

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

<b>In the Matter of:</b>  <b>Adjustment of Rates and Terms for Preexisting Subscription and Satellite Digital Audio Radio Services</b>	<b>Docket No. 2006-1 CRB DSTR A</b>
<b>In the Matter of:</b>  <b>Determination of Rates and Terms for Preexisting Subscription and Satellite Digital Audio Radio Services</b>	<b>Docket No. 2011-1 CRB PSS/Satellite II</b>
<b>In re:</b>  <b>Determination of Rates and Terms for Satellite Radio and “Preexisting” Subscription Services (PSS/SDARS III)</b>	<b>Docket No. 16-CRB-0001-SR/PSSR (2018- 2022)</b>
<b>In the Matter of:</b>  <b>Determination of Rates and Terms for Satellite Radio and “Preexisting” Subscription Services (PSS/SDARS IV)</b>	<b>Docket No. 25-CRB-0014-SR/PSSR (2028- 2032)</b>

**STIPULATION REGARDING ACCESS TO AND USE OF THE RESTRICTED  
FINAL DETERMINATIONS, WITNESS MATERIALS, AND PROCEEDING  
TRANSCRIPTS OF PAST SDARS PROCEEDINGS**

On March 10, 2026, SoundExchange, Inc. (“SoundExchange”), Sirius XM Radio LLC (“SiriusXM”), and Music Choice (collectively, the “Stipulating Parties”) filed a motion (the “Motion”)<sup>1</sup> requesting that the Judges allow their respective outside counsel and expert witnesses (and expert witness support staff) retained to assist the Stipulating Parties in *SDARS IV* (“SDARS IV Outside Counsel and Experts”) full access to and use of the restricted versions of the following materials from the records of the *SDARS I, II, and III* proceedings (collectively, the “Past SDARS Proceedings”): (1) the Final Determinations, (2) written testimony of all SoundExchange, SiriusXM, and Music Choice witnesses, and (3) the appendices and exhibits (including underlying work papers) to such written testimony, where applicable, and (4) transcripts of Past SDARS Proceedings (together, the “Past SDARS Materials”),<sup>2</sup> on an outside-counsel-only basis, as provided in any forthcoming *SDARS IV* protective order.

The Stipulating Parties reached agreement that *SDARS IV* Outside Counsel and Experts may be given immediate access to and/or permission to use Past SDARS Materials in connection with *SDARS IV*.<sup>3</sup>

Accordingly, the Stipulating Parties respectfully request that the Judges enter the proposed order submitted herewith, thereby granting *SDARS IV* Outside Counsel and Experts immediate access to Past SDARS Materials to prepare for *SDARS IV*.

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<sup>1</sup> The Stipulating Parties include all parties represented by outside counsel in this proceeding. The Stipulating Parties sought the consent of David Powell (“Powell”) and George Johnson (“Johnson”) to the Motion and this Stipulation. Powell and Johnson indicated that they object to the Motion and this Stipulation.

<sup>2</sup> A list of the Past SDARS Materials which the Stipulating Parties seek access to and use of is appended hereto as Appendix A.

<sup>3</sup> To the extent any outside counsel or expert is bound by the protective orders in any of the Past SDARS Proceedings and already has access to the Past SDARS Materials by virtue of their participation in those proceedings, nothing in this stipulation is intended to limit such access.

Dated: March 10, 2026

Respectfully submitted,

/s/ Scott A. Edelman

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*Counsel for Music Choice in SDARS IV*

## Appendix A - List of Requested Materials

### I. *SDARS I*, Docket No. 2006-1 CRB DSTRA

- **Direct Statements:**

- **SoundExchange, Inc.**

- **Written Direct Statements:** James Griffin, Yoram (Jerry) Wind, Sean Butson, Michael Pelcovits, Janusz Ordover, Edgar Bronfman, Jr., Charles Ciongoli, Lawrence Kenswil, Mark Eisenberg, Michael Kushner, David Hughes, Ed Chmelewski, Dan Navarro, Barrie Kessler, and Simon Renshaw (January 17, 2007) [eCRB Nos. 12691, 12693, 12692, 12194]
- **Amended Written Testimony:** Yoram (Jerry) Wind (May 14, 2007) [eCRB No. 12969]; Michael Pelcovits (May 14, 2007) [eCRB No. 12970]
- **Designated Statements:** Michael Pelcovits: Written Direct Testimony, Oral Direct Testimony, and Oral Cross Examination from Docket No. 2005-1; Barrie Kessler: Written and Oral Testimony from Docket No. 2005-1 [eCRB Nos. 12694, 12191, 12192, 12193]

