

Before the
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Washington, D.C.

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GENERAL COUNSEL
OF COPYRIGHT

In the Matter of)
Cable Compulsory License)
Reporting Practices)
_____)

Docket No. 2005-6

PETITION FOR RULEMAKING

The Motion Picture Association of America, Inc. ("MPAA"), on behalf of its member companies and other producers and/or distributors of movies, series and specials broadcast by television stations ("Program Suppliers"), hereby petitions the Copyright Office to commence a rulemaking proceeding addressing the issues discussed below relating to reporting practices of cable operators under 17 U.S.C. § 111 ("Section 111").

I. BACKGROUND

There have been significant technological, marketing and regulatory changes in the cable television industry during the more than twenty-five years since Congress enacted the Section 111 cable compulsory licensing provisions. Nevertheless, there have been relatively few modifications to the statement of account ("SOA") forms that cable operators must file to account for either these industry changes or the significant experience that copyright owners have gained from reviewing SOAs and dealing with cable operators concerning their filings. Indeed, the SOA forms, and related Copyright Office ("Office") regulations, have remained essentially the same since the mid-1980s.

Because Section 111 (unlike other compulsory licenses) does not provide Program Suppliers with a right to audit cable operators, Program Suppliers rely almost exclusively on SOA information for compliance review. However, the information currently provided by cable operators on SOAs is in certain instances either unclear or inadequate, or both. Consequently, Program Suppliers have faced increasing challenges with respect to garnering information that can be used to efficiently analyze cable operators' compliance with Section 111. On numerous occasions, Program Suppliers have found cable operators unwilling (and, indeed, without incentive) to provide additional information requested by Program Suppliers.

Program Suppliers seek clarification and modification of the existing regulations and pertinent sections of the SOA forms. *First*, Program Suppliers request that the Office improve the nature of the information reported on the SOAs by cable operators, particularly information relating to gross receipts, service tiers, subscribers, headend locations, and cable communities. The proposed changes are necessary to keep current with a changing industry and are critical to efficient and effective compliance review by Program Suppliers and other copyright owners as well as the Licensing Division of the Copyright Office. *Second*, Program Suppliers request regulatory clarification regarding the effect of cable operators' interest payments that accompany late-filed SOAs or amended SOAs – specifically, that payment of such interest does not impair the ability of copyright owners to bring infringement actions against cable operators that fail to pay the full amount of the royalties they owe on a timely basis. *Finally*, Program Suppliers request that the Office clarify the definition of the term cable “community” in its regulations to comport more clearly with the meaning of “cable system” as defined in Section 111, and to avoid misinterpretation by cable operators. That definition is crucial to determining the amount of Section 111 royalties that cable operators must pay.

The specific changes that Program Suppliers seek to the Office's regulations, and to the SOA forms, are set forth in Attachment A. The regulatory action requested by Program Suppliers is properly within the authority of the Copyright Office. *See* 17 U.S.C. § 111(d) (authorizing the Register of Copyrights to establish requirements for the filing of SOAs and royalty deposits, including the information contained in the SOAs); 17 U.S.C. § 702 (establishing the Office's authority to promulgate regulations consistent with the Copyright Act); *see also Cablevision Sys. Dev. Co. v. Motion Picture Ass'n of America, Inc.*, 836 F.2d 599, 608-09 (D.C. Cir. 1988); *Satellite Broadcasting and Communications Ass'n of America v. Oman*, 17 F.3d 344, 347 (11th Cir. 1994).

II. DISCUSSION

A. Changes to Information Reported on Cable SOAs

1. Verifying Gross Receipts Using Subscriber and Rate Information

Program Suppliers request that the Office amend the SOAs to require greater congruity between the "gross receipts" information and the subscriber and rate information provided on the SOAs -- as well as greater detail concerning the nature of the revenues that a cable operator includes and excludes in its "gross receipts."

Section 111 requires cable operators to report both the "total number of subscribers" to their system and the "the gross amounts paid to the cable system for the basic service of providing secondary transmissions of primary broadcast transmitters." *See* 17 U.S.C. § 111(d)(1)(A). Consistent with Section 111, the Office's regulations require cable operators to report "the gross amount paid to the cable system by subscribers for the basic service of providing secondary transmissions of primary broadcast transmissions." 37 C.F.R. §

201.17(e)(7).¹ This regulation is implemented by Space E (titled “Secondary Transmission Service: Subscribers and Rates”) and Space K (titled “Gross Receipts”) of the SOAs. According to the instructions for Space E, the information provided therein “should cover all categories of ‘secondary transmission service’ of the cable system” including the number of subscribers and the rate applicable to each category of subscribers. Forms SA1-2 and SA3, p. 2, Space E. Instructions for completing Space K require cable operators to “[e]nter the total of all amounts (‘gross receipts’) paid to [their] cable system by subscribers for the system’s ‘secondary transmission service’ (as identified in space E).” Forms SA1-2 and SA3, p. 7, Space K.

As the directions imply, the total amount obtained by multiplying the number of subscribers identified in each category in Space E by the applicable rate should approximate the cable operators’ gross receipts in Space K. *See Compulsory License for Cable Systems*, 43 Fed. Reg. 958, 959 (Jan. 5, 1978) (recognizing that the subscriber information solicited on the SOAs was intended to “be useful for at least a rough comparison with the reported gross receipts, and [to give] meaning to the statutory requirement that the ‘number of subscribers’ be given.”) However, this is hardly the case in practice.

Program Suppliers frequently find substantial variance in the Space E and Space K data. For example, Program Suppliers examined the top seventy-five Form SA3 royalty payers for the 2003-2 accounting period. For each system, using the subscriber and rates information provided by cable operators in Space E, Program Suppliers calculated what the gross receipts would be.

¹ “Gross receipts for the ‘basic service of providing secondary transmissions of primary broadcast transmitters’ include the full amount of monthly (or other periodic) service fees for any and all services or tiers of services which include one or more secondary transmissions of television or radio broadcast signals, for additional set fees, and for converter fees.” 37 C.F.R. § 201.17(b)(1).

Program Suppliers then compared those calculated gross receipts with gross receipts as reported in Space K. *See* Attachment B. Among other things, Program Suppliers found that the calculated gross receipts for forty-eight of the seventy-five systems (64% overall) varied -- over or under -- from their reported gross receipts by 10% or more; that forty-three of these forty-eight systems (57% overall) had calculated gross receipts that *exceeded* the reported gross receipts by 10% or more; and that the calculated gross receipts for seven of the systems exceeded the reported gross receipts by triple digits (between 106% and 584%). Indeed, for all of the systems, the calculated gross receipts varied from the reported gross receipts by some amount.

It is unclear whether the problem is one of inaccurate gross receipts numbers in Space K or inaccurate or incomplete subscriber and rate data in Space E -- or whether there are legitimate explanations for the variances in specific cases. Program Suppliers simply have no way of knowing what the explanation is based on an examination of the SOAs. Program Suppliers also have no way of knowing precisely what the cable operators are choosing to include in (or exclude from) the gross receipts upon which they rely for calculating royalties. Accordingly, to make compliance review meaningful, changes to the SOA are necessary.

Program Suppliers have two additional concerns about data reported in Space E. *First*, SOA instructions for Space E are unclear about whether cable operators should provide information about *subscriber* categories or *service* categories. The regulations require cable operators to provide “[a] brief description of each *subscriber category* for which a charge is made by the cable system for the basic service of providing secondary transmissions of primary broadcast transmitters,” as well as “the number of subscribers to the cable system in each *subscriber category*,” and the “charge or charges made per subscriber to each *subscriber category*.” 37 C.F.R. § 201.17(d)(6)(i)-(iii) (emphasis added). The regulations state that for

these purposes, “[e]ach entity (for example, the owner of a private home, the resident of an apartment, the owner of a motel, or the owner of an apartment house) which is charged by the cable system for the basic service of providing secondary transmissions shall be considered one subscriber.” 37 C.F.R. § 201.17(e)(6)(iii)(B). This provision appears to contemplate information about the categories of subscribers based on the types of physical facilities through which subscribers receive cable service. However, Space E of the SOA does not instruct cable operators to provide information on subscriber categories. Rather, Space E directs cable operators to report the number of subscribers in each “Category of *Service*” -- a phrase which many cable operators may construe as relating to tiers of service. Forms SA1-2 and SA3, p.2, Space E, Blocks 1 and 2 (emphasis added). A possible practical consequence of this language shift is confusion among operators about whether to report subscriber categories or service categories, which ultimately leads to inconsistent reporting practices among cable operators.

