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To: crb@loc.gov
Date: Thu, Apr 22, 2010 6:54 PM
Subject: Docket 2009-1 settlement comments

COMMENTS OF
KSPC FM
POMONA COLLEGE, CLAREMONT

KSPC FM files these Comments in response to the proposals put forth by the Copyright Royalty Board's Proposed Rules published 75 Fed Reg. 62 (April 1, 2010)("Proposed Rules").

KSPC FM is a noncommercial educational, non-CPB funded radio station licensed to the board of trustees of Pomona College, a four year private university in California. KSPC operates on a modest budget provided by Pomona College and annual allocations from the associated student governments of the Claremont Colleges; we do not conduct on-air fund drives and employ only one full-time staff advisor. The station is otherwise staffed part-time by students of the Claremont Colleges and Community Volunteers. Our mission as an educational station is to provide students with broadcasting experience and to provide the community with a variety of programs that are otherwise not readily available; accordingly, we do not use pre-programmed playlists and still primarily use CDs and vinyl as our media sources. KSPC's web streams are offered for free, and are not for profit.

The proposed rates and terms of "Subpart C- Noncommercial Educational Webcasters" (NEWs) are more appropriate than previous regulation and rate determination rules; the reporting requirements specific to NEWs as proposed e.g. the data proxy fee, the reports of use on a sample basis and reports based on Aggregate Tuning Hours (ATH) instead of Actual Total Performances (ATP) are more suitable to NEWs than previous regulations.

We urge the CRB to adopt the proposed rates and terms for the digital performances of sound recordings by noncommercial educational webcasters for the period commencing January 1, 2011 and ending December 31, 2015 in the proposed rules in subpart C of this proceeding.

Respectfully submitted,

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