ACTION: Final rule.

SUMMARY: The Copyright Royalty judges announce a cost of living adjustment (COLA) of 2% in the royalty rates that colleges, universities, and other educational institutions not affiliated with National Public Radio pay for the use of published nondramatic musical compositions in the SESAC repertory for the statutory license under the Copyright Act for noncommercial broadcasting.

DATES: Effective Date: December 24, 2015.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658 or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: Section 118 of the Copyright Act, title 17 of the United States Code, creates a statutory license for the use of published nondramatic musical works and published pictorial, graphic, and sculptural works in connection with noncommercial broadcasting.

On November 29, 2012, the Copyright Royalty Judges (Judges) adopted final regulations governing the rates and terms of copyright royalty payments under section 118 of the Copyright Act for the license period 2013–2017. See 77 FR 71104. Pursuant to these regulations, on or before December 1 of each year, the Judges shall publish in the Federal Register a notice of the change in the cost of living for the rate codified at 37 CFR 381.10. The change in the cost of living as determined by the Consumer Price Index (all consumers, all items) shall be published at least 25 days before January 1. 17 U.S.C. 119(c)(2).

The change in the cost of living as determined by the CPI–U during the period from the most recent index published before December 1, 2014, to the most recent index published before December 1, 2015, is 2%.1 The change in the cost of living as determined by the CPI–U during the period from the most recent index published before December 1, 2014, to the most recent index published before December 1, 2015, is 2%.1 In accordance with 37 CFR 381.10(b), the Judges announce that COLA for calendar year 2016 shall be 2%. Application of the 2% COLA to the current rate for the performance of published nondramatic musical compositions in the repertory of SESAC—$146 per station—results in an adjusted rate of $149 per station.

List of Subjects in 37 CFR Part 381
Copyright, Music, Radio, Television, Rates.

Final Regulations
In consideration of the foregoing, the Judges amend part 381 of title 37 of the Code of Federal Regulations as follows:

PART 381—USE OF CERTAIN COPYRIGHTED WORKS IN CONNECTION WITH NONCOMMERCIAL EDUCATIONAL BROADCASTING

1. The authority citation for part 381 continues to read as follows:
Authority: 17 U.S.C. 118, 801(b)(1), and 803.

2. Section 381.5 is amended by revising paragraph (c)(3)(iv) to read as follows:
§381.5 Performance of musical compositions by public broadcasting entities licensed to colleges and universities.

<p>| | | | | |</p>
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
</table>
| (c) * * * | (3) * * * | (iv) 2016: $149 per station. | * * * | *

Dated: November 18, 2015.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

[FR Doc. 2015–29882 Filed 11–23–15; 8:45 am]
BILLING CODE 1410–72–P

LIBRARY OF CONGRESS
Copyright Royalty Board
37 CFR Part 386


Cost of Living Adjustment to Satellite Carrier Compulsory License Royalty Rates

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule.

SUMMARY: The Copyright Royalty Judges announce a cost of living adjustment (COLA) of 0% in the royalty rates that satellite carriers pay for a compulsory license under the Copyright Act. The COLA is based on the change in the Consumer Price Index from October 2014 to October 2015.

DATES: Effective Date: January 1, 2016.

Applicability Dates: These rates are applicable to the period January 1, 2016, through December 31, 2016.

FOR FURTHER INFORMATION CONTACT: LaKeshia Keys, CRB Program Specialist, by telephone at (202) 707–7658 or by email at crb@loc.gov.

SUPPLEMENTARY INFORMATION: The satellite carrier compulsory license establishes a statutory copyright licensing scheme for the retransmission of distant television programming by satellite carriers. 17 U.S.C. 119. Congress created the license in 1988 and has reauthorized the license for additional five-year periods, most recently with the passage of the STELA Reauthorization Act of 2014, Public Law 113–200.

