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August 29, 2016

United States Copyright Royalty Judges
Library of Congress
James Madison Memorial Building
101 Independence Avenue, S.E.
Washington, D.C. 20559-6000

Received
AUG 29 2016
Copyright Royalty Board

Re: Determination of Royalty Rates and Terms for Transmission of Sound Recordings by Satellite Radio and "Preexisting" Subscription Services (SDARS III), Dkt No. 16-CRB-001-SR/PSSR (2018-2022)

To the United States Copyright Royalty Judges:

I am counsel to Sirius XM Radio, Inc. ("Sirius XM"), a participant in the above-captioned proceeding. On August 23, 2016, Sirius XM and Music Choice LLC (together, the "Services") filed a Motion to Compel the Copyright Owner Participants to Produce Documents Related to the Universal-EMI Merger and Communications Regarding Sirius XM's Direct License Initiative (the "Motion").

As stated more fully in the Motion, the Services had requested that SoundExchange, Inc. ("SoundExchange") and the Copyright Owner Participants produce certain documents related to the merger of Universal and EMI that had been identified by the Services. Specifically, at SoundExchange's request, the Services provided a list of the merger-related documents that were produced in connection with the *Web IV* proceeding by *Web IV* Bates number, which the Services believed should be reproduced, or deemed produced, in this proceeding. SoundExchange refused, leading the Services to file the Motion that is the subject of this letter.

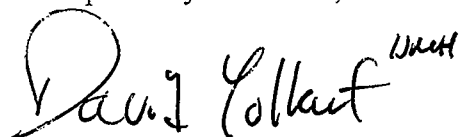
Also on August 23, but subsequent to the filing of the Motion, the Judges issued an Order Granting in Part and Denying in Part Services' Motion to Set Specific Discovery Deadlines and Compel Copyright Owner Participants' Adherence to Their Discovery Obligations (the "Order"). In light of that Order, my colleague Todd Larson wrote to counsel for SoundExchange on August 25, 2016, asking SoundExchange to confirm that it would now produce the merger-related documents that the Services had previously identified from the *Web IV* production.

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On August 26, 2016, counsel for SoundExchange confirmed via email that SoundExchange would produce those specific merger-related documents. Based on that assurance, the Services hereby withdraw Section A of the Motion, which concerned those documents. The Services reserve all of their rights should SoundExchange fail to produce the agreed-upon documents.

Respectfully submitted,



David Yolcut

cc: All participants (by email)