadline) instead would be due September 29, 2010. Pursuant to this waiver, SOA filings made by that date would be considered timely and no interest would be assessed. SOA filings made *after* September 29, 2010 would be assessed interest from September 30, 2010 until the filing date.

This one-time waiver is warranted in light of the changes to the Statement of Account forms and associated calculations resulting from Congress’ adoption of the Satellite Television and Localism Act of 2010 (“STELA”). STELA was signed into law on May 27, 2010, leaving little time for making the necessary changes to the SOA forms that must be used for the first accounting period of 2010. Moreover, many cable operators that file Statements of Account for multiple cable systems use commercial software to facilitate those filings. That software was not approved by the Copyright Office for use until August 6, 2010. Even after the software’s release, cable operators using the software have discovered problems that have delayed their ability to input necessary data.

Ms. Peters
August 12, 2010
Page 2

Granting the waiver will be in the public interest. Additional time will help operators accurately complete their SOA filings, thus reducing the need to file supplemental or amended Statements of Account. Providing sufficient time so operators can make that single filing will alleviate burdens on the Copyright Office and copyright owners alike. NCTA is authorized to represent that Program Suppliers, Joint Sports Claimants, Commercial Television Claimants, Public Television Claimants, Music Claimants, Devotional Claimants, National Public Radio and Canadian Claimants (collectively, the "Phase I Claimants") do not oppose the granting by the Copyright Office of this one-time waiver.

Accordingly, for good cause shown, NCTA requests that the Office extend the deadline for filing all 2010/1 cable copyright statements of account and royalty payments until September 29, 2010.

Respectfully submitted,

/s/ **Diane B Burstein**

Diane B. Burstein

cc: Ben Golant
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