

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
The Library of Congress

In re

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)

**DECLARATION OF MARGARET WHEELER-FROTHINGHAM
IN SUPPORT OF OPENING BRIEF ON REMAND**

1. I am an attorney at Mayer Brown LLP, and am counsel for Music Choice in the above-captioned remand proceeding. I submit this declaration in support of Music Choice’s Opening Brief on Remand. I am fully familiar with the facts set forth in this declaration, and if called upon to testify could do so truthfully and competently.

2. Attached as **Exhibit MC 16** is a true and correct copy of the April 5, 2005 engagement letter between SoundExchange and RZO for the forensic accounting analysis of Music Choice’s PSS payments for the period January 1, 2001 through December 31, 2003, produced by SoundExchange as “Restricted” under the terms of the Protective Order issued in this matter.

3. Attached as **Exhibit MC 17** is a true and correct copy of the February 17, 2017 engagement letter between SoundExchange and Eisner Amper for the royalty compliance inspection of Music Choices BES and PSS for the period January 1, 2013 to December 31, 2015, produced by SoundExchange as “Restricted” under the terms of the Protective Order issued in this matter.

PUBLIC VERSION

4. Pursuant to 28 U.S.C. § 1746, I hereby declare under penalty of perjury that the foregoing is true and correct.

Dated: June 30, 2021
New York, New York


Margaret Wheeler-Frothingham (NY Bar No. 5281191)

Proof of Delivery

I hereby certify that on Thursday, July 01, 2021, I provided a true and correct copy of the Declaration of Margaret Wheeler-Frothingham in Support of Opening Brief on Remand to the following:

Sony Music Entertainment, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Recording Industry Association of America, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

SAG-AFTRA, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Universal Music Group, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Warner Music Group, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

SoundExchange, Inc., represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Sirius XM, represented by Todd Larson, served via ESERVICE at todd.larson@weil.com

American Association of Independent Music ("A2IM"), represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Johnson, George, represented by George D Johnson, served via ESERVICE at george@georgejohnson.com

American Federation of Musicians of the United States and Canada, represented by Steven R. Englund, served via ESERVICE at senglund@jenner.com

Signed: /s/ Paul Fakler