

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 WSLX

Pursuant to the above captioned Notice of Proposed Rulemaking ("Notice") which appeared in the Federal Register on May 2, 2014, WSLX, submits its comments. WSLX is currently considered a Noncommercial Educational Webcaster ("NEW") as defined by 37 CFR §380.21. Our station is located on the campus of a small independent school in Connecticut, broadcasts under a low power (Class D) FCC license on the FM frequency 91.9. Another, much more powerful (Class A) high school station located some distance away on Long Island shares our frequency, and drowns out our broadcast except within approximately a 3-4 mile radius of our campus. We depend on Internet streaming to be heard by the local community, families, and our alumni, particularly when students are broadcasting live shows several times per week in the afternoon, and during the fall and winter when we broadcast our home football and basketball games live. In addition, we are currently in the midst of configuring our station so that the Office of Emergency Management of the town of New Canaan, Connecticut could broadcast local information in the event of an emergency; the ability to reach the entire town would be greatly enhanced if we could retain our Internet streaming capability.

The proposed changes in recordkeeping and reporting involving sound recordings would present us with severe difficulties that could very well result in forcing us to terminate our streaming operations, thereby considerably limiting our broadcast reach and thus causing loss of the ability to effectively disseminate local emergency preparedness information.

The designation as a NEW has suited us well as the Reporting requirements under 37 CFR §380.23 provide WSLX to Reports of Use through limited data collection which does not require reporting Aggregate Tuning Hours ("ATH") or Actual Total Performances ("ATP"). 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, WSLX 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.

WSLX 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 WSLX 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.

WSLX 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 here. We are a very small station with a very small listener base and limited resources to support this.

WSLX 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.”

WSLX objects because when student DJs broadcast occasional live shows, they have no way of knowing what is allowed to be excluded and what is not, and to our knowledge no definitive list exists which would allow us to include this information in our automation. Even if one did exist, we do not have the resources to keep our database of recordings up to date.

WSLX is uncomfortable with the provisions for a late fee for “non-compliant” reports of use, even if timely filed. This seems a bit unclear...what exactly would constitute “non-compliance” in the event information was submitted inaccurately, incompletely, or simply late? 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 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 of the burden of work this would impose on our limited staff.

Conclusion

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

WSLX objects to the proposed reporting requirements for ATH, the need to submit a copy of NOU to SoundExchange directly, the proposed alterations to reporting ISRC, and the proposed changes in ROU due dates and late fees.

Dated: June 19, 2014.

Respectfully submitted,

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