- **Sirius Satellite Radio, Inc. and XM Satellite Radio Inc.**

- **Written Direct Statements of Sirius Satellite Radio, Inc. and XM Satellite Radio Inc.:** Mel Karmazin, David Frear, Terrence Smith, John Douglas Wilsterman, Robert Law, Michael J. Moore, Jeremy M. Coleman, Steve Cohen, Steve Blatter, Christine Heye, Gary Parsons, Anthony Masiello, Eric Logan, Stephen Cook, Mark Vendetti, Roger J. Rusch, J. Armand Musey, and John Woodbury (January 17, 2007) [eCRB Nos. 36117, 36123, 36129, 36133, 36134, 36135, 36136, 36137, 12684, 36072]

- **Music Choice**

- **Written Direct Statements:** David J Del Beccaro, Damon Williams, and George G. Strong, Jr. (January 17, 2007) [eCRB Nos. 36009, 36010, 36011, 19187, 36230]
- **Designated Statements:** Adam B. Jaffe: Written and Live Direct Testimony from Docket No. 2005-1, Written and Live Direct Testimony, Written Rebuttal and Live Rebuttal Testimony from Docket No. 2000-9; Karyn Ulman: Written and Live Direct Testimony from Docket No. 2005-1 [eCRB No. 19183]

- **Rebuttal Statements:**

- **SoundExchange, Inc.**

- **Written Rebuttal Statements:** Steven Herscovici, Sean Butson, Michael Pelcovits, Janusz Ordover, Yoram (Jerry) Wind, George Mantis, Bruce R. Elbert, Mark Eisenberg, Charles Ciongoli, Barrie Kessler, (July 27, 2007) [eCRB Nos. 36203, 36174, 36189, 36190, 36204, 36205, 36206, 36207]
    - **Amended Written Rebuttal Testimony:** Yoram (Jerry) Wind (August 27, 2007) [eCRB No. 35876]
    - **Designated Statements:** Jonatha Brooke: Written and Live Direct Testimony and Live Cross-Examination Testimony from Docket No. 2005-1, Cathy Fink: Written and Live Direct Testimony and Live Cross-Examination Testimony from Docket No. 2005-1, Harold Bradley: Written and Live Direct Testimony and Live Cross-Examination Testimony from Docket No. 2005-1, Michael Pelcovits: Written and Live Rebuttal Testimony and Live Rebuttal Cross-Examination Testimony from Docket No. 2005-1 [eCRB Nos. 36208, 36171]

- **Sirius Satellite Radio, Inc. and XM Satellite Radio Inc.**

- **Written Rebuttal Statement Submitted by Sirius Satellite Radio Inc. and XM Satellite Radio Inc.:** John Woodbury, Roger Noll, John Hauser, George Benston, Erich Joachimsthaler, Daryl Martin and Russell Parr (Conсор), Bruce Silverman, William Fisher III, David Frear, Mel Karmazin, and Mark Vendetti (July 27, 2007) [eCRB Nos. 36154, 35744, 36152, 36147, 36148, 36149, 36150, 36151, 36142, 36144]
    - **Amended Written Rebuttal Testimony:** George Benston (August 17, 2007) [eCRB No. 35884]

- **Hearing Testimony:**

- Transcript Volume I (June 4, 2007)
  - Transcript Volume II (June 5, 2007)
  - Transcript Volume III (June 6, 2007)
  - Transcript Volume IV (June 7, 2007)
  - Transcript Volume V (June 11, 2007)
  - Transcript Volume VI (June 12, 2007)
  - Transcript Volume VII (June 13, 2007)
  - Transcript Volume VIII (June 14, 2007)
  - Transcript Volume IX (June 18, 2007)
  - Transcript Volume X (June 19, 2007)
  - Transcript Volume XI (June 20, 2007)
  - Transcript Volume XII (June 21, 2007)

- Transcript Volume XIII (June 25, 2007)
- Transcript Volume XIV (June 26, 2007)
- Transcript Volume XV (June 27, 2007)
- Transcript Volume XVI (July 9, 2007)
- Transcript Volume XVII (August 15, 2007)
- Transcript Volume XVIII (August 16, 2007)
- Transcript Volume XIX (August 20, 2007)
- Transcript Volume XX (August 21, 2007)
- Transcript Volume XXI (August 22, 2007)
- Transcript Volume XXII (August 23, 2007)
- Transcript Volume XXIII (August 27, 2007)
- Transcript Volume XXIV (August 28, 2007)
- Transcript Volume XXVI (August 30, 2007)
- Transcript Volume XXVII (October 17, 2007)

