

CATV section to the carriage of sporting events by cable, the proposed exemption for making copies of tapes of religious broadcasts, a proposed general exemption for education purposes and the library photocopying sections of the bill.

But the senator was not certain about the timetable for the hearings. "Since efforts to achieve a resolution of certain of these issues are continuing," he said, "it would not be feasible to conduct hearings at the present time. I shall follow the progress of the current discussions, and review the situation at a later date."

NCTA on the hot seat at NAB over copyright

Association attorney is criticized for what is said to be cable's failure to live up to compromise agreement

Gary Christensen, special counsel to the National Cable Television Association, found himself last week in the middle while on a panel at the National Association of Broadcasters convention. On one side was Arthur Scheiner, counsel for MCA; on the other, Michael Horne, counsel for the Association of Maximum Service Telecasters. And with the subject "CATV-Copyright," Mr. Christensen got it from both sides.

Both Mr. Scheiner and Mr. Horne labored NCTA for what they said was its failure to keep its part of the bargain that copyright owners, cable operators and broadcasters had made in connection with the November 1971 consensus agreement that paved the way for the FCC's adoption of its cable-television rules.

The commitment, they said, was to support legislation providing for arbitration of copyright fees that cable operators would pay programmers if the parties could not agree on a fee schedule. And the parties, Mr. Scheiner said, have reached an impasse; indeed, he said, "we are very, very far apart."

Mr. Horne said the parties will either come together on legislation, or face the prospect of prolonged fights in Congress over a bill and in the courts over copyright compensation. Furthermore, he said, broadcasters will urge the FCC to review its cable rules which, he noted, are based on the assumption that copyright legislation would be enacted. "Broadcasters will say, with justification," he said, "that NCTA can't be trusted."

Mr. Christensen said the NCTA position is based on programing. The association is supporting the bill Senator John L. McClellan (D-Ark.), chairman of the Senate Subcommittee on Patents, Trademarks and Copyrights, introduced in the last session of Congress—and re-introduced last week (see page 78)—because, he said, it is the only measure available.

The bill's reintroduction follows the partial reversal, by the U.S. Court of Appeals in New York, of a lower-court decision that had rejected CBS's cable-copyright suit against Teleprompter. The

bill includes a schedule of royalty fees that, Mr. Scheiner said, "is vastly too low." He said the fees were not based on sound data or economic analysis—but were "picked out of the air." A mechanism should be provided for establishing an appropriate fees schedule, he added. The McClellan-bill fees would range upward from 1% of gross receipts up to \$40,000 to 5% of gross receipts totalling more than \$160,000.

Mr. Christensen, who said NCTA's position on copyright with regard to the program producers is complicated by the fact NCTA is negotiating copyright fees also with music publishers and the television networks, professed to see some sense in continuing efforts to reach agreement on a fee schedule to be included in legislation. "We think we should explore the question of fees before the [McClellan] bill is passed," he said. But he also said that, "while it would be helpful to agree, it is not absolutely essential."

Although Mr. Christensen was out-manned on the panel he knew he had support for his position on Capitol Hill. Thomas Brennan, chief counsel for the McClellan subcommittee, who moderated the panel, made that clear in his opening remarks when he said, "The subcommittee has held that Congress should establish the initial rates."

Pay cable and sports trouble independents

But new cable-station committee holds first meeting in pursuit of ways to conciliate differences

A move by pay-cable interests to share coverage of professional sports with broadcasters was reported—and marked down as something to watch with concern—at last week's meeting of the Association of Independent Television Stations (also see story page 42).

Specifically, Sterling Communications was said to have sought rights to carry to pay-TV subscribers—presumably through its Home Box Office Inc. subsidiary—any home-and-away games of the Philadelphia Phillies baseball team that are not carried by WPHL-TV Philadelphia.

INTV officials reported that WPHL-TV and the Phillies management had rejected the Sterling offer for the coming season, but they warned that the problem might not end there. "It's a practical problem that could affect your ability to maintain sports," an INTV official cautioned the broadcasters.

FCC rules ban from pay services any games that have been carried on free TV within the past two years, and extension of the embargo to five years is under consideration.

Some INTV station executives thought stations would have more difficulty if pay-cable made inroads into football than into baseball. Another station executive reported that the St. Louis Blues hockey team was thinking of staying out of broadcast to go into cable. In any case, another said, "two years is not as big a

Cable help for minorities. The U.S. Department of Commerce has granted \$300,000 to the Washington-based Booker T. Washington Foundation to help minorities understand and get into cable-television. The Foundation already has set up the Cable-communications Resource Center (CRC), with offices at 1900 L Street, N.W., Suite 205, Washington 20036. CRC, to be a clearing house for information about cable TV for minorities, is expected to be in operation by April 1. Charles Tate, editor and co-author of "Cable Television in the Cities," a handbook on cable television, has been named executive director of CRC.

stumbling block [for pay interests] as it once seemed."

In a separate development, the National Cable Television Association's INTV committee and the INTV's NCTA committee held their first meeting during the NAB convention. Their aim: to develop procedures for resolving any future disagreements between INTV and NCTA members before the differences can escalate into major controversies.

INTV's cable committee is headed by Jack F. Matranga, KTXL(TV) Sacramento, Calif. Other members are Roger Rice of KTVU(TV) Oakland-San Francisco, president of INTV; Herman Land, INTV executive director; Harold Trickey, WTOG(TV) Tampa-St. Petersburg, Fla.; John Reynolds, KTLA(TV) Los Angeles; James D. Boaz, WXIX-TV Newport, Ky., and William H. Hernstadt, KVVU-TV Henderson-Las Vegas, Nev.

NCTA's INTV committee is headed by James B. Goetz, General Television Inc., Minneapolis. Other members: John Betts, Cablevision Co., Maysville, Ky.; John W. Jacobs, Gainesville (Ga.) Cablevision; Vern Milligan, Daniels & Associates, Denver; Dore Schary, Theater Vision Inc., New York, and Joel P. Smith, Television Communications Corp., New York.

Cable Briefs

Briefing in Texas. National Cable Television Association will conduct three-day marketing workshop, May 10-12, at Fairmont hotel, Dallas, to review and discuss current and future cable-TV marketing requirements. Specific topics to be examined are marketing of small systems, financial considerations of marketing, audience research, selling of advertising in cable programs and successful campaigns. Workshop is designed for cable-TV industry members involved in marketing.

Wawa loses out. Canadian Radio-Television Commission, has revoked the license of Wawa Cable Vision Ltd., Wawa, Ont. On basis of evidence given to commission at public hearing Dec. 5, 1972, it was decided that Wawa Cable was unable to provide adequate service to area licensed to it. Systems, which began in 1958, served Legarde Hill area of Ontario province. CRTC's decision was effective Feb. 26.