Second, cable operators do not report multi-unit dwelling (“MDU”) subscriber data, for entities such as hotels, motels, and apartments, in a consistent manner. Some cable operators report the total subscriber counts for each of the MDUs they serve while others report each MDU simply as one subscriber. For MDUs that report total subscriber counts, it is unclear as to how the subscriber numbers are derived. For example, in the case of hotels or motels, it is uncertain whether the reported subscriber counts are based on the number of rooms, the number of sets, or some other estimate related to occupancy. In addition, some cable operators are in the practice of leaving their SOAs blank regarding their service to MDUs. In those cases, Program Suppliers are unable to determine whether the blank area on a form indicates zero (meaning no MDU subscribers), whether that the referenced question is not applicable (“N/A”) to that particular system, or whether the system simply has failed to provide the pertinent information. *See* Form

SA1-2, p. 2; Form SA3, p.2, Space E (providing subscriber blanks for “Motel, Hotel” and “Commercial,” but offering no specific formula for how subscribership data should be tabulated other than the general direction that the cable operator should “compute the number of ‘subscribers’ in each category by counting the number of billings in that category” rather than “the number of sets receiving service”). It is likely that the confusing nature of the information required in Space E contributes to the variances in the calculated gross receipts and the reported gross receipts. See Attachment B, and discussion *supra*.

Subscriber and rate information reported on SOAs should reflect the specific rate arrangement the cable operator has with the MDU. More specifically, the figure in the Rate column in Space E of the SOA should be the rate (or range of rates) that the cable operator actually charged each of the subscribers included in the “No. of Subscribers” column on the last day of the accounting period. Thus, if the cable operator provides service to one hotel with 100 rooms for a flat fee of \$1,000 per month, that operator would show “1” subscriber in the “No. of Subscribers” column and \$1,000 in the “Rate” column. If, on the other hand, that cable operator charged the hotel \$10 per room per month, the operator would show “100” in the “No. of Subscribers” column. This way, the “Rate” multiplied by the “No. of Subscribers” would accurately reflect the approximate amount of total “gross receipts” that the cable operator received from the hotel.

The inconsistencies in the reported gross receipts and subscriber data make it extremely difficult for Program Suppliers to verify the gross receipts reported by cable operators. To remedy these concerns, Program Suppliers propose that the Office take the following action: (1) amend Space E of the SOAs to solicit information on “subscriber categories” rather than

“categories of service,”² (2) amend the instructions for Space E to specify that the “rate” reported on the SOA for MDUs must reflect the specific rate arrangement the cable operator holds with the MDU (flat rate or per unit), as well as the amount billed for providing cable service pursuant to that arrangement, (3) include an instruction that cable operators are not to leave spaces blank, but rather are to fill in each area with a zero or the designation “N/A” if a particular category does not apply to their system, (4) amend Space K of the SOAs to include instructions specifying that the gross receipts reported in Space K should approximate calculated gross receipts (*i.e.*, the number of subscribers in each category identified in Space E, multiplied by the applicable rate), and (5) require the cable operator to briefly explain in Space K any variation of more than 10% between these calculated gross receipts and reported gross receipts.

2. Reporting Tiers of Service on Cable SOAs

Cable operators should also identify and describe each tier of service they offer. Currently, the “Category of Service” designation in Space E of the SOAs requires cable operators to report secondary transmission service for each service category provided. *But see* 37 C.F.R. § 201.17(e)(6)(i) (requiring “a brief description of each subscriber category for which a charge is made by a cable system for the basic service of providing secondary transmissions of primary broadcast transmitters”). As explained above, although labeled as “Category of Service” descriptions, the required information, in reality, relates to subscriber categories. There is scant information about the tiers of service (*i.e.*, basic, expanded, digital, *etc.*) offered by cable operators, particularly about whether cable operators accurately include gross receipts for all tiers of service containing broadcast signals, as required. *See* 37 C.F.R. § 201.17(e)(7); Forms

² Program Suppliers propose in Section II.A.2, *infra*, a new “Space” on the SOA that would require cable operators to provide information relating to categories of service.

SA1-2 and SA3, p. 6, Section K. Program Suppliers need information on the different tiers of service offered in order to verify that cable operators are including, in their reported gross receipts, gross receipts from all tiers of service containing broadcast signals that are offered to subscribers for a separate fee.³

To obtain more specific and relevant information regarding each individual cable operator's different tiers of service, the fees charged for the tiers of service, and subscribership for each tier, Program Suppliers ask the Office to amend its SOAs to include a new "Space" between existing Space E and Space F providing such detailed information. This new Space (referred to in Attachment A as Space E-2 and titled "Categories of Service and Rates") would require cable operators to identify and describe (1) each tier of service they provide for a separate fee, noting which tiers contain broadcast signals, (2) the rates associated with each service tier, and whether the fees collected for each package are included or excluded from their gross receipts calculation, (3) the number of subscribers receiving each service tier, (4) the lowest tier of service including secondary broadcast transmissions that is available for independent

³ Cable operators are required by statute to offer all broadcast signals on a "separately available" basic tier of service, and, with only certain exceptions, are prohibited from requiring the purchase of any other service tier as a prerequisite to obtaining this service. See 47 U.S.C. § 543(b)(7)-(8). Program Suppliers seek a means to identify any cable operators not in compliance with this statutory requirement, as they may be reporting artificially low gross receipts levels for broadcast signals by reporting gross receipts only for tiers of service not independently available to subscribers. If a cable operator requires, as a prerequisite to purchasing the service tier containing broadcast signals, the purchase of another tier (or other tiers) of service, the gross receipts from the additional tier(s) of service must be included in the gross receipts calculation. See Forms SA1-2 and SA3, p. 6, Section K; see also *Compulsory License for Cable Systems: Reporting of Gross Receipts*, 53 Fed. Reg. 2493, 2495 (Jan. 28, 1988). However, the current SOA does not require sufficiently specific information about the tiers of service and the conditions of purchasing each available tier for Program Suppliers to verify cable operators' reporting practices in this area.

subscription, and (5) any tier of service or equipment for which purchase is required as a prerequisite to obtaining another tier of service.

3. Specific Location of Cable Headend

Section 111(f) of the Copyright Act states in part that:

For purposes of determining royalty fees under subsection (d)(1), two or more cable systems in contiguous communities under common ownership or control or operating from *one headend* shall be considered as one system.

17 U.S.C. § 111(f) (definition of “cable system”) (emphasis added). *See also* 37 C.F.R. § 201.17(b)(2). Moreover, as the Office has correctly determined, two cable systems operating from the same headend are considered to be one system for purposes of calculating the Section 111 royalties “even if they are owned by different entities.” General Instructions, Form SA3, p. ii; General Instructions, Form SA1-2, p. ii; *see Compulsory License for Cable Systems*, 43 Fed. Reg. 958, 958 (1977).

Currently, cable operators are required to identify on the SOA the community(ies) in which they operate but not the location of the headend(s) serving those communities. *See* 37 C.F.R. § 201.17(e)(4), Form SA1-2, p. 1, Section D; Form SA3, p. 1, Section D. The absence of information on headend locations prevents Program Suppliers from determining whether cable operators are in fact complying with the Section 111(f) requirement to treat all cable systems operating from a common headend as a single cable system. The location of a system’s headend has become particularly important in recent years for determining what constitutes a single cable system for reporting purposes, as smaller cable systems consolidate into a larger system, or connect more expansive areas into a single system. Again, without the right to audit a cable system to assess its compliance, Program Suppliers rely on information garnered from the

publicly available SOAs. If Program Suppliers were able to determine the location of headends and, thus, ascertain which cable communities shared a common headend, they could more effectively determine whether operators are complying with the SOA filing requirements.

Information concerning headend locations is not readily available to anyone other than the cable operators themselves. Accordingly, Program Suppliers request that Space D of Forms SA1-2 and SA3 be amended to require each cable operator to identify on its SOA the location of each of its headends and the specific communities served from that headend.

4. Identity of the County in Which the Reported Cable Community is Located

Program Suppliers propose that cable operators include on their SOAs the identity of the county in which a reported community is located. The Office's regulations currently require cable systems to report "the name of the community or communities served by the [cable] system." 37 C.F.R. § 201.17(e)(4). The SOAs also require cable operators to identify the cable communities they serve, including requiring them to provide information as to the "city or town" and "state" served. Forms SA1-2 and SA3, p.1, Space D. However, the SOAs do not require cable operators to identify the county in which the given community is located.

The absence of information concerning county location is particularly problematic where multiple communities bear the same or closely similar names. For example, Pennsylvania alone has as many as 200 instances where communities with the same names are located in different counties, the most pervasive being Washington township, which appears in twenty-two different Pennsylvania counties throughout the state. *See* Attachment C. In states such as Pennsylvania, the county is a unique identifier, readily distinguishing one similarly named community from another. If cable operators reported county information for each of their served communities, its

location within the state would become readily apparent without further investigation. This information would also be useful to Program Suppliers in determining when separate cable communities are contiguous to each other. *See* 17 U.S.C. § 111(f).

Further, having information on each cable community's county would assist Program Suppliers and cable operators alike by clarifying whether a signal is local or distant. Currently, among other considerations, there are three county-based criteria that help determine whether a station is local: (1) a significantly viewed designation; (2) an Area of Dominant Influence ("ADI") designation; and/or (3) a Designated Market Area ("DMA") designation. If a station is significantly viewed in a particular county, the cable system operating in that county may carry that station as a local signal and therefore incur no direct royalty payment for its carriage. Similarly, if a cable system's subscribers are located in an ADI or DMA county associated with a certain television market, then carriage of commercial stations licensed to that market to subscribers located in that county is considered local. Again, there is no direct liability for the carriage of local stations. Thus, including a cable system's county on the SOA would provide Program Suppliers and cable operators with an additional tool for precision in determining the area in which a signal is considered local.

