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By email to crb@loc.gov

The U.S. Copyright Royalty Judges
Library of Congress
P.O. Box 70977
Washington, D.C. 20024-0977

Re: Part 383 Rates for 2021-2025

To the Copyright Royalty Judges:

I write on behalf of SoundExchange, Inc. (“SoundExchange”) concerning statutory royalty rates under Sections 112 and 114 of the Copyright Act for new subscription services transmitted to residential subscribers of cable and satellite television services (what are sometimes referred to as “CABSAT” services). Statutory royalty rates for such services for the period 2016-2020 are currently set forth in 37 C.F.R. Part 383.

Pursuant to 17 U.S.C. §§ 803(b)(1)(A)(i)(III) and 804(b)(3)(A), proceedings to set rates for new subscription services for 2021-2025 are to commence early in 2019. The Judges have commenced the *Web V* proceeding. 84 Fed. Reg. 359 (Jan. 24, 2019). However, that proceeding appears to be limited to new subscription services and eligible nonsubscription services making transmissions “over the internet” (*i.e.*, webcasters), which are the subject of the statutory royalty rates currently set forth in 37 C.F.R. Part 380. *Id.* The Judges’ notice of commencement for *Web V* does not indicate that the Judges expect that proceeding to address new subscription services that are delivered over cable and satellite television providers’ networks as described in 37 C.F.R. § 383.2(e) and (f), as well as those delivered over the internet. In past rate periods, the Judges have commenced separate proceedings for CABSAT services and webcasting. *See, e.g.*, 79 Fed. Reg. 410 (Jan. 3, 2014) (reciting history of prior CABSAT proceedings); 79 Fed. Reg. 412 (Jan. 3, 2014) (separate notice commencing *Web IV* proceeding).

SoundExchange has not been able to locate any notice of commencement for a proceeding to set CABSAT rates for 2021-2025. If the Judges have published such a notice, please let me know where we may find it, because SoundExchange would wish to participate in such a proceeding. If the Judges have not published such a notice, SoundExchange respectfully

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requests that they do so promptly, so rates for CABSAT services can be determined by the end of the current rate period on December 31, 2020.

Respectfully submitted,

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