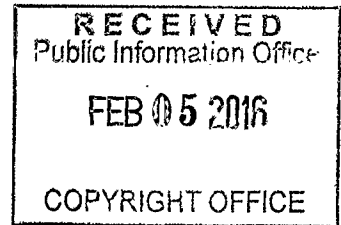


Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
THE LIBRARY OF CONGRESS
Washington, D.C.



In the Matter of:

**Determination of Royalty Rates for Digital
Performance in Sound Recordings and
Ephemeral Recordings (Web IV)**

**Docket No. 14-CRB-0001-WR
(2016-2020)**

**IHEARTMEDIA'S PROPOSAL TO MODIFY REDACTIONS TO THE
DETERMINATION**

iHeartMedia hereby proposes modifications to the proposed public version of the Judges' Determination, attached as Exhibit A to the Judges' Order dated February 2, 2016. iHeartMedia does not challenge the Judges' substantive rulings regarding the redactions proposed by iHeartMedia. Rather, iHeartMedia hereby identifies instances in which the Judges accepted iHeartMedia's proposed redactions in some portion(s) of the Determination but did not accept iHeartMedia's proposed redactions of the same information elsewhere. Accordingly, iHeartMedia respectfully requests that the Judges redact those additional portions of the Determination necessary to ensure that confidential material is redacted consistently throughout the Determination. Consistent redaction of confidential information, as described further below and as shown in Exhibit 1,¹ will preserve the balance of interests already struck by the Judges and will ensure that confidential information is not inadvertently disclosed to the public.

¹ Each specific portion of the Determination that iHeartMedia requests the Judges to redact is identified by a red box in Exhibit 1 attached hereto.

1. The Judges generally redacted references to the fact that the iHeartMedia-Warner agreement had an initial term of [REDACTED] years, *see, e.g.*, Determination at 140, 148, 159, but the Judges did not redact the portions of the table on pages 137–38 of the Determination that reveal that same initial term, *see* Ex. 1.

2. The Judges redacted references to the iHeartMedia-Warner [REDACTED] agreement and the dollar amount of the fee associated with that agreement, *see, e.g.*, Determination at 145, 150, 165–66, but the Judges did not redact that same information in three places in the final paragraph on page 165, *see* Ex. 1.

3. The Judges redacted the reference on page 150 (para. 2, line 6) of the Determination to the number of [REDACTED] campaigns that Warner was entitled to receive under the iHeartMedia-Warner agreement, but the Judges did not redact a reference to that same number on page 145 (second bullet, line 8) of the Determination, *see* Ex. 1.

4. The Judges redacted the reference on page 150 (para. 1, line 7) of the Determination to the [REDACTED] that iHeartMedia was required to include under its agreement with Warner, but the Judges did not redact a reference to that same phrase on page 145 (second bullet, line 5) of the Determination, *see* Ex. 1.

5. The Judges redacted the reference on page 162 (para. 4, line 7) of the Determination to the fact that the dollar value assigned to AIP in the iHeartMedia-Warner agreement was used to [REDACTED], but the Judges did not redact a substantially similar reference on page 163 (para. 3, lines 3–4) of the Determination, *see* Ex. 1.

6. The Judges redacted references to the [REDACTED] downward adjustment for [REDACTED] proposed by iHeartMedia, *see* Determination at 168 (para. 1, lines 4 & 6; para. 2, line 1), but the Judges did not redact that same percentage figure in paragraph 5, line 3 of page 168, *see* Ex. 1.

7. The Judges redacted references to the [REDACTED] model shared with the iHeartMedia Board in connection with the iHeartMedia-Warner agreement and the dollar value of the incremental rate calculated by Professor Fischel based on the “No Growth” model, *see* Determination at 152–53, but the Judges did not redact that same information in two places in footnote 171 on page 153, *see* Ex. 1.

* * * *

For the foregoing reasons, iHeartMedia respectfully requests that the Judges redact the portions of the Determination identified in Exhibit 1 and described above.

PROPOSED PUBLIC VERSION

Respectfully submitted,

Dated: February 5, 2016

/s/ John Thorne

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