The absence of that information also complicates Program Suppliers' efforts to determine whether Form 3 cable operators are properly classifying particular broadcast signals as local or "partially distant" (*i.e.*, as distant to some subscribers but local to others). Knowing the precise county within which the community is located would aid Program Suppliers in this effort. Finally, including county information on SOAs would not be burdensome to cable operators.

Program Suppliers request that Space D of Forms SA1-2 and SA3 be amended to require cable operators to identify the county where each cable community is located, in addition to the requirement to identify the city and state.

B. Interest Payments to the Copyright Office and Copyright Infringement Liability

The Office's regulations require cable operators to pay interest on any royalties "submitted as a result of a late payment or underpayment." *See* Form SA1-2, p.8, Space Q; SA3, p. 9, Space Q; *see also* 37 C.F.R. § 201.17(i)(2). Any such payments do not preclude Program Suppliers and other copyright owners from bringing an action against cable operators for copyright infringement and seeking remedies pursuant to 17 U.S.C. §§ 501-506 and 509 for the time period for which the cable operators' royalty payments were not properly remitted. *See* 17 U.S.C. § 111(c)(2) ("[T]he willful or repeated secondary transmission to the public by a cable system of a primary transmission made by a broadcast station...is actionable as an act of infringement...(B) where the cable system has not deposited the statement of account and royalty fee required by [Section 111](d).").

However, neither the Office's SOAs, nor the regulations, clearly specify that the payment of interest to the Copyright Office for overdue and underpaid compulsory license fees does not shield a cable operator from liability for copyright infringement for unpaid royalty fees. This lack of clarity has resulted in cable operators suggesting that the payment of interest on late royalty payments, regardless of how long overdue, absolves licensees from any other liability for copyright infringement — a theory which is incorrect as a matter of law.

In the recently enacted CRDRA, Congress made it clear that the terms set by Copyright Royalty Judges ("CRJs"), including late payment terms, shall not "prevent the copyright holder

from asserting other rights and remedies provided under this title.” 17 U.S.C. § 803(c)(7). There is no reason that the regulation adopted by the Office concerning late payments should have a different effect. The proposed regulatory changes would achieve consistency between Section 111 and the CRDRA.

Therefore, Program Suppliers urge the Office to amend its regulations and SOAs to include language clarifying that the Office’s assessment of interest in Space Q of the SOA does not absolve cable operators from copyright infringement liability, pursuant to 17 U.S.C. §§ 501-506 and 509, for the failure to make timely royalty payments.

C. Definition of “Community” for Traditional Cable Systems and for Satellite Master Antenna Television (“SMATV”) Systems⁴

Program Suppliers request that the regulatory definition of a cable “community” be clarified to comport with the area for which an operator has been granted a franchise. This is not a request for a new regulation, but rather a request for clarification of a well-established rule.

As noted above, two or more cable systems constitute a single cable system for purposes of Section 111 if they are under common ownership or control and are located in the same or “contiguous communities.” 17 U.S.C. § 111(f); 37 C.F.R. § 201.17(b)(2). Where common ownership of cable systems is established, defining the “community” served is important for the purpose of ascertaining whether two or more cable facilities operate in “contiguous communities,” and whether those facilities should file as a single (typically Form 3) cable

⁴ The Federal Communications Commission (“FCC”) has referred to SMATVs also as private cable operators (“PCOs”). See *Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004*, Notice of Proposed Rulemaking, FCC MB Docket 05-49, 70 Fed. Reg. 11314, 11326 at ¶ 77 (Mar. 8, 2005); *Annual Assessment of Competition in the Market for the Delivery of Video Programming*, 69 Fed. Reg. 39930, 33932 at ¶ 30 (July 1, 2004).

system. The pertinent statutory and regulatory provisions are intended to prevent the artificial fragmentation of large cable systems into multiple smaller systems to avoid royalty payments properly due under Section 111. See *Compulsory License for Cable Systems*, 43 Fed. Reg. at 958 (“[T]he legislative history of the Act indicates that the purpose of this sentence [in Section 111(f)] is to avoid the artificial fragmentation of cable systems”); H.R. Rep. 94-1476 (Sept. 3, 1976), available at 1976 U.S.C.A.A.N. 5659, 5714 (1976); see also *Columbia Pictures Industries, Inc. v. Liberty Cable, Inc.*, 919 F. Supp. 685, 688 (S.D.N.Y. 1996).

Program Suppliers have had an increasing number of disputes with cable operators over what constitutes a cable “community” for reporting purposes under the copyright compulsory license. In the last year alone, the issue of contiguity has arisen in more than thirty-five separate instances in MPAA’s dealings with cable operators. Many cable operators operating over a large geographic area are attempting to artificially separate their systems into multiple smaller systems to reduce their royalty obligations under Section 111. In most cases, cable operators disaggregate cable systems in contiguous cable communities that should be reported on a single Form SA3 and report these systems separately as multiple Forms SA1 and SA2 systems. By disaggregating, the smaller individual systems report lower gross receipts, the effect of which is the reduction of the systems’ base rate fees obligations and elimination of the systems’ 3.75% fees obligations.

The Office’s regulations currently state that the term “community,” for purposes of Section 111, has the same meaning as a “community unit” as defined in FCC rules and regulations. 37 C.F.R. § 201.17(e)(4). FCC regulations define “community unit” as a “separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including single, discrete unincorporated areas).” 47 C.F.R § 76.5(dd).

The cable SOAs also set forth this FCC based definition of “community unit.” See Forms SA1-2 and SA3, p.1, Space D.⁵

The FCC has interpreted the phrase “community unit” to mean cable franchise areas. “Community units are political jurisdictions (*i.e.*, a city, town, or county) or portions of political jurisdictions for which a local government body has granted a franchise to operate a cable system. These separate areas may or may not encompass an entire city or county.” *In re Implementation of Satellite Home Viewer Improvement Act of 1999*, 15 F.C.C.R. at 21702 n.100; see also *In re Warner Cable Communications of Cincinnati, Inc.*, 10 F.C.C.R. at 6016 n.8 (“As a practical matter, in our rate regulatory context, the phrase ‘community unit’ has usually been treated as the franchise area.”); *In the Matter of: Implementation of the Satellite Home Viewer Extension and Reauthorization Act of 2004*, FCC MB Docket 05-49, Notice of Proposed Rulemaking, 70 Fed. Reg. at 11320, ¶¶ 29-30) (noting that cable communities are “easily defined by the geographic boundaries of a given cable system”). The FCC has also stated that some community units are large, transcending traditional political boundaries:

Cable systems operate pursuant to franchise authorizations from the political subdivisions in which they operate. However, they do not typically have separate and distinct headend facilities and separately programmable transmission facilities within each city, town, village or county through which the wiring is laid and into which programming is distributed. For reasons of engineering and economic efficiency, cable facilities generally do not stop and start at political boundaries.

⁵ Presently, Forms SA1-2 and SA3 cite the FCC definition of “community unit,” previously captioned as 47 C.F.R. § 76.5(mm). This regulation has since been renumbered as 47 C.F.R. § 76.5(dd).

In re Matter of Petition for Relief of Kathleen Ballanfant Roberts, 11 F.C.C.R. at 6007.⁶
Therefore, the FCC's view of "community unit" is analogous to cable operators' franchise areas.

The Office's view of "community" is consistent with the FCC's. Although the Copyright Office has not independently defined the term "community," the Office has stated that "*political boundaries* [may be used] to determine when communities are contiguous." *Cable Compulsory Licenses: Definition of a Cable System*, 62 Fed Reg. at 18709 (emphasis added). Further, while the Office has not defined "political boundaries," a reasonable construction of its statement supports the proposition that commonly owned systems within a *county subdivision*⁷ or

⁶ The FCC requires cable operators to have unique identifiers for the communities they serve. Pursuant to FCC regulations, all traditional cable system operators must complete a separate "Cable Community Registration" Form (FCC Form 322) for each "community unit" served. 47 C.F.R. § 76.1801. Once these forms are processed, the FCC assigns each individual community unit a Community Unit Identification Number ("CUID"). These CUID numbers are maintained on the FCC's website. See <http://www.fcc.gov/mb/engineering/liststate.html> (last visited June 6, 2005). FCC regulations require cable operators to identify "[t]he name of the community or area served," but require no specific information regarding that area's boundaries. 47 C.F.R. § 76.1801; see also FCC Form 322. Thus, while the FCC website provides a list of registered community units, it does not provide specific boundary information for these areas.

⁷ The U.S. census bureau defines county subdivision as "[a] legal or statistical division of a county recognized by the Census Bureau for data presentation. The two major types of county subdivisions are census county divisions and minor civil divisions." See Glossary of Terms, available at http://www.factfinder.census.gov/home/en/epss/glossary_c.html (last visited June 6, 2005). Census county divisions are along county lines. The Census Bureau defines minor civil divisions ("MCDs") as follows:

A primary governmental and/or administrative subdivision of a county, such as a township, precinct, or magisterial district. MCDs exist in 28 states and the District of Columbia. In 20 states, all or many MCDs are general-purpose governmental units: Connecticut, Illinois, Indiana, Kansas, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin. Most of these MCDs are legally designated as towns or townships.

