

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

In the Matter of)
)
Notice and Recordkeeping for Use of)
Sound Recordings Under Statutory) Docket No. 14-CRB-0005 (RM)
License)
Notice of proposed rulemaking)
)
)

Comments of KBCU-FM

Pursuant to the above captioned Notice of Proposed Rulemaking ("Notice") which appeared in the Federal Register on May 2, 2014, KBCU-FM, submits its comments. KBCU-FM is currently considered a Noncommercial Educational Webcaster ("NEW") as defined by 37 CFR §380.21.

The designation as a NEW has suited us well as the Reporting requirements under 37 CFR §380.23 provide KBCU-FM to Reports of Use (ROUs) through a proxy fee. We would like to retain the ability to report as a NEW for as long as possible, and request that the regulations which appear to sunset these recordkeeping provisions be removed so we can continue to report as a NEW even after December 31, 2015. The §380.23 regulations were adopted as precedent and should be allowed to remain as the recordkeeping and reporting regulations as they serve us well, will allow us to continue to webcast and have been previously approved and adopted as a reasonable.

With respect to the elimination of the requirement of a template in Quatro Pro, KBCU-FM has no objection; however we respectfully request that this requirement be replaced with a template as Google spreadsheet. Also, the current Excel template should be updated to conform to any and all proposed changes.

KBCU-FM feels that the requirement to submit a copy the Notice of Use directly to SoundExchange is unnecessary and likely to be overlooked. This problem would be eliminated if KBCU-FM could complete a form on-line and submit payment with a credit card. A copy of the electronic submission could then automatically be forwarded to SoundExchange.

KBCU-FM is very relieved to see that the proposed regulations included the qualifier, “if feasible” with respect to reporting the ISRC because it is absolutely not feasible for that to happen at KBCU-FM. We allow students to bring and play music they own personally and have no way to enforce tracking or code collection from these tracks.

The proposed regulations include the following;

- (ix) In the case of a classical recording:
 - (A) The ensemble (e.g., orchestra or other group) identified on the commercial product packaging, if any;
 - (B) The conductor identified on the commercial product packaging, if any;
 - (C) The soloist(s) identified on the commercial product packaging, if any;
 - (D) The composer of the relevant musical work;
 - (E) The overall title of the relevant musical work (e.g., the name of a symphony); and

(F) The title of the relevant movement or other constituent part of the musical work, if applicable;

KBCU-FM must object to these new requirements because we have no systems in place to collect the requested data, and as a very low-budget station, we could not afford to purchase a new system to meet the proposed identification requirements.

KBCU-FM must also strongly object to the proposed new requirement to be required to add the “The letters “NLR” (for “no license required”) if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because transmission of the sound recording does not require a license, or the letters “DL” (for “direct license”) if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because the Service has a license directly from the copyright owner of such sound recording.”

KBCU-FM objects because we utilize student as live on-air DJs who do not know and would guess which recordings would be classified as NLR. They would have no way of knowing what is allowed to be excluded and what is not. To our knowledge no definitive list exists which would allow us to include this information in our automation and even if one did exist, we do not have the resources to update our database.

KBCU-FM is uncomfortable with the provisions for a late fee for “non-compliant” reports of use, even if timely filed. What constitutes a non-compliant ROU? Is that one line of data with missing information or a typo? What is the threshold level of

non-compliance which would justify a late fee? We do not have adequate staffing to review all the reports which would necessarily be compiled by student on-air talent.

KBCU-FM must object to the proposed change of due date for ROUs submitted from the current 45 days after the close of the relevant reporting period to 30 days because. We do not have adequate staffing to review all the reports in a timely manner which would necessarily be compiled by student on-air talent.

Conclusion

For the above reasons, KBCU-FM believes that the §380.23 provisions for NEWS should be extended indefinitely as we may not exist if they go away.

KBCU-FM objects to the

Dated: 5/22/14

Respectfully submitted,

A handwritten signature in purple ink, appearing to read "Tim Buller".

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