

**Before the
UNITED STATES COPYRIGHT ROYALTY BOARD
The Library of Congress
Washington, D.C.**

In re

Determination of Royalty Rates and Terms
For Digital Performance of Sound Recordings
And Making of Ephemeral Copies to
Facilitate those Performances (Web VI)

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| Docket Number
| 23-CRB-0012-WR
| (2026-2030)

**LATE PETITION TO PARTICIPATE
OF COLLEGE BROADCASTERS, INC.**

College Broadcasters, Inc. (“CBI”), by and through undersigned counsel, pursuant to 37 C.F.R. § 351.1(b)(1)(i) and (d), respectfully submits this late petition to participate in Determination of Royalty Rates and Terms for Digital Performance of Sound Recordings and Making of Ephemeral Copies to Facilitate those Performances (Web VI), Docket No. 23-CRB-0012-WR (2026-2030). CBI is a member-driven organization serving students and advisers of student media, including radio broadcasting and internet webcasting. Through events, programs and a network of expertise, CBI fosters experiential learning, professional opportunities and advocacy for the success of student media programs.

CBI has a substantial interest in participating in this proceeding because CBI members make public performances of sound recordings via digital transmission, and may make ephemeral recordings thereof. CBI members have a direct interest in ensuring that the rates to be set for Noncommercial Educational Webcasters and any terms and conditions consider the limited financial and personnel resources of college broadcasters. CBI therefore has the precise “legally protectable and tangible interests” and “stake in the outcome of the proceeding” that

merit the right for CBI to participate. 35 C.F.R. § 351.1(c); H.R. Rep. No. 108-408, at 27 (2004).

Substantial good cause exists to grant this Petition for the following reasons. First, CBI represents the interests of Noncommercial Educational Webcasters as defined in the Part 380 regulations (“NEWs”) -- parties whose interests otherwise would not be represented in this proceeding by entities that have filed notices of intent to participate. CBI’s participation thus will assist the Copyright Royalty Judges in setting rates and terms that are appropriate for the distinct category of NEWs. Second, CBI is an appropriate representative of NEWs. CBI has participated in prior Web proceedings on behalf of NEWs, and settlements it has negotiated in prior proceedings have been approved in Determinations by the Copyright Royalty Judges. *See, e.g.*, 85 Fed. Reg. 12745 (Mar. 4, 2020); 80 Fed. Reg. 58201 (Sept. 28, 2015). Third, there can be no prejudice to any participants that previously have petitioned to participate in this proceeding. This petition is being filed only one day past the revised deadline for filing the petition, per the January 23, 2024 Federal Register correction of the original Federal Register January 5 notice. Granting the petition therefore will not delay further proceedings in this case. Finally, the undersigned respectfully submits that this delay should be excused in light of the confusion created by the January 5 Federal Register notice, which had reasonably been interpreted to set the date as February 6, 2024.¹

¹ *See, e.g.*, [https:// broadcastlawblog.com/2024/01/articles/copyright-royalty-board-starts-web-vi-proceeding-to-set-webcasting-royalties-paid-to-soundexchange-for-2026-2030-petitions-to-participate-due-february-6/](https://broadcastlawblog.com/2024/01/articles/copyright-royalty-board-starts-web-vi-proceeding-to-set-webcasting-royalties-paid-to-soundexchange-for-2026-2030-petitions-to-participate-due-february-6/)

WHEREFORE, CBI respectfully requests that this petition be granted, and that CBMI be permitted to participate in this Web VI proceeding. A proposed order is submitted herewith.

Date: February 6, 2024

Respectfully submitted,

/s/ Seth D. Greenstein

Seth D. Greenstein (DC Bar # 416733)

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Proof of Delivery

I hereby certify that on Tuesday, February 06, 2024, I provided a true and correct copy of the Late Petition to Participate of College Broadcasters, Inc. to the following:

Sirius XM Radio Inc./Pandora Media, LLC, represented by Todd Larson, served via E-Service at todd.larson@weil.com

Educational Media Foundation, represented by Keenan P Adamchak, served via E-Service at kadamchak@wbklaw.com

AccuRadio LLC, represented by Keenan P Adamchak, served via E-Service at kadamchak@wbklaw.com

National Religious Broadcasters Music License Committee, represented by Karyn K Ablin, served via E-Service at ablin@fhhlaw.com

The National Association of Broadcasters, represented by Joseph R. Wetzel, served via E-Service at joe.wetzel@lw.com

Public Broadcasting Entities, represented by David P Mattern, served via E-Service at dmattern@kslaw.com

Word Collections, Inc., represented by Eric B Goldberg, served via E-Service at eric@wordcollections.com

George Johnson dba Geo Music, represented by George D Johnson, served via E-Service at george@georgejohnson.com

TuneSat, LLC, represented by Jessie Kuhn, served via E-Service at jkuhn@kuhnlawgroup.com

Stingray Music USA Inc., represented by Gary R Greenstein, served via E-Service at ggreenstein@wsgr.com

SoundExchange Joint Petitioners, represented by Scott Edelman, served via E-Service at sedelman@milbank.com

Google LLC, represented by Gary R Greenstein, served via E-Service at
ggreenstein@wsgr.com

Signed: /s/ Seth D. Greenstein