See Glossary of Terms, available at http://www.factfinder.census.gov/home/en/epss/glossary_m.html (last visited June 6, 2005).

municipality - the political entities that usually are the cable franchising authorities - should be regarded as being within the same community and, thus, be required to file as a single cable system.⁸ The Office's statement also finds support in published letters from the Office's General Counsel that describe cable systems in contiguous towns as a single system for Section 111 purposes. See *Letter from Copyright Office General Counsel to Senator Edward M. Kennedy*, 93-2-12.L (Feb. 12, 1993) (noting that commonly-owned cable systems in contiguous towns spanning three counties were a single cable system for reporting purposes); *Letter from Copyright Office General Counsel to Maurita K. Coley*, 88-9-14.2L (Sept. 14, 1988) (noting that commonly-owned cable systems were in contiguous communities, regardless of separation by unpopulated areas or geographic barriers, and were a single cable system for reporting purposes). Thus, two or more groups of commonly owned facilities in contiguous municipalities or county subdivisions would be required to file as a single system. Moreover, the General Counsel has made clear that geographical boundaries, such as unpopulated areas, mountains, lakes, or rivers, do not interrupt contiguity. As the General Counsel stated:

It is the Copyright Office view that where two or more cable systems are owned by the same entity and share a political or geographic boundary, the systems comprise one cable system under section 111(f) of the Copyright Act. The fact that the political or geographic boundary shared is only a small touching point, is comprised of unpopulated land, or exists at a natural barrier such as a mountain or a body of water, does not change this conclusion.

Letter from Copyright Office General Counsel to Maurita K. Coley, 88-9-14.2L (Sept. 14, 1988).

Based on the foregoing, the Office's view of community is clearly aligned with the FCC's.

The meaning of "community" discussed above does not - and should not - differ in application to SMATVs, or other PCOs, because the Office has already determined that

⁸ Of course, a broader construction of the term "political boundaries" would include everything from boroughs to towns, cities, counties, or states.

SMATVs and traditional cable systems should be treated the same for purposes of Section 111. *Cable Compulsory Licenses: Definition of Cable Systems*, 62 Fed. Reg. at 18709. Moreover, consistent with the views of the FCC and the Office, relevant case law has held that multiple SMATVs in a single metropolitan area should be reported as a single cable system under Section 111. *See Liberty Cable, Inc.*, 919 F. Supp. at 689 (holding that over 100 commonly-owned SMATV systems within the metropolitan New York City area were a single cable system for reporting purposes).

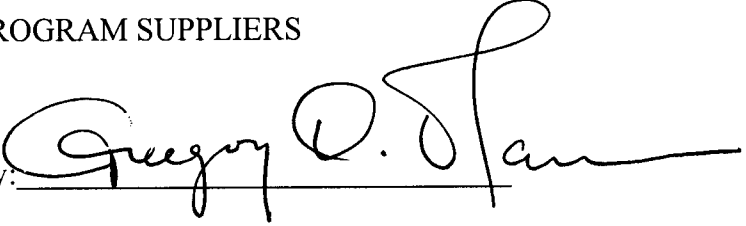
In light of the foregoing, Program Suppliers request that the Office clarify the regulatory definition of community as the particular area for which an operator has been granted a franchise. The appropriate boundary distinction for defining cable communities for traditional cable systems should be a system's franchise area. For SMATVs and other PCOs subject to Section 111, the term "community" should correspond to the "community" of the traditional cable systems serving the area within which the SMATV facility is located.

III. CONCLUSION

For the reasons discussed above, Program Suppliers request the Copyright Office to amend its rules and SOAs as set forth in Attachment A.

Respectfully submitted,

PROGRAM SUPPLIERS

By: 

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June 7, 2005

ATTACHMENT A

In the Matter of Cable Compulsory License Reporting Practices PETITION FOR RULEMAKING

Proposed Regulatory Language And Suggested Changes to the Existing Statement of Account Forms

(New proposed language are in red-line format, proposed deletions in strike-through).

REGULATIONS

37 C.F.R. § 201.17(e)(4) should be modified as follows (See Petition at II.A.3., II.A.4., and II.C.):

(4) The designation "Area Served" followed by the name of the community or communities served by the system, the county and state in which each community is located, and the location of the headend serving each community. For this purpose a "community" ~~is the same as a "community unit," as defined by FCC rules and regulations~~ is the same as the area for which the cable system has been granted a franchise to operate. The boundaries of a cable community shall correspond to the boundaries of a system's franchise area. For private cable operators, including, without limitation, Satellite Master Antenna Television systems, the "community" shall be the franchise area of the cable system within which the private cable operator's facility is located. For these purposes, cable communities are contiguous when franchise areas are adjoining. Geographic boundaries, such as unpopulated areas, mountains, lakes, or rivers, do not interrupt cable system contiguity.

37 C.F.R. § 201.17(i)(2) should be modified as follows (See Petition at II.B):

(2) Royalty fee payments submitted as a result of late or amended filings shall include interest. Interest shall begin to accrue beginning the first day after the close of the period for filing statements of account for all underpayments of royalties for the cable compulsory license occurring within that accounting period. The accrual period shall end on the date appearing on the certified check, cashier's check, money order or electronic payment submitted by a cable system, provided that such payment is received by the Copyright Office within five business days of that date. If the payment is not received by the Copyright Office within five business days of its date, then the accrual period shall end on the date of actual receipt by the Copyright Office. Payment of interest by a cable system shall not prevent a copyright holder from asserting other rights and remedies provided under Title 17.

STATEMENT OF ACCOUNT FORMS

Space D (Forms SA1-2 and SA3) should be modified as follows (See Petition at II.A.3.-4. and II.B.):

INSTRUCTIONS: List each separate community served by the cable system **and identify the location of the headend serving each community.** A "community" is the same as a "community unit" as defined in FCC rules: "...a separate and distinct community or municipal entity (including unincorporated communities within unincorporated areas and including single, discrete unincorporated areas.)" 47 C.F.R. § 76.5(mm). **the area for which a cable system has been granted a franchise to operate.** The first community that you list will serve as a form of system identification hereafter known as the "first Community." *Please use it as the First Community on all future filings.*

Note: Entities and properties such as hotels, apartments, condominiums or mobile home parks should be reported in parentheses below the identified city **franchise area.**

In the chart below the instructions, add additional columns to each block as follows:

Insert a new column with the heading "**County**" between the columns labeled "City or Town" and "State."

Insert a new column with the heading "**Headend Location.**"

Space E (Forms SA1-2 and SA3) should be modified as follows (See Petition at Section II.A.1.):

SECONDARY TRANSMISSION SERVICE: SUBSCRIBERS AND RATES

In General: The information in space E should cover all categories of "secondary transmission service" of the cable system: that is, the retransmission of television and radio broadcasts by your system to subscribers. Give information about other services (including pay cable) in space F, not here. All the facts that you state must be those existing on the last day of the accounting period (June 30 or December 31, as the case may be). **If a particular category listed below does not apply to your cable system, place a zero or the designation "N/A" in the appropriate area. Do not leave areas blank.**

Number of Subscribers: Both blocks in space E call for the number of subscribers to the cable system, broken down by categories of **subscribers receiving** secondary transmission service. In general, you can compute the number of "subscribers" in each category by counting the number of billings in

that category (the number of persons or organizations charged separately for the particular service at the rate indicated—not the number of sets receiving service).

Rate: Give the standard rate charged for each category of service subscribers. Include both the amount of the charge and the unit in which it is generally billed. (Example: "\$8/mth"). Summarize any standard rate variations within a particular rate category, but do not include discounts allowed for advance payment. **For multi-unit dwellings, list the amount charged and a brief description of the rate imposed, indicating whether the rate is a flat fee or dependent on the number of units receiving service. If the rate is dependent on the number of units receiving service, list the number of units served for each multi-unit dwelling subscriber.**

Block 1: In the left-hand block in space E, the form lists the categories of subscribers receiving secondary transmission service that cable systems most commonly provide to their subscribers. Give the number of subscribers and rate for each listed category that applies to your system. **Note:** Where an individual or organization is receiving service that falls under different categories, that person or entity should be counted as a "subscriber" in each applicable category. Example: a residential subscriber who pays extra for cable service to additional sets would be included in the count under "Service to First Set," and would be counted once again under "Service to Additional Set(s)."

Block 2: If your cable system has ~~rate~~ subscriber categories for secondary transmission service that are different from those printed in block 1, (~~for example, tiers of services which include one or more secondary transmissions~~), list them, together with the number of subscribers and rates, in the right-hand block. A two or three word description of the ~~service~~ subscriber category is sufficient.