## II. *SDARS II*, Docket No. 2011-1 CRB PSS/Satellite II

- **Direct Statements:**

- **SoundExchange, Inc.**

- **Written Direct Statements:** Janusz Ordover, Thomas Z. Lys, J. Gregory Sidak, George S. Ford, Jonathan Bender, Stephen Bryan, Charles Ciongoli, Raymond M. Hair, and Darius Van Arman (November 29, 2011) [eCRB No.37039], (December 2, 2011) [eCRB No. 47816]
- **Corrected Written Direct Statements:** Stephen Bryan (March 26, 2012) [eCRB No. 47649]; Charles Ciongoli (March 26, 2012) [eCRB No. 47647]; George S. Ford (March 26, 2012) [eCRB No. 47650]
- **Amended and Corrected Written Direct Statements:** Janusz Ordover (March 26, 2012) [eCRB No. 47646]; Gregory Sidak (March 26, 2012) [eCRB No. 47648]; Thomas Z. Lys (March 26, 2012) [eCRB No. 47642]; Janusz Ordover (Second; April 4, 2012) [eCRB No. 47780]

- **Sirius XM Radio Inc.**

- **Written Direct Statements:** Mel Karmazin, James Meyer, David J. Frear, Ronald H. Gertz, Steven Blatter, Roger G. Noll, John R. Hauser, David P. Stowell, and William R. Rosenblatt (November 29, 2011) [eCRB Nos. 12158, 12291, 47910, 47915, 47633, 47634, 47635, 47632, 12160]
- **Amended Written Direct Statement:** Roger G. Noll (March 26, 2012) [eCRB No. 12368]

- **Corrected Written Direct Statements:** Ronald H. Gertz (May 30, 2012) [eCRB No. 12367]
    - **Amended and Corrected Written Direct Statements:** Ronald H. Gertz (March 26, 2012) [eCRB Nos. 47643, 12366]; Roger G. Noll (May 18, 2012) [eCRB No. 12013]
  - **Music Choice**
    - **Written Direct Statements:** David J. Del Beccaro, Damon Williams, and Gregory S. Crawford (November 29, 2011) [eCRB Nos. 47862, 47863, 47864, 47865]
- **Rebuttal Statements:**
  - **SoundExchange, Inc.**
    - **Written Rebuttal Statements:** Janusz Ordover, Thomas Lys, Mark Eisenberg, David Pearlman, Itamar Simonson, George Ford, Jonathan Bender, Aaron Harrison, and Michael Powers (July 2, 2012) [eCRB Nos. 37001, 12154, 37000]
    - **Amended Rebuttal Testimony:** Janusz Ordover (August 9, 2012) [eCRB No. 10768]
    - **Corrected Rebuttal Testimony:** Aaron Harrison (August 20, 2012) [eCRB No. 47681]
    - **Amended and Corrected Rebuttal Testimony:** George S. Ford (August 17, 2012) [eCRB No. 47677]; Mark Eisenberg (August 15, 2012) [eCRB No. 10763]
  - **SiriusXM Radio Inc.**
    - **Written Rebuttal Statements:** David J. Frear, Ronald H. Gertz, Roger G. Noll, Michael A. Salinger, and David P. Stowell (July 2, 2012) [eCRB Nos. 12286, 12287, 37033, 47630], (August 16, 2012) [eCRB Nos. 47684, 47685]
    - **Corrected Written Rebuttal Statement:** Michael A. Salinger (August 10, 2012) [eCRB No. 36990]
    - **Revised Written Rebuttal Statements:** David J. Frear (August 16, 2012) [eCRB No. 47683]; David J. Frear (August 21, 2012) [eCRB 36986]; Ronald H. Gertz (August 21, 2012) [eCRB No. 36988]; Roger G. Noll (August 12, 2012) [eCRB No. 4018]; Roger G. Noll (August 21, 2012) [eCRB No. 36977]

- **Music Choice**

- **Written Rebuttal Testimony:** David J. Del Beccaro and Gregory Crawford (July 2, 2012) [eCRB Nos. 37020, 37023]
- **Corrected Rebuttal Testimony:** David J. Del Beccaro (August 6, 2012) [eCRB Nos. 47667, 36978]
- **Amended and Corrected Rebuttal Testimony:** Gregory S. Crawford (August 5, 2012) [eCRB 47666]

- **Hearing Testimony**

- Transcript Volume I (June 5, 2012)
- Transcript Volume II (June 6, 2012)
- Transcript Volume III (June 7, 2012)
- Transcript Volume IV (June 8, 2012)
- Transcript Volume V (June 11, 2012)
- Transcript Volume VI (June 12, 2012)
- Transcript Volume VII (June 13, 2012)
- Transcript Volume VIII (June 14, 2012)
- Transcript Volume IX (June 15, 2012)
- Transcript Volume X (June 18, 2012)
- Transcript Volume XI (August 13, 2012)
- Transcript Volume XII (August 14, 2012)
- Transcript Volume XIII (August 15, 2012)
- Transcript Volume XIV (August 16, 2012)
- Transcript Volume XV (August 20, 2012)
- Transcript Volume XVI (August 21, 2012)
- Transcript Volume XVII (August 22, 2012)
- Transcript Volume XVIII (August 23, 2012)
- Transcript Volume XIX (October 16, 2012)