On August 31, 2010, the Copyright Royalty Judges (Judges) adopted rates for the section 119 compulsory license for the 2010–2014 term. See 75 FR 53198. The rates were proposed by Copyright Owners and Satellite Carriers1 and were unopposed. Id. Section 119(c)(2) of the Copyright Act provides that, effective January 1 of each year, the Judges shall adjust the royalty fee payable under Section 119(b)(1)(B) “to reflect any changes occurring in the cost of living as determined by the most recent Consumer Price Index (for all consumers and for all items) [CPI–U] published by the Secretary of Labor before December 1 of the preceding year.” Section 119 also requires that “[n]otification of the adjusted fees shall be published in the Federal Register at least 25 days before January 1.” 17 U.S.C. 119(c)(2).

The change in the cost of living as determined by the CPI–U during the period from the most recent index published before December 1, 2014, to the most recent index published before December 1, 2015, is 2%. Application of the .2% COLA to the current rate for the secondary transmission of broadcast stations by satellite carriers for private home viewing—27 cents per subscriber per month—results in an unchanged rate of 27 cents per subscriber per month (rounded to the nearest cent). See 37 CFR 386.2(b)(1). Application of the .2% COLA to the current rate for viewing in commercial establishments—56 cents per subscriber per month—results in an unchanged rate of 56 cents per subscriber per month (rounded to

1 Program Suppliers and Joint Sports Claimants comprised the Copyright Owners while DIRECTV, Inc., DISH Network, LLC, and National Programming Service, LLC, comprised the Satellite Carriers.

2 On November 17, 2015, the Bureau of Labor Statistics announced that the CPI–U increased .2% over the last 12 months.
the nearest cent). See 37 CFR 386.2(b)(2).

List of Subjects in 37 CFR Part 386

Copyright, Satellite, Televison.

Final Regulations

In consideration of the foregoing, the Judges amend part 386 of title 37 of the Code of Federal Regulations as follows:

PART 386—ADJUSTMENT OF ROYALTY FEES FOR SECONDARY TRANSMISSIONS BY SATELLITE CARRIERS

1. The authority citation for part 386 continues to read as follows:

Authority: 17 U.S.C. 119(c), 801(b)(1).

2. Section 386.2 is amended by adding paragraphs (b)(1)(vii) and (b)(2)(vii), and footnotes 3 and 4, to read as follows:

§ 386.2 Royalty fee for secondary transmission by satellite carriers.

* * * * *

(b) * * *

(1) * * *

(vii) 2016: 27 cents per subscriber per month (for each month of 2016).3

(2) * * *

(vii) 2016: 56 cents per subscriber per month (for each month of 2016).4

Dated: November 18, 2015.

Suzanne M. Barnett,
Chief Copyright Royalty Judge.

FOR FURTHER INFORMATION CONTACT:

Anne Arnold, Manager, Air Quality Planning Unit, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, Boston, MA 02109–3912. Phone number (617) 918–0047.

Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: All documents in the electronic docket are listed in the http://www.regulations.gov index. Although listed in the index, some information is not publicly available, i.e., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form. Publicly available docket materials are available at http://www.regulations.gov or at U.S. Environmental Protection Agency, EPA New England Regional Office, Office of Ecosystem Protection, 5 Post Office Square—Suite 100, Boston, MA. EPA requests that if at all possible, you contact the contact listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday, 8:30 a.m. to 4:30 p.m., excluding legal holidays.

In addition, copies of the state submittal and EPA’s technical support document are also available for public inspection during normal business hours, by appointment at the State Air Agency; the Bureau of Air Quality Control, Department of Environmental Protection, First Floor of the Tyson Building, Augusta Mental Health Institute Complex, Augusta, ME 04333–0017.

FOR FURTHER INFORMATION CONTACT:

Ariel García, Air Quality Unit, U.S. Environmental Protection Agency, EPA New England Regional Office, 5 Post Office Square—Suite 100, (Mail code OEP5–2), Boston, MA 02109–3912, telephone number (617) 918–0660, email garcia.ariel@epa.gov.