

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

In the Matter of:

Determination of Royalty Rates and Terms
for Transmission of Sound Recordings by
Satellite Radio and “Preexisting”
Subscription Services (SDARS III)

Docket No. 16-CRB-0001 SR/PSSR
(2018-2022) (Remand)

SUBPOENA TO SUBMIT TESTIMONY

| | |
|--|---|
| THE COPYRIGHT ROYALTY BOARD TO: | <i>(name and address of person being subpoenaed)</i> Prager Metis CPAs 14 Penn Plaza, Suite 1800 New York, NY 10122 |
| At the Request of: <i>(party name)</i> SoundExchange, Inc. | <i>(name, address, and telephone number of contact person)</i> Emily Chapuis Jenner & Block LLP 1099 New York Ave, NW, Suite 900 Washington, D.C. 20001 (202) 638-6000 |

YOU ARE COMMANDED to appear at the time, date, and place set forth below to submit testimony in this royalty rate-setting proceeding. If you are an organization, you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about the matters set forth in **Schedule A**.

| | |
|-------------------|----------------|
| Place: TBD | Date and Time: |
|-------------------|----------------|

| | |
|---|---------------------------|
| Issuing Officer Signature and Title: Chief Copyright Royalty Judge <i>On behalf of the Copyright Royalty Judges</i> | Date: May 25, 2021 |
| Issuing Officer’s Name, Address, and Telephone Number: Jesse M. Feder 101 Independence Ave, S.E. | |

Washington, DC 20540
202-707-7658

Proof of Service

| | | |
|------------------------|--------------------|-------|
| | Date | Place |
| Served on (Print Name) | Manager or Service | |
| Served by (Print Name) | Title | |

Declaration of Server

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on this ____ day of _____, 2021

Signature of Server

Address of Server

Schedule A

Definitions

1. “Defensive Audit” refers to an audit or any similar verification procedure initiated by Music Choice in the ordinary course of business that Music Choice contends served or should serve as an acceptable verification procedure in lieu of a verification of Music Choice’s statutory royalty payments by an auditor selected by SoundExchange pursuant to audit regulations adopted by the Copyright Royalty Judges.

Topics for Testimony

1. Prager Metis CPAs’ royalty verification procedures on behalf of SoundExchange, including the effect of Music Choice’s use of so-called Defensive Audits on Prager Metis CPAs’ ability to conduct such royalty verification procedures.
2. The Defensive Audit conducted by BDO USA, LLP (“BDO”) for Music Choice and the effect of any such audit on Prager Metis CPAs’ ability to conduct a royalty verification procedure intended to reflect the period from 2013 to 2016.
3. The scope of the royalty verification procedures Prager Metis conducts on behalf of SoundExchange, as compared to the scope of Defensive Audits conducted for Music Choice.