- **Final Determination:**

- Final Determination (February 14, 2013) [eCRB No. 11]

### III. ***SDARS III*, Docket No. 16-CRB-0001-SR/PSSR (2018-2022)**

- **Direct Statements:**

- **SoundExchange, Inc.**

- **Written Direct Statements:** Jonathan Bender, Jason Gallien, Raymond J. Hair, Aaron Harrison, Bruce Iglauer, Michael Kushner, Jason Pascal, Jeremy Sirota, Darius Van Arman, Jeff Walker, Stefan Boedecker, Ravi Dhar, George

Ford, Thomas Z. Lys, Jonathan Orszag, C. Paul Wazzan, and Robert Willig (October 19, 2016) [eCRB Nos. 12563, 23143, 12564, 20437]

- **Corrected Written Direct Testimony:** Jonathan Orszag (January 26, 2017) [eCRB 23249]; Thomas Lys (March 9, 2017) [eCRB No. 23316]; Ravi Dhar (March 30, 2017) [eCRB No. 23273]
- **Designated Testimony:** George Ford: Direct Case Testimony from Dkt. No. 2009-1 CRB *Webcasting III* [eCRB No. 4847]
- **Sirius XM Radio Inc.**
  - **Written Direct Statements:** James E. Meyer, Bridget Neville, Terrence Smith, George White, Steven Blatter, Thomas D. Barry, Carl Shapiro, and Joe Lenski (October 19, 2016) [eCRB No. 23155, 23156, 23158]
- **Music Choice**
  - **Written Direct Statements:** David J. Del Beccaro, Damon Williams, and Gregory S. Crawford (October 19, 2016) [eCRB Nos. 12561, 22988, 22989, 35606]
- **Rebuttal Statements:**
  - **SoundExchange, Inc.**
    - **Written Rebuttal Statements:** David Blackburn, Ravi Dhar, George Ford, Thomas Z. Lys, Jonathan Orszag, Itamar Simonson, C. Paul Wazzan, Robert Willig, Glen Barros, Jonathan Bender, Aaron Harrison, and Jeff Walker (February 16, 2017) [eCRB Nos. 23626, 23622, 23623, 23625]
  - **Sirius XM Radio Inc.**
    - **Written Rebuttal Statements:** Carl Shapiro, Joseph Farrell, John Hauser, David J. Frear, and Thomas D. Barry (February 17, 2017) [eCRB Nos. 12122, 12121]
  - **Music Choice**
    - **Written Rebuttal Statements:** David J. Del Beccaro, Damon Williams, and Gregory S. Crawford (February 17, 2017) [eCRB Nos. 12116, 12117]
- **Hearing Testimony:**
  - Transcript Volume I (April 19, 2017)
  - Transcript Volume II (April 20, 2017)

- Transcript Volume III (April 24, 2017)
  - Transcript Volume IV (April 25, 2017)
  - Transcript Volume V (April 26, 2017)
  - Day 6 Transcript (April 27, 2017)
  - 5-1-17 Transcript (May 1, 2017)
  - 5-2-17 Transcript (May 2, 2017)
  - 5-3-17 Transcript (May 3, 2017)
  - 5-4-17 Transcript (May 4, 2017)
  - 5-8-17 Transcript (May 8, 2017)
  - 5-9-17 Transcript (May 9, 2017)
  - 5-10-17 Transcript (May 10, 2017)
  - 5-11-17 Transcript (May 11, 2017)
  - Revised and Corrected Transcript – Open/Closed Sessions (May 11, 2017)
  - 5-15-17 Transcript (May 15, 2017)
  - 5-16-17 Transcript (May 16, 2017)
  - 5-17-17 Transcript (May 17, 2017)
  - 5-18-17 Transcript (May 18, 2017)
  - 7-18-17 Transcript (July 18, 2017)
- **Final Determinations:**
    - Restricted Final Determination After Remand (March 21, 2025) [eCRB No. 48237]
    - Restricted Final Determination (October 11, 2018) [eCRB No. 3447]

# Proof of Delivery

I hereby certify that on Tuesday, March 10, 2026, I provided a true and correct copy of the Stipulation to Access Past SDARS Restricted Materials to the following:

David Powell, represented by David Powell, served via E-Service at davidpowell008@yahoo.com

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

Music Choice, represented by Paul Fakler, served via E-Service at pfakler@kslaw.com

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

Signed: /s/ Scott Edelman