In the "Block 1" and "Block 2" chart below the instruction section of Space E, the following changes should be made:

The headings in each block that read "~~Categories of Service~~" should be deleted and replaced with the heading "**Categories of Subscribers.**"

In Block 1, the headings "**Service to First Set**" and "**Service to Additional Set(s)**" should be inserted in each instance below the existing headings "Motel, Hotel" and "Commercial."

A New "Space E-2" (Forms SA1-2 and SA3) should be created after Space E, as follows (See Petition at II.A.2.):

CATEGORIES OF SERVICE AND RATES

In General: The information in space E-2 should cover all categories or tiers of service offered for a separate fee, identifying the tiers of service that contain secondary transmission service of the cable system: that is, the retransmission of television and radio broadcasts by your system to subscribers. All the facts you state must be those existing on the last day of the accounting period (June 30 or December 31, as the case may be).

Rate: Give the standard rate charged for each category, tier, or package of service offered, specifying whether the fees collected for each category, tier, or package are included in your gross receipts calculation in space K (gross receipts for all categories, tiers, or packages of service that contain retransmitted television or radio broadcasts, or for which purchase is required for your subscribers to obtain access to a tier of service containing retransmitted television or radio broadcasts, must be included in your space K calculation). Include both the amount of the charge and the unit in which it is generally billed. (Example: "\$8/mth"). Summarize any standard rate variations within a particular rate category, but do not include discounts allowed for advance payment.

Number of Subscribers: The blocks in space E-2 call for the number of subscribers to the cable system for each tier of service offered. In general, you can compute the number of "subscribers" in each category by counting the number of billings in that category (the number of persons or organizations charged separately for the particular service at the rate indicated—not the number of sets receiving service). For multi-unit dwellings, list the amount charged and a brief description of the rate imposed, indicating whether the rate is a flat fee or dependent on a particular number of units (such as number of rooms) receiving service. If the rate is dependent on the number of units receiving service, list the number of units served for each multi-unit dwelling subscriber.

Block 1: In the left-hand block in space E-2, the form lists the categories of service, or tiers of service that cable systems most commonly provide to their subscribers (for example, basic service, expanded basic service, etc.). Give the number of subscribers and rate for each listed category that applies to your system. Note: Where an individual or organization is receiving service that falls under different categories, that person or entity should be counted as a "subscriber" in each applicable category.

Block 2: If your cable system has rate categories for secondary transmission service that are different from those printed in block 1, (for example, tiers of

services which include one or more secondary transmissions, or for which purchase is required for your subscribers to obtain access to a tier of service containing retransmitted television or radio broadcasts), list them, together with the number of subscribers and rates, in the right-hand block. A two or three word description of the service tier is sufficient.

A chart labeled Block 1 and Block 2 should be inserted in Space E-2 with the following designations:

Each block should include headings for **“Categories of Service,” “Rate,”** and **“No. of Subscribers.”**

Block 1 should include designations for **“Basic,”** and **“Expanded Basic,”** and thereafter provide blanks to be completed by the cable operator based on the specific tiers of service offered by their system.

Space K (Forms SA1-2 and SA3) should be modified as follows (See Petition at II.A.1.):

GROSS RECEIPTS

Instructions: The figure you give in this space determines the form you file and the amount you pay. Enter the total of all amounts (“gross receipts”) paid to your cable system by subscribers for the system’s “secondary transmission service” (as **based on information you provided** identified in spaces E and E-2) during the accounting period. **The gross receipts reported in space K should approximate the number of subscribers identified in spaces E and E-2, multiplied by the applicable fee. A variation of more than 10% between calculated gross receipts (based on spaces E and E-2) and reported gross receipts (space K) should be explained with supporting documentation.** For a further explanation of how to compute this amount, see page (vi) of the General Instructions.

Space Q (Forms SA1-2 and SA3) should be modified as follows (See Petition at II.B):

WORKSHEET FOR COMPUTING INTEREST

You must complete this worksheet for those royalty payments submitted as a result of a late payment or underpayment. For an explanation of interest assessment, see page (vii) General Instructions. **Payment of interest by a cable system shall not prevent a copyright holder from asserting other rights and remedies provided under Title 17.**

Comparison of Calculated Gross Receipts (SOA Space E) vs. Reported Gross Receipts (SOA Space K)

<u>SYS-ID</u>	<u>ACCT-PD</u>	<u>OWNER-NAME</u>	<u>REPORTED GR (SOA SPACE K)</u>	<u>CALCULATED GR (SOA SPACE E)</u>	<u>DIFFERENCE BW SPACES K AND E</u>	<u>PERCENT % DIFFERENCE</u>
FLW125	2003-2	ADELPHIA CABLEVISION ASSOC	10,206,581	4,533,231	5,673,350	55.585%
PRL200	2003-2	LIBERTY CABLEVISION OF PR	14,930,966	12,175,800	2,755,166	18.453%
WIM320	2003-2	TIME WARNER CABLE OF SE WI	13,858,087	11,576,123	2,281,964	16.467%
OHT350	2003-2	BUCKEYE CABLEVISION INC	12,599,569	10,861,849	1,737,720	13.792%
MID100	2003-2	CHARTER COMMUNICATIONS VII	6,401,742	5,710,542	691,200	10.797%
PAL420	2003-2	SERVICE ELECTRIC CABLE TV INC	17,632,450	16,489,669	1,142,781	6.481%
OHC870	2003-2	TIME WARNER ENTERTAINMENT CO	24,925,537	24,283,542	641,995	2.576%
OHA150	2003-2	TIME WARNER ENTERTAINMENT CO	15,356,843	14,988,002	368,841	2.402%
OHA325	2003-2	TIME WARNER CABLE	20,072,208	19,604,064	468,144	2.332%
MOB100	2003-2	CHARTER COMM ENTERTAINME I LLC	32,238,983	32,047,315	191,668	0.595%
FLO680	2003-2	BRIGHTHOUSE NETWORKS	31,587,517	31,477,348	110,169	0.349%
VAV800	2003-2	COXCOM INC	18,094,173	18,134,996	(40,823)	-0.226%
MIE550	2003-2	BRESNAN COMMUNICATIONS CO	11,515,142	11,583,289	(68,147)	-0.592%
ORP500	2003-2	COMCAST OF OREGON II INC	15,185,216	15,321,149	(135,933)	-0.895%
PRB200	2003-2	CENTURY-ML CABLE CORP	32,130,084	32,435,830	(305,746)	-0.952%
NYB665	2003-2	CABLEVISION OF NEW YORK CITY	24,492,021	24,964,568	(472,547)	-1.929%
CAB310	2003-2	COXCOM INC	32,040,944	32,732,910	(691,966)	-2.160%
MIM250	2003-2	BRESNAN COMMUNICATIONS CO	4,103,711	4,198,387	(94,676)	-2.307%
KYH210	2003-2	FRONTIERVISION OPERATING	1,772,837	1,819,359	(46,522)	-2.624%
NYB625	2003-2	CABLEVISION OF NEW YORK CITY	23,024,642	23,633,201	(608,559)	-2.643%
NJW100	2003-2	COMCAST CABLE COMM LLC	21,403,580	22,216,550	(812,970)	-3.798%
WAS050	2003-2	COMCAST OF WASHINGTON IV INC	75,830,108	78,723,270	(2,893,162)	-3.815%
FLH460	2003-2	BRIGHTHOUSE NETWORKS	16,784,443	17,453,213	(668,770)	-3.984%
LAN720	2003-2	COX COMMUNICATIONS LA LLC	26,119,895	27,202,060	(1,082,165)	-4.143%
MOK400	2003-2	KCCP TRUST	18,784,389	19,733,495	(949,106)	-5.053%
PAC180	2003-2	COMCAST OF SOUTHEAST PENNSYLV	2,607,924	2,756,131	(148,207)	-5.683%
MDR700	2003-2	COMCAST CBV OF POTOMAC LLC	21,642,268	22,995,234	(1,352,966)	-6.251%
GAD400	2003-2	COMCAST OF GEORGIA INC	41,985,252	45,111,095	(3,125,843)	-7.445%
AZP640	2003-2	COMCAST OF ARIZONA INC	5,283,084	5,685,738	(402,654)	-7.622%
CAS305	2003-2	COMCAST OF SACRAMENTO I LLC	16,194,078	17,530,473	(1,336,395)	-8.252%
NVL600	2003-2	COX COMMUNICATION LAS VEGAS	26,751,838	28,975,620	(2,223,782)	-8.313%
NYD500	2003-2	PARNASOS LP	1,552,118	1,689,505	(137,387)	-8.852%
NEO280	2003-2	COXCOM INC	16,584,039	18,276,321	(1,692,282)	-10.204%
VAF080	2003-2	COXCOM INC	22,055,408	24,360,335	(2,304,927)	-10.451%
VTB600	2003-2	MOUNTAIN CABLE CO	10,573,978	11,722,728	(1,148,750)	-10.864%
KYL840	2003-2	INSIGHT MIDWEST LP	21,224,197	23,752,393	(2,528,196)	-11.912%
WIF300	2003-2	MARCUS CABLE PARTNERS LLC	6,318,329	7,075,148	(756,819)	-11.978%

