

Before the  
COPYRIGHT ROYALTY BOARD  
in the Library of Congress  
Washington, D.C. 20559

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In re: )	
Proposed Rule )	2009-1
DIGITAL PERFORMANCE RIGHT IN SOUND )	
RECORDINGS AND EPHEMERAL )	
RECORDINGS )	
_____ )	

**COMMENTS FROM WKNC-FM**

WKNC-FM, offers these comments on the Copyright Royalty Boards' Proposed Rule (April 1, 2010, 37 CFR Part 380, Docket No. 2009-1 CRB Webcasting III). WKNC is a student-run non-commercial radio station operating under Student Media at North Carolina State University. We broadcast at 88.1 FM and simulcast our programming online at wknc.org. We are an interested party, as these proposed rules will impact the way WKNC operates.

WKNC is a member in good standing of College Broadcasters, Inc. (CBI) and firmly believes the terms negotiated between CBI and SoundExchange (SX) under the Webcaster Settlement Act (WSA) of 2009 represents the best interests of WKNC and provides a reasonable basis for setting statutory terms and rates. As a result, WKNC respectfully requests those terms be codified into federal regulations for the 2011-2015 period. Having these terms adopted as regulations would set an important precedent and allow many non-commercial educational radio stations across the country to make an investment to begin or expand Webcasting operations to further the educational missions at their respective institutions. If terms must be completely renegotiated every few years, with any number of possible outcomes, a station will be unable to

risk financing an operation that could be shut down at any time if future negotiations leave terms drastically altered.

The most important aspect of the CBI/SX agreement under WSA 2009 is the reporting waiver outlined in § 380.23 (g)(1). By allowing qualifying non-commercial educational radio stations to pay the \$100 proxy fee, this settlement alleviates the tremendous burden of census reporting which would have otherwise forced WKNC to cease Webcasting.

Respectfully submitted,

WKNC-FM  
April 22, 2010

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**To:** crb@loc.gov  
**Date:** Thu, Apr 22, 2010 3:46 PM  
**Subject:** Comments re: April 1, 2010, 37 CFR Part 380, Docket No. 2009-1 CRB Webcasting III.

Comments attached in PDF format. Thank you for the opportunity to respond.

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