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United States Senate

COMMITTEE ON THE JUDICIARY

WASHINGTON, DC 20510-6275

November 1, 2019

Mr. John Orlando
Senior Vice President, Government Relations
CBS Corporation
801 Pennsylvania Avenue NW, Suite 450
Washington, DC 20004

Dear Mr. Orlando;

The 2011 Copyright Office study “Report on Marketplace Alternatives to Replace Statutory Licenses” urged the end of the compulsory video licenses in Title 17. Three years later, Congress agreed and the STELA Reauthorization Act of 2014 extended the Section 119 compulsory license in our nation’s copyright laws only until December 31, 2019. As this expiration date approaches, I am writing to inquire about CBS’s transition plan to a free market at the end of this calendar year to avoid any impact upon consumers.

My constituents, and those of other Members of Congress, need assurances that during this transition to a free market their favorite network news and prime time shows will continue to be available to them on their current satellite provider. More clarity is needed from all the major networks and satellite providers on how network shows will continue to be available to satellite customers for the next calendar year during which a transition to a free market can occur.

Please provide a response to the following questions by November 12 to bring much needed certainty to consumers and ensure that Congress does not need to extend the Section 119 compulsory license beyond the end of this calendar year:

- Is CBS willing to provide a one-year license to satellite providers for CBS owned shows, provided you receive market-by-market usage data from each satellite provider, including the total usage by long distance truckers and recreational vehicle owners?
- Subject to the usual terms and conditions that apply to carriage contracts, will the rate CBS charges for your shows be comparable to the 2018 rate set by the Copyright Royalty Board for the compulsory Section 119 license?
- Will CBS commit to supporting your affiliates as they negotiate with satellite providers during this one-year transition period on a carriage agreement for full local-into-local on both satellite providers that would begin no later than January 1, 2021?

- For areas without local affiliates, will CBS commit to negotiating with both satellite providers during this one-year transition period on a carriage agreement that would begin no later than January 1, 2021?
- Will CBS commit to regularly informing my Committee of your ongoing efforts to reach such carriage agreements?

Sincerely,



Lindsey O. Graham
Chairman

cc:

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