

# Exhibit D

**From:** [Seth Williams](#)  
**To:** [Porter, Andrew](#); [Karyn Ablin](#)  
**Subject:** [EXT] RE: Service of written direct cases  
**Date:** Saturday, September 14, 2024 5:41:48 PM

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Andrew:

We're ready to exchange filings when you're ready.

Best Regards  
Seth

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**From:** Porter, Andrew <[APorter@milbank.com](mailto:APorter@milbank.com)>  
**Sent:** Saturday, September 14, 2024 5:14 PM  
**To:** Karyn Ablin <[ablin@fhhlaw.com](mailto:ablin@fhhlaw.com)>  
**Cc:** Seth Williams <[williams@fhhlaw.com](mailto:williams@fhhlaw.com)>  
**Subject:** Re: Service of written direct cases

Thank you, we appreciate it. We will load our filings to an FTP site you can access with your email address. If there is someone else whose email we should include as well please let me know. If you have a preferred time for an exchange let me know.

Andrew Porter | [Milbank](#) | Special Counsel  
55 Hudson Yards | New York, NY 10001-2163  
T: [+1 212.530.5361](tel:+12125305361)  
[APorter@milbank.com](mailto:APorter@milbank.com) | [milbank.com](http://milbank.com)

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**From:** Karyn Ablin <[ablin@fhhlaw.com](mailto:ablin@fhhlaw.com)>  
**Sent:** Saturday, September 14, 2024 5:09:09 PM  
**To:** Porter, Andrew <[APorter@milbank.com](mailto:APorter@milbank.com)>  
**Cc:** Seth Williams <[williams@fhhlaw.com](mailto:williams@fhhlaw.com)>  
**Subject:** [EXT] Re: Service of written direct cases

Hi Andrew – I just sent our consent. On the case exchange, I'm willing to do that in principle tonight.

On Sep 14, 2024, at 4:37 PM, Porter, Andrew <[APorter@milbank.com](mailto:APorter@milbank.com)> wrote:

Karyn,

I'm following up on the below. When you have a chance can you please let me know if the NRBMLC consents?

Also, we are interested in exchanging WDTs. If you are interested in the same please let me know.

Best,  
Andrew

Andrew Porter | [Milbank](#) | Special Counsel  
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**From:** Porter, Andrew

**Sent:** Saturday, September 14, 2024 1:28:52 AM

**To:** Karyn Ablin <[ablin@fhhlaw.com](mailto:ablin@fhhlaw.com)>; Ivana.Dukanovic@lw.com <[Ivana.Dukanovic@lw.com](mailto:Ivana.Dukanovic@lw.com)>; KSteinthal@KSLAW.com <[KSteinthal@KSLAW.com](mailto:KSteinthal@KSLAW.com)>; DMattern@KSLAW.com <[DMattern@KSLAW.com](mailto:DMattern@KSLAW.com)>; BTorres@KSLAW.com <[BTorres@KSLAW.com](mailto:BTorres@KSLAW.com)>; sgreenstein@constantinecannon.com <[sgreenstein@constantinecannon.com](mailto:sgreenstein@constantinecannon.com)>; doxenford@wbklaw.com <[doxenford@wbklaw.com](mailto:doxenford@wbklaw.com)>; kadamchak@wbklaw.com <[kadamchak@wbklaw.com](mailto:kadamchak@wbklaw.com)>; george@georgejohnson.com <[george@georgejohnson.com](mailto:george@georgejohnson.com)>; eric@wordcollections.com <[eric@wordcollections.com](mailto:eric@wordcollections.com)>; Todd.Larson@weil.com <[Todd.Larson@weil.com](mailto:Todd.Larson@weil.com)>; benjamin.marks@weil.com <[benjamin.marks@weil.com](mailto:benjamin.marks@weil.com)>; Blake.Steinberg@weil.com <[Blake.Steinberg@weil.com](mailto:Blake.Steinberg@weil.com)>; Camilla.Brandfield-Harvey@weil.com <[Camilla.Brandfield-Harvey@weil.com](mailto:Camilla.Brandfield-Harvey@weil.com)>; Joe.Wetzel@lw.com <[Joe.Wetzel@lw.com](mailto:Joe.Wetzel@lw.com)>; Britt.Lovejoy@lw.com <[Britt.Lovejoy@lw.com](mailto:Britt.Lovejoy@lw.com)>; Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Levine, Katie <[KLevine@milbank.com](mailto:KLevine@milbank.com)>; Irwin, Leslie <[lirwin@milbank.com](mailto:lirwin@milbank.com)>; Van Ert, Madeline <[mvanert@milbank.com](mailto:mvanert@milbank.com)>

**Subject:** RE: Service of written direct cases

All,

SoundExchange, NAB, and Sirius XM Pandora had discussed a mutual exchange of courtesy copies. SoundExchange is willing to do that with any participant entitled to receive restricted materials. For sharing public versions, we will use eCRB on Tuesday.

