

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

Determination of Rates and Terms for
Digital Performance of Sound Recordings
by New Subscription Services and Making
of Ephemeral Copies to Facilitate Those
Performances (*NSS V*)

Docket No. 23-CRB-0013-NSR
(2026-2030)

COMMENTS

SoundExchange, Inc. (“SoundExchange”), Sirius XM Radio Inc. (“Sirius XM”) and Stingray Music USA Inc. (“Stingray”) (collectively, the “Parties”) provide these comments concerning their settlement of the above-captioned proceeding as published in the *Federal Register* on December 19, 2024. 89 Fed. Reg. 103,722 (Dec. 19, 2024).

When the Judges published the settlement, they omitted, apparently inadvertently, certain parentheses in the rate adjustment formulas of the Parties’ proposed Section 383.3(b)(2)(i), leaving the parentheses in those formulas unbalanced. To express those formulas accurately and unambiguously, the Parties respectfully request that the Judges insert the bolded and underlined parentheses indicated below when they publish Section 383.3(b)(2)(i) as part of a final rule:

(A) For Stand-Alone Contracts, $(1 + (C_y - 315.664)\underline{\mathbf{)}}/315.664) \times \0.0234 ; and

(B) For Bundled Contracts, $(1 + (C_y - 315.664)\underline{\mathbf{)}}/315.664) \times \0.0390 .

The insertion of those parentheses is consistent with the intention of, and the agreement between, the Parties, who renew their request that the Judges adopt the settlement (as corrected above) as the statutory rates and terms for new subscription services subject to 37 C.F.R. Part 383.

Dated: January 7, 2025

Respectfully submitted,

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Proof of Delivery

I hereby certify that on Tuesday, January 07, 2025, I provided a true and correct copy of the Comments to the following:

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

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

Signed: /s/ Steven R. Englund