ATTACHMENT B

Comparison of Calculated Gross Receipts (SOA Space E) vs. Reported Gross Receipts (SOA Space K)

SCS300	2003-2	CHARTER COMMUNICATIONS LLC	19,861,259	22,416,362	(2,555,103)	-12.865%
NYA520	2003-2	CSC HOLDINGS INC	39,764,190	44,978,672	(5,214,482)	-13.114%
AZT960	2003-2	COXCOM INC	9,561,527	10,896,635	(1,335,108)	-13.963%
CAS500	2003-2	COXCOM INC	23,139,886	26,758,558	(3,618,672)	-15.638%
TXD660	2003-2	COMCAST OF DALLAS INC	16,103,185	18,653,542	(2,550,357)	-15.838%
TNN775	2003-2	COMCAST CBV OF NASHVILLE I LLC	19,302,866	22,417,569	(3,114,703)	-16.136%
WAK200	2003-2	CHARTER COMMUNICATIONS VII	4,771,631	5,559,467	(787,836)	-16.511%
WIH400	2003-2	MARCUS CABLE PARTNERS LLC	4,985,859	6,024,158	(1,038,299)	-20.825%
VAN550	2003-2	CENTURY VIRGINIA CORP	3,560,073	4,357,735	(797,662)	-22.406%
NCR160	2003-2	TIME WARNER ENTERTAINMENT CO	24,313,249	29,961,110	(5,647,861)	-23.230%
CAS475	2003-2	COMCAST OF CALIFORNIA III INC	71,331,507	88,256,962	(16,925,455)	-23.728%
NJA600	2003-2	COMCAST OF GARDEN STATE LP	19,527,523	24,278,095	(4,750,572)	-24.328%
PAP360	2003-2	COMCAST OF CA/OH/PA/UT/WA INC	26,577,066	33,151,438	(6,574,372)	-24.737%
HIO200	2003-2	TIME WARNER ENTERTAINMENT CO	22,662,580	28,516,597	(5,854,017)	-25.831%
MSG450	2003-2	CABLE ONE, INC	8,857,066	11,177,850	(2,320,784)	-26.203%
TNG545	2003-2	FRONTIER VISION OPERATING LP	3,626,392	4,579,474	(953,082)	-26.282%
RIC200	2003-2	COXCOM INC	23,900,581	30,531,242	(6,630,661)	-27.743%
OHK200	2003-2	TIME WARNER ENTERTAINMENT CO	10,507,989	13,430,902	(2,922,913)	-27.816%
OHE550	2003-2	ADELPHIA COMMUNICATIONS OF CA	17,152,383	21,926,175	(4,773,792)	-27.832%
FLM640	2003-2	COMCAST OF SOUTH FL II INC	21,677,609	28,117,950	(6,440,341)	-29.710%
CAB060	2003-2	COXCOM INC	2,564,095	3,363,833	(799,738)	-31.190%
VAP700	2003-2	COMCAST CBV OF VIRGINIA INC	16,968,790	22,319,467	(5,350,677)	-31.532%
CAL530	2003-2	CENTURY TCI CALIFORNIA LP	28,615,550	37,731,242	(9,115,692)	-31.856%
WIJ200	2003-2	MARCUS CABLE PARTNERS LLC	6,966,458	9,250,616	(2,284,158)	-32.788%
AZP580	2003-2	COXCOM INC	60,108,759	83,395,266	(23,286,507)	-38.741%
NYA120	2003-2	TIME WARNER ENT/ADV-NEWHSE GP	15,930,593	22,410,407	(6,479,814)	-40.675%
COC540	2003-2	CENTURY COLORADO SPRINGS PARTN	19,271,896	27,917,402	(8,645,506)	-44.861%
ILC500	2003-2	COMCAST OF CHICAGO INC	34,614,489	58,649,874	(24,035,385)	-69.437%
NYL050	2003-2	PARNASSOS LP	12,351,691	21,454,470	(9,102,779)	-73.697%
CAS515	2003-2	CHARTER COMM PROPERTIES LLC	6,878,818	11,961,654	(5,082,836)	-73.891%
NYM160	2003-2	TIME WARNER ENTERTAINMENT CO	79,036,120	147,194,696	(68,158,576)	-86.237%
FLP410	2003-2	BRIGHTHOUSE NETWORKS	17,793,513	36,813,530	(19,020,017)	-106.893%
WIA400	2003-2	TIME WARNER ENTERTAINMENT CO	11,103,436	23,598,862	(12,495,426)	-112.537%
CAP040	2003-2	TIME WARNER ENT/ADV-NEWHSE GP	15,914,351	40,715,060	(24,800,709)	-155.839%
CON050	2003-2	COMCAST OF COLORADO IX LLC	38,684,693	107,781,511	(69,096,818)	-178.615%
TXH558	2003-2	TEXAS & KANSAS CITY CABLE PAR	51,760,350	173,493,921	(121,733,571)	-235.187%
TXS180	2003-2	TIME WARNER CABLE	23,783,600	90,907,780	(67,124,180)	-282.229%
CAP100	2003-2	TIME WARNER ENT/ADV-NEWHSE GP	6,105,909	41,775,717	(35,669,808)	-584.185%

PLACE AND COUNTY SUBDIVISION, PENNSYLVANIA

Abington township, Lackawanna County
Abington township, Montgomery County

Adams township, Butler County
Adams township, Cambria County
Adams township, Snyder County

Albany township, Berks County
Albany township, Bradford County

Allegheny township, Potter County
Allegheny township, Blair County
Allegheny township, Butler County
Allegheny township, Cambria County
Allegheny township, Somerset County
Allegheny township, Venango County
Allegheny township, Westmoreland County

Amity township, Berks County
Amity township, Erie County

Anthony township, Lycoming County
Anthony township, Montour County

Armstrong township, Indiana County
Armstrong township, Lycoming County

Athens township, Bradford County
Athens township, Crawford County

Banks township, Carbon County
Banks township, Indiana County

Barnett township, Forest County
Barnett township, Jefferson County

Beaver township, Clarion County
Beaver township, Columbia County
Beaver township, Crawford County

ATTACHMENT C



Beaver township, Jefferson County
Beaver township, Snyder County

Bell township, Clearfield County
Bell township, Jefferson County
Bell township, Westmoreland County

Benton township, Columbia County
Benton township, Lackawanna County

Bethel township, Armstrong County
Bethel township, Berks County
Bethel township, Delaware County
Bethel township, Fulton County
Bethel township, Lebanon County

Boggs township, Armstrong County
Boggs township, Centre County
Boggs township, Clearfield County



Brady township, Butler County
Brady township, Clarion County
Brady township, Clearfield County
Brady township, Huntingdon County
Brady township, Lycoming County

Brecknock township, Berks County
Brecknock township, Lancaster County

Brown township, Lycoming County
Brown township, Mifflin County


Buckingham township, Bucks County
Buckingham township, Wayne County

Buffalo township, Butler County
Buffalo township, Perry County
Buffalo township, Union County
Buffalo township, Washington County



Burrell township, Armstrong County
Burrell township, Indiana County

ATTACHMENT C



Butler township, Adams County
Butler township, Butler County
Butler township, Luzerne County
Butler township, Schuylkill County

Caernarvon township, Berks County
Caernarvon township, Lancaster County

Canton township, Bradford County
Canton township, Washington County

Carroll township, Perry County
Carroll township, Washington County
Carroll township, York County

Cass township, Huntingdon County
Cass township, Schuylkill County



Center township, Beaver County
Center township, Butler County
Center township, Greene County
Center township, Indiana County
Center township, Snyder County


Centerville borough, Crawford County
Centerville borough, Washington County

Centre township, Berks County
Centre township, Perry County

Chalfant borough, Allegheny County
Chalfont borough, Bucks County


Chapman township, Clinton County
Chapman township, Snyder County

Cherry township, Butler County
Cherry township, Sullivan County



Chest township, Cambria County
Chest township, Clearfield County

ATTACHMENT C




Clay township, Butler County
Clay township, Huntingdon County
Clay township, Lancaster County

Clearfield township, Butler County
Clearfield township, Cambria County

Clinton township, Butler County
Clinton township, Lycoming County
Clinton township, Venango County
Clinton township, Wayne County
Clinton township, Wyoming County

Coaldale borough, Bedford County
Coaldale borough, Schuylkill County

Colerain township, Bedford County
Colerain township, Lancaster County



Concord township, Butler County
Concord township, Delaware County
Concord township, Erie County

Conemaugh township, Cambria County
Conemaugh township, Indiana County
Conemaugh township, Somerset County

Conewago township, Adams County
Conewago township, Dauphin County
Conewago township, York County

Conneaut township, Crawford County
Conneaut township, Erie County


Conyngam township, Columbia County
Conyngam township, Luzerne County

Cooper township, Clearfield County
Cooper township, Montour County



Covington township, Clearfield County

ATTACHMENT C



Covington township, Lackawanna County
Covington township, Tioga County

Cranberry township, Butler County
Cranberry township, Venango County

Cumberland township, Adams County
Cumberland township, Greene County

Decatur township, Clearfield County
Decatur township, Mifflin County

Deerfield township, Tioga County
Deerfield township, Warren County

Delaware township, Juniata County
Delaware township, Mercer County
Delaware township, Northumberland County
Delaware township, Pike County