Additionally, the SoundExchange Joint Petitioners had a technical issue this evening. The file on which we were applying proposed redactions to the testimony of Jonathan Orszag broke shortly before midnight. We were able to recover some, but not all of the proposed redactions. Attempts to resolve the technical issue delayed our filing by a few minutes. At 12:15 a.m., in a showing of completeness, I sent a copy of the Orszag testimony, and Vol 1 of SoundExchange's WDT (including the Introductory Memorandum and Proposed Rates and Term) to counsel for the NAB and Sirius XM Pandora. Vol. 1 of our testimony was submitted to eCRB at approximately the same time. Volumes III (Exhibits) and IV (Declaration and Certification Regarding Restricted

Materials) were submitted to eCRB shortly thereafter. We are in the process of finalizing the Orszag proposed redactions now and will submit Vol. II (Witness Testimony) to eCRB shortly. No revisions to the text of any of these files were made after midnight.

In light of this issue, we intend to seek leave of the CRB to allow the late filing, and, under 37 CFR § 303.7(b), request your consent to that request.

For any participant entitled to receive restricted materials that wishes to exchange courtesy copies of the filed materials, I'm happy to do that as soon as our Vol. II is submitted, or to arrange a time tomorrow for an exchange.

Best,  
Andrew

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**From:** Karyn Ablin <[ablin@fhhlaw.com](mailto:ablin@fhhlaw.com)>

**Sent:** Saturday, September 14, 2024 12:34 AM

**To:** [Ivana.Dukanovic@lw.com](mailto:Ivana.Dukanovic@lw.com); Porter, Andrew <[APorter@milbank.com](mailto:APorter@milbank.com)>; [KSteinthal@KSLAW.com](mailto:KSteinthal@KSLAW.com); [DMattern@KSLAW.com](mailto:DMattern@KSLAW.com); [BTorres@KSLAW.com](mailto:BTorres@KSLAW.com); [sgreenstein@constantinecannon.com](mailto:sgreenstein@constantinecannon.com); [doxenford@wbklaw.com](mailto:doxenford@wbklaw.com); [kadamchak@wbklaw.com](mailto:kadamchak@wbklaw.com); [george@georgejohnson.com](mailto:george@georgejohnson.com); [eric@wordcollections.com](mailto:eric@wordcollections.com); [Todd.Larson@weil.com](mailto:Todd.Larson@weil.com); [benjamin.marks@weil.com](mailto:benjamin.marks@weil.com); [Blake.Steinberg@weil.com](mailto:Blake.Steinberg@weil.com); [Camilla.Brandfield-Harvey@weil.com](mailto:Camilla.Brandfield-Harvey@weil.com); [Joe.Wetzel@lw.com](mailto:Joe.Wetzel@lw.com); [Britt.Lovejoy@lw.com](mailto:Britt.Lovejoy@lw.com); Miller, Atara <[AMiller@milbank.com](mailto:AMiller@milbank.com)>; Levine, Katie <[KLevine@milbank.com](mailto:KLevine@milbank.com)>; Irwin, Leslie <[lirwin@milbank.com](mailto:lirwin@milbank.com)>; Van Ert, Madeline <[mvanert@milbank.com](mailto:mvanert@milbank.com)>

**Subject:** [EXT] Service of written direct cases

All – Are the parties relying on eCRB to serve their written direct cases, or are the parties sharing their submissions earlier than that?

# Proof of Delivery

I hereby certify that on Monday, September 23, 2024, I provided a true and correct copy of the Ex. D – Email from S. Williams re Service of written direct cases, dated 9/14/2014, 5:41 p.m. to the following:

College Broadcasters, Inc., represented by Seth D. Greenstein, served via E-Service at sgreenstein@constantinecannon.com

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

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

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

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

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

SoundExchange, Inc., represented by Steven R. Englund, served via E-Service at SEnglund@jenner.com

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

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

Signed: /s/ Andrew Porter