

Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, D.C.

Received

MAY 21 2017

Copyright Royalty Board

In re)
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DETERMINATION OF ROYALTY)
RATES AND TERMS FOR)
EPHEMERAL RECORDING AND)
DIGITAL PERFORMANCE OF SOUND)
RECORDINGS (WEB IV))
)
)

DOCKET NO. 14-CRB-0001-WR
(2016-2020)

**DECLARATION AND CERTIFICATION OF ROSE LEDA EHLER
REGARDING RESTRICTED INFORMATION**

1. My name is Rose Leda Ehler. I am an attorney with Munger, Tolles & Olson LLP and am counsel for SoundExchange, Inc. ("SoundExchange") in Docket No. 14-CRB-0001-WR (2016-2020).
2. Pursuant to 37 C.R.F. § 350.4(e)(1) and the Copyright Royalty Judges' Order dated October 10, 2014 (the "Protective Order"), SoundExchange, through its undersigned counsel, respectfully submits this Declaration and Certification concerning "confidential" information ("Protected Material"), as that term is defined in the Protective Order ¶ III.
3. This Declaration and Certification is being submitted simultaneously with SoundExchange, Inc.'s Eighteenth Amended Exhibit List and Supplemental Submission of Exhibits for direct and rebuttal hearing.
4. I and/or attorneys working under my direction have reviewed SoundExchange, Inc.'s Eighteenth Amended Exhibit List and Supplemental Submission of Exhibits for direct and

rebuttal hearing. I and those attorneys also have reviewed the definition and terms provided in the Protective Order. As discussed below, and after consulting with my client and the entities whose interests SoundExchange represents in this proceeding and who have provided confidential information for the preparation of this case, we have determined that some of the documents contain Protected Material in accordance with the Protective Order.

5. The Protected Material in SoundExchange, Inc.'s Eighteenth Amended Exhibit List and Supplemental Submission of Exhibits includes documents that are described as follows (a) documents relating to or constituting contracts, contract terms or performance data that are proprietary, not publicly available, commercially sensitive, and/or subject to express confidentiality obligations in agreements with third parties; (b) documents relating to or constituting internal business information, financial data and projections, and competitive strategy that are proprietary, not publicly available, and commercially sensitive; and/or (c) third party information provided in confidence not publicly available, and/or subject to express confidentiality obligations.

6. The material designated as "RESTRICTED" contains commercial and/or financial information that SoundExchange, through counsel, has reasonably determined in good faith that, if disclosed, would either competitively disadvantage or advantage a party or another entity, or would interfere with the ability of SoundExchange to obtain like information in the future. The public disclosure of Protected Material would be likely to cause significant harm by providing an unfair competitive advantage to competitors and/or current or future negotiating counterparties of those whose information would be disclosed. Many but not all competitors and counterparties also are parties to this proceeding. Public disclosure of this information also would place SoundExchange, the entities whose interests it represents, and their business

partners, and other entities at a significant commercial disadvantage and would pose serious risk to their business interests and strategies.

7. I am authorized to submit this declaration on behalf of SoundExchange and the entities it represents. I and/or attorneys working under my direction have reviewed the material designated as "RESTRICTED." To the best of my knowledge, information and belief, the material meets the definition of Protected Material contained in the Protective Order. At the time this declaration is made, good cause exists for the treatment of the information as Protected Material in order to prevent certain business and competitive harm that would result from the disclosure of such information while, at the same time, enabling SoundExchange to produce its Exhibits for Direct and Rebuttal Hearing, and, ultimately, to provide the Copyright Royalty Judges with the most complete record possible on which to base its determination in this proceeding.

Pursuant to 28 U.S.C. § 1746 and 37 C.F.R. § 350.4(e)(1), I hereby declare under the penalty of perjury under the laws of the United States that, to the best of my knowledge, information and belief, the foregoing is true and correct.

Dated: May 21, 2015

/s/ Rose Leda Ehler

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CERTIFICATE OF SERVICE

I hereby certify that on May 21, 2015, I caused a copy of the foregoing PUBLIC —
DECLARATION OF ROSE LEDA EHLER RE RESTRICTED MATERIALS to be served
 via electronic mail addressed as follows:

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