Derry township, Dauphin County
Derry township, Mifflin County
Derry township, Montour County
Derry township, Westmoreland County

Donegal township, Butler County
Donegal township, Washington County
Donegal township, Westmoreland County

Douglass township, Berks County
Douglass township, Montgomery County


Duncannon borough, Perry County
Duncansville borough, Blair County

Earl township, Berks County
Earl township, Lancaster County



Eldred township, Jefferson County
Eldred township, Lycoming County
Eldred township, McKean County
Eldred township, Monroe County

ATTACHMENT C




Eldred township, Schuylkill County
Eldred township, Warren County

Elizabeth township, Allegheny County
Elizabeth township, Lancaster County

Elk township, Chester County
Elk township, Clarion County
Elk township, Tioga County
Elk township, Warren County

Exeter township, Berks County
Exeter township, Luzerne County
Exeter township, Wyoming County

Fairfield township, Crawford County
Fairfield township, Lycoming County
Fairfield township, Westmoreland County



Fairview township, Butler County
Fairview township, Erie County
Fairview township, Luzerne County
Fairview township, Mercer County
Fairview township, York County

Falls township, Bucks County
Falls township, Wyoming County

Farmington township, Clarion County
Farmington township, Tioga County
Farmington township, Warren County

Fawn township, Allegheny County
Fawn township, York County


Ferguson township, Centre County
Ferguson township, Clearfield County

Findlay township, Allegheny County
Findley township, Mercer County




Forks township, Northampton County

ATTACHMENT C

 Forks township, Sullivan County

Foster township, Luzerne County
Foster township, McKean County
Foster township, Schuylkill County

Fox township, Elk County
Fox township, Sullivan County

Franklin township, Adams County
Franklin township, Beaver County
Franklin township, Bradford County
Franklin township, Butler County
Franklin township, Carbon County
Franklin township, Chester County
Franklin township, Columbia County
Franklin township, Erie County
Franklin township, Fayette County
Franklin township, Greene County
Franklin township, Huntingdon County
 Franklin township, Luzerne County
Franklin township, Lycoming County
Franklin township, Snyder County
Franklin township, Susquehanna County
Franklin township, York County

Freedom township, Adams County
Freedom township, Blair County

Gibson township, Cameron County
Gibson township, Susquehanna County


Girard township, Clearfield County
Girard township, Erie County

Granville township, Bradford County
Granville township, Mifflin County

Green township, Forest County
Green township, Indiana County

 Greene township, Beaver County

ATTACHMENT C




Greene township, Clinton County
Greene township, Erie County
Greene township, Franklin County
Greene township, Greene County
Greene township, Mercer County
Greene township, Pike County

Greenfield township, Blair County
Greenfield township, Erie County
Greenfield township, Lackawanna County

Greenwood township, Clearfield County
Greenwood township, Columbia County
Greenwood township, Crawford County
Greenwood township, Juniata County
Greenwood township, Perry County

Gregg township, Centre County
Gregg township, Union County




Hamilton township, Adams County
Hamilton township, Franklin County
Hamilton township, McKean County
Hamilton township, Monroe County
Hamilton township, Tioga County

Hampton township, Allegheny County
Hampton Township CDP, Allegheny County


Hanover township, Beaver County
Hanover township, Lehigh County
Hanover township, Luzerne County
Hanover township, Northampton County
Hanover township, Washington County

Harmony township, Beaver County
Harmony township, Forest County
Harmony township, Susquehanna County
Harmony Township CDP, Beaver County



Harrison township, Allegheny County
Harrison township, Bedford County

ATTACHMENT C



Harrison township, Potter County
Harrison Township CDP, Allegheny County


Heidelberg township, Berks County
Heidelberg township, Lebanon County
Heidelberg township, Lehigh County
Heidelberg township, York County

Hempfield township, Mercer County
Hempfield township, Westmoreland County

Henderson township, Huntingdon County
Henderson township, Jefferson County

Herrick township, Bradford County
Herrick township, Susquehanna County

Hickory township, Forest County
Hickory township, Lawrence County



Highland township, Adams County
Highland township, Chester County
Highland township, Clarion County
Highland township, Elk County


Hopewell township, Beaver County
Hopewell township, Bedford County
Hopewell township, Cumberland County
Hopewell township, Huntingdon County
Hopewell township, Washington County
Hopewell township, York County

Howe township, Forest County
Howe township, Perry County

Huntington township, Adams County
Huntington township, Luzerne County


Huston township, Blair County
Huston township, Centre County
Huston township, Clearfield County

ATTACHMENT C



Independence township, Beaver County
Independence township, Washington County

Jackson township, Butler County
Jackson township, Cambria County
Jackson township, Columbia County
Jackson township, Dauphin County
Jackson township, Greene County
Jackson township, Huntingdon County
Jackson township, Lebanon County
Jackson township, Luzerne County
Jackson township, Lycoming County
Jackson township, Mercer County
Jackson township, Monroe County
Jackson township, Northumberland County
Jackson township, Perry County
Jackson township, Snyder County
Jackson township, Susquehanna County
Jackson township, Tioga County
Jackson township, Venango County
Jackson township, York County



Jefferson township, Berks County
Jefferson township, Butler County
Jefferson township, Dauphin County
Jefferson township, Fayette County
Jefferson township, Greene County
Jefferson township, Lackawanna County
Jefferson township, Mercer County
Jefferson township, Somerset County
Jefferson township, Washington County

Jordan township, Clearfield County
Jordan township, Lycoming County
Jordan township, Northumberland County

Juniata township, Bedford County
Juniata township, Blair County
Juniata township, Huntingdon County
Juniata township, Perry County



Keating township, McKean County

ATTACHMENT C

 Keating township, Potter County


Knox township, Clarion County
Knox township, Clearfield County
Knox township, Jefferson County

Lake township, Luzerne County
Lake township, Mercer County
Lake township, Wayne County

Lancaster township, Butler County
Lancaster township, Lancaster County

Lawrence township, Clearfield County
Lawrence township, Tioga County


Lehigh township, Carbon County
Lehigh township, Northampton County
Lehigh township, Wayne County

 Lehman township, Luzerne County
Lehman township, Pike County

Lewis township, Lycoming County
Lewis township, Northumberland County
Lewis township, Union County

Liberty borough, Allegheny County
Liberty borough, Tioga County

Liberty township, Adams County
Liberty township, Bedford County
Liberty township, Centre County
Liberty township, McKean County
Liberty township, Mercer County
Liberty township, Montour County
Liberty township, Susquehanna County
Liberty township, Tioga County

 Limestone township, Clarion County
Limestone township, Lycoming County
Limestone township, Montour County

ATTACHMENT C



Limestone township, Union County
Limestone township, Warren County

Lincoln township, Bedford County
Lincoln township, Huntingdon County
Lincoln township, Somerset County

Logan township, Blair County
Logan township, Clinton County
Logan township, Huntingdon County

Londonderry township, Bedford County
Londonderry township, Chester County
Londonderry township, Dauphin County

Madison township, Armstrong County
Madison township, Clarion County
Madison township, Columbia County
Madison township, Lackawanna County



Mahoning township, Armstrong County
Mahoning township, Carbon County
Mahoning township, Lawrence County
Mahoning township, Montour County

Manchester township, Wayne County
Manchester township, York County

Manheim township, Lancaster County
Manheim township, York County


Manor township, Armstrong County
Manor township, Lancaster County

Marion township, Beaver County
Marion township, Berks County
Marion township, Butler County
Marion township, Centre County



Menallen township, Adams County
Menallen township, Fayette County

ATTACHMENT C




Middlecreek township, Snyder County
Middlecreek township, Somerset County

Middlesex township, Butler County
Middlesex township, Cumberland County

Middletown township, Bucks County
Middletown township, Delaware County
Middletown township, Susquehanna County

Mifflin township, Columbia County
Mifflin township, Dauphin County
Mifflin township, Lycoming County

Milford township, Bucks County
Milford township, Juniata County
Milford township, Pike County
Milford township, Somerset County




Millcreek township, Clarion County
Millcreek township, Erie County
Millcreek township, Lebanon County
Mill Creek township, Lycoming County
Mill Creek township, Mercer County

Miller township, Huntingdon County
Miller township, Perry County


Monroe township, Bedford County
Monroe township, Bradford County
Monroe township, Clarion County
Monroe township, Cumberland County
Monroe township, Juniata County
Monroe township, Snyder County
Monroe township, Wyoming County

Montgomery township, Franklin County
Montgomery township, Indiana County
Montgomery township, Montgomery County



Morris township, Clearfield County
Morris township, Greene County

ATTACHMENT C




Morris township, Huntingdon County
Morris township, Tioga County
Morris township, Washington County

Mount Joy township, Adams County
Mount Joy township, Lancaster County

Mount Pleasant township, Adams County
Mount Pleasant township, Columbia County
Mount Pleasant township, Washington County
Mount Pleasant township, Wayne County
Mount Pleasant township, Westmoreland County

