Electronically Filed
Docket: 14-CRB-0005 (RM)
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Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

In the Matter of	)	
Notice and Recordkeeping for Use of Sound Recordings Under Statutory License	)	Docket No. 14–CRB–0005 (RM)
Notice of proposed rulemaking	)	

Comments of SCAD Atlanta Radio

Pursuant to the above captioned Notice of Proposed Rulemaking ("Notice"), which appeared in the Federal Register on May 2, 2014, SCAD Atlanta Radio, submits its comments. SCAD Atlanta Radio is currently considered a Noncommercial Educational Webcaster ("NEW") as defined by 37 CFR §380.21. Since SCAD Atlanta Radio does not possess an FCC license, it cannot qualify as a "minimum fee broadcaster" as currently defined in 37 CFR 370.4(b)(3). The station is a web-only, student-run station produced by students at the Atlanta location of the Savannah College of Art and Design. This location has 2,000 students, mostly commuters, in a major urban setting. Approximately 35-45 students work at the station at any given time, as volunteer DJs and managers, with one staff adviser who also advises the student newspaper and magazine.

The designation as a NEW has suited us well as the Reporting requirements under 37 CFR §380.23 provide SCAD Atlanta Radio to provide Reports of Use (ROUs) through a proxy fee. We would like to retain the ability to report as a NEW for as long as possible, and request that the regulations, which appear to sunset these recordkeeping provisions, be removed so we can continue to report as a NEW even after December 31, 2015. The §380.23 regulations were adopted as precedent and should be allowed to remain as the recordkeeping and reporting regulations as they serve us well, will allow us to continue to webcast and have been previously approved and adopted as reasonable.

Barring that outcome, SCAD Atlanta Radio fully supports the proposed changed changes to 37 CFR §370.4(b)(2) which would qualify SCAD Atlanta Radio as a Minimum Fee Broadcaster in the event that the classification of a NEW is no longer available after January 1, 2016 as that the only option which MIGHT allow us to continue to survive as a student operated, non-profit educational station.

In the Notice, the Copyright Royalty Judges ("Judges") asked how unlicensed minimum fee Educational Stations have been reporting under the current regulations. As detailed above, SCAD Atlanta Radio has been reporting under §380.23. If it were not for this section of the regulations, SCAD Atlanta Radio would have a huge increase work for student DJs, most of whom are volunteers and students as well as DJs. We would also have to find software or other solutions to report listener connections while we're on automation and no live DJ is in the studio. The Judges further asked if the proposed change is warranted. If the ability to report as a NEW went away and our only option would be to report census data on a monthly basis with ATP, SCAD Atlanta Radio would face a considerable hardship and expense to develop the resources to comply with these regulations. As such, SCAD Atlanta Radio believes the changes are warranted if ability to report under §380.23 were to sunset.

With respect to the elimination of the requirement of a template in Quatro Pro, SCAD Atlanta Radio has no objection; however we respectfully request that this requirement be replaced with a template as Google spreadsheet. Also, the current Excel template should be updated to conform to any and all proposed changes.

SCAD Atlanta Radio feels that the requirement to submit a copy the Notice of Use directly to SoundExchange is unnecessary and likely to be overlooked. This problem would be eliminated if SCAD Atlanta Radio could complete a form online. A copy of the electronic submission could then automatically be forwarded to SoundExchange.

SCAD Atlanta Radio is very relieved to see that the proposed regulations included the qualifier, "if feasible" with respect to reporting the ISRC because it is very difficult to gauge how feasible this is for our station. Depending on the workload and requirements, we would have to figure out how to comply and distribute the duties among our unpaid

volunteer student DJs. We'd also have to investigate and pay for a search program or database to collect them and individually enter them. Currently ISRCs are not supported by our streaming software or song logging solution, so we'd have to find another way. This is not feasible for our station at this time.

The proposed regulations include the following;

(ix) In the case of a classical recording:

(A) The ensemble (e.g., orchestra or other group) identified on the commercial product packaging, if any;

(B) The conductor identified on the commercial product packaging, if any;

(C) The soloist(s) identified on the commercial product packaging, if any;

(D) The composer of the relevant musical work;

(E) The overall title of the relevant musical work (e.g., the name of a symphony); and

(F) The title of the relevant movement or other constituent part of the musical work, if applicable;

SCAD Atlanta Radio must object to these new requirements because collecting this data is not possible with any of our current systems, and we would have to investigate and purchase supplemental systems. We would also have to put the extra burden on our volunteer student DJs. Even if we did have DJs at this time interested in playing classical music, the extra reporting requirements might be a reason they would choose not to play classical music at all.

SCAD Atlanta Radio must also strongly object to the proposed new requirement to be required to add the "The letters ''NLR'' (for ''no license required'') if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because transmission of the sound recording does not require a license, or the letters ''DL'' (for ''direct license'') if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and

terms because the Service has a license directly from the copyright owner of such sound recording."

SCAD Atlanta Radio objects because we do not have a way to log this information in our current operation systems, and we would have to research and purchase supplemental systems. The workload would be yet another thing our volunteer student DJs would have to deal with, not only as we add new songs to our library but also with our database and library of more than 100,000 songs.

SCAD Atlanta Radio is uncomfortable with the provisions for a late fee for "non-compliant" reports of use, even if filed timely. What would be considered a non-compliant report? Would it be just one line of data with a typo? How would these ROUs be reviewed in a timely manner to verify their compliance? Without more parameters and definitions of what constitutes a non-compliant ROU, we cannot affirm how we would comply, or how we would guarantee perfect accuracy.

SCAD Atlanta Radio must object to the proposed change of due date for ROUs submitted from the current 45 days after the close of the relevant reporting period to 30 days because, as I mentioned above, our station is run by student volunteers who would take on all the extra burdens. Especially if ROUs were required to contain more information, and penalized for noncompliance, we would definitely have problems submitting complete, compliant ROUs with our small student staff.

Conclusion

For the above reasons, SCAD Atlanta Radio believes that the §380.23 provisions for NEWs should be extended indefinitely as we may not exist if they go away. In the alternative, the proposed changes to 37 CFR §370.4(b)(2) should be adopted so SCAD Atlanta Radio might have a chance to survive.

SCAD Atlanta Radio objects to the additional reporting requirements described above, including ATP reporting, ISRC reporting, special reporting for classical music and

music with special licensing permissions or no licensing required. We are uncomfortable with provisions for non-compliant report fees without a more accurate description of what that would entail, and we object to the shortening of the time period for submission, especially if more information is required for every report.

Dated: May 22, 2014

Respectfully submitted,

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