Newburg borough, Clearfield County
Newburg borough, Cumberland County

Newtown township, Bucks County
Newtown township, Delaware County



Nicholson township, Fayette County
Nicholson township, Wyoming County
Nippenose township, Lycoming County


Northampton township, Bucks County
Northampton township, Somerset County

North Union township, Fayette County
North Union township, Schuylkill County

Oakland township, Butler County
Oakland township, Susquehanna County
Oakland township, Venango County


Oil Creek township, Crawford County
Oilcreek township, Venango County

Oliver township, Jefferson County
Oliver township, Mifflin County
Oliver township, Perry County



Paint township, Clarion County
Paint township, Somerset County

ATTACHMENT C



Palmyra township, Pike County
Palmyra township, Wayne County

Paradise township, Lancaster County
Paradise township, Monroe County
Paradise township, York County


Penn township, Berks County
Penn township, Butler County
Penn township, Centre County
Penn township, Chester County
Penn township, Clearfield County
Penn township, Cumberland County
Penn township, Huntingdon County
Penn township, Lancaster County
Penn township, Lycoming County
Penn township, Perry County
Penn township, Snyder County
Penn township, Westmoreland County
Penn township, York County



Perry township, Armstrong County
Perry township, Berks County
Perry township, Clarion County
Perry township, Fayette County
Perry township, Greene County
Perry township, Jefferson County
Perry township, Lawrence County
Perry township, Mercer County
Perry township, Snyder County

Peters township, Franklin County
Peters township, Washington County

Pike township, Berks County
Pike township, Bradford County
Pike township, Clearfield County
Pike township, Potter County



Pine township, Allegheny County
Pine township, Armstrong County

ATTACHMENT C



Pine township, Clearfield County
Pine township, Columbia County
Pine township, Crawford County
Pine township, Indiana County
Pine township, Lycoming County
Pine township, Mercer County

Pine Creek township, Clinton County
Pine Creek township, Jefferson County

Pine Grove township, Schuylkill County
Pinegrove township, Venango County
Pine Grove township, Warren County

Pleasantville borough, Bedford County
Pleasantville borough, Venango County

Plymouth township, Luzerne County
Plymouth township, Montgomery County



Polk township, Jefferson County
Polk township, Monroe County

Portage township, Cambria County
Portage township, Cameron County
Portage township, Potter County

Porter township, Clarion County
Porter township, Clinton County
Porter township, Huntingdon County
Porter township, Jefferson County
Porter township, Lycoming County
Porter township, Pike County
Porter township, Schuylkill County

Potter township, Beaver County
Potter township, Centre County

Pulaski township, Beaver County
Pulaski township, Lawrence County



Radnor township, Delaware County

ATTACHMENT C

 Radnor Township CDP, Delaware County


Redbank township, Armstrong County
Redbank township, Clarion County

Richland township, Allegheny County
Richland township, Bucks County
Richland township, Cambria County
Richland township, Clarion County
Richland township, Venango County

Richmond township, Berks County
Richmond township, Crawford County
Richmond township, Tioga County

Robinson township, Allegheny County
Robinson township, Washington County


Rockland township, Berks County
Rockland township, Venango County

 Rome township, Bradford County
Rome township, Crawford County

Ross township, Allegheny County
Ross township, Luzerne County
Ross township, Monroe County

Rush township, Centre County
Rush township, Dauphin County
Rush township, Northumberland County
Rush township, Schuylkill County
Rush township, Susquehanna County

Sadsbury township, Chester County
Sadsbury township, Crawford County
Sadsbury township, Lancaster County

 Salem township, Clarion County
Salem township, Luzerne County
Salem township, Mercer County
Salem township, Wayne County

ATTACHMENT C



Salem township, Westmoreland County

Salisbury township, Lancaster County

Salisbury township, Lehigh County

Schuylkill township, Chester County

Schuylkill township, Schuylkill County

Scott township, Allegheny County

Scott township, Columbia County

Scott township, Lackawanna County

Scott township, Lawrence County

Scott township, Wayne County

Shenango township, Lawrence County

Shenango township, Mercer County

Shippen township, Cameron County

Shippen township, Tioga County



Shrewsbury township, Lycoming County

Shrewsbury township, Sullivan County

Shrewsbury township, York County

Slippery Rock township, Butler County

Slippery Rock township, Lawrence County

Smithfield township, Bradford County

Smithfield township, Huntingdon County

Smithfield township, Monroe County

Snyder township, Blair County

Snyder township, Jefferson County

Somerset township, Somerset County

Somerset township, Washington County

Southampton township, Bedford County


Southampton township, Cumberland County

Southampton township, Franklin County



Southampton township, Somerset County


ATTACHMENT C



Spring township, Berks County
Spring township, Centre County
Spring township, Crawford County
Spring township, Perry County
Spring township, Snyder County

Spring Creek township, Elk County
Spring Creek township, Warren County

Springfield township, Bradford County
Springfield township, Bucks County
Springfield township, Delaware County
Springfield township, Erie County
Springfield township, Fayette County
Springfield township, Huntingdon County
Springfield township, Mercer County
Springfield township, Montgomery County
Springfield township, York County



Springhill township, Fayette County
Springhill township, Greene County

Stonycreek township, Cambria County
Stonycreek township, Somerset County

Sugar Grove township, Mercer County
Sugar Grove township, Warren County

Sugarloaf township, Columbia County
Sugarloaf township, Luzerne County


Summerhill township, Cambria County
Summerhill township, Crawford County

Summit township, Butler County
Summit township, Crawford County
Summit township, Erie County
Summit township, Potter County
Summit township, Somerset County



Susquehanna township, Cambria County
Susquehanna township, Dauphin County

ATTACHMENT C

 Susquehanna township, Juniata County
Susquehanna township, Lycoming County


Swatara township, Dauphin County
Swatara township, Lebanon County

Taylor township, Blair County
Taylor township, Centre County
Taylor township, Fulton County
Taylor township, Lawrence County

Tinicum township, Bucks County
Tinicum township, Delaware County

Todd township, Huntingdon County
Todd township, Fulton County

Troy township, Bradford County
Troy township, Crawford County

 Tunkhannock township, Monroe County
Tunkhannock township, Wyoming County

Tuscarora township, Bradford County
Tuscarora township, Juniata County
Tuscarora township, Perry County

Tyrone township, Adams County
Tyrone township, Blair County
Tyrone township, Perry County

Union township, Adams County
Union township, Berks County
Union township, Centre County
Union township, Clearfield County
Union township, Crawford County
Union township, Erie County
Union township, Fulton County
Union township, Huntingdon County
Union township, Jefferson County
Union township, Lawrence County
Union township, Lebanon County



ATTACHMENT C

Union township, Luzerne County
Union township, Mifflin County
Union township, Schuylkill County
Union township, Snyder County
Union township, Tioga County
Union township, Union County
Union township, Washington County

Valley township, Armstrong County
Valley township, Chester County
Valley township, Montour County

Venango township, Butler County
Venango township, Crawford County
Venango township, Erie County

Walker township, Centre County
Walker township, Huntingdon County
Walker township, Juniata County
Walker township, Schuylkill County

Warren township, Bradford County
Warren township, Franklin County

Warrington township, Bucks County
Warrington township, York County

Warwick township, Bucks County
Warwick township, Chester County
Warwick township, Lancaster County

Washington township, Armstrong County
Washington township, Berks County
Washington township, Butler County
Washington township, Cambria County
Washington township, Clarion County
Washington township, Dauphin County
Washington township, Erie County
Washington township, Fayette County
Washington township, Franklin County
Washington township, Greene County
Washington township, Indiana County

ATTACHMENT C

Washington township, Jefferson County
Washington township, Lawrence County
Washington township, Lehigh County
Washington township, Lycoming County
Washington township, Northampton County
Washington township, Northumberland County
Washington township, Schuylkill County
Washington township, Snyder County
Washington township, Westmoreland County
Washington township, Wyoming County
Washington township, York County

Watson township, Lycoming County
Watson township, Warren County

Wayne township, Armstrong County
Wayne township, Clinton County
Wayne township, Crawford County
Wayne township, Dauphin County
Wayne township, Erie County
Wayne township, Greene County
Wayne township, Lawrence County
Wayne township, Mifflin County
Wayne township, Schuylkill County

Wells township, Bradford County
Wells township, Fulton County

West Fallowfield township, Chester County
West Fallowfield township, Crawford County

Wharton township, Fayette County
Wharton township, Potter County

White township, Beaver County
White township, Cambria County
White township, Indiana County

Williams township, Dauphin County
Williams township, Northampton County

Wilmington township, Lawrence County

ATTACHMENT C



Wilmington township, Mercer County


Windham township, Bradford County
Windham township, Wyoming County

Windsor township, Berks County
Windsor township, York County

Woodbury township, Bedford County
Woodbury township, Blair County

Woodward township, Clearfield County
Woodward township, Clinton County
Woodward township, Lycoming County

Worth township, Butler County
Worth township, Centre County
Worth township, Mercer County



Young township, Indiana County
Young township, Jefferson County