

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

<i>In re</i>  <b>Adjustment of Rates and Terms for Preexisting Subscription and Satellite Digital Audio Radio Services</b>	<b>Docket No. 2006-1 CRB DSTRA (2007-12)</b>
<i>In re</i>  <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>
<i>In re</i>  <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>
<i>In re</i>  <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>

**ORDER GRANTING STIPULATION TO ACCESS AND TO MAKE USE OF THE  
RESTRICTED FINAL DETERMINATION, WITNESS MATERIALS, AND  
PROCEEDING TRANSCRIPTS OF PAST SDARS PROCEEDINGS**

On March 10, 2026, SoundExchange Joint Petitioners (“SoundExchange”), Sirius XM Radio LLC (“SiriusXM”), and Music Choice (collectively, the “Stipulating Parties”) filed a motion

(the “Motion”) (eCRB No. 78024) and an accompanying stipulation (the “Stipulation”) (eCRB No. 78025).<sup>1</sup> In the Stipulation, the Stipulating Parties—as the non-settling licensees that participated in “Past SDARS Proceedings” and submitted restricted materials therein—agreed that counsel, expert witnesses, and expert witness support staff retained by the Stipulating Parties to assist in *SDARS IV* (“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>2</sup>

On March 12, 2026, David Powell filed a response in opposition to the Motion. Reply to 3/10/26 Joint Motion Stipulations to Access & to Make Use of The Restricted Final Determination, Witness Materials, & Proceeding Transcript of Past SDARS Proceedings Contemporaneous Objection (the “Powell Opposition”) (eCRB no. 78029).<sup>3</sup>

On March 18, 2026, the Stipulating Parties filed a Joint Reply to the Powell Opposition in which the Stipulating Parties observed that the Powell Opposition does not put forth any substantive argument as to why the Motion or Stipulation should be rejected, nor does it address the extensive CRB precedent supporting the Stipulating Parties’ request.

On March 18, 2026, the Stipulating Parties filed a motion in SDARS I, II, and III consisting of the Motion, the Stipulation, and a certification that no parties other than the Stipulating Parties have filed restricted materials that are subject to the Motion and Stipulation in the “Past SDARS Proceedings.” (eCRB Nos. 78038, 78040, and 78042). No parties responded in those proceedings.

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<sup>1</sup> Unless otherwise specified, capitalized terms used herein have the same meaning as defined in the Motion.

<sup>2</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 the Stipulation is intended to limit such access.

<sup>3</sup> Mr. Powell was dismissed from SDARS III for lack of significant interest, *see* Order Granting SoundExchange’s Motion to Dismiss Music Reports, Inc. and David Powell (June 24, 2016) (eCRB no. 3705), and from SDARS II for untimely filing, *see* Order Dismissing Petition to Participate (January 14, 2014) (eCRB no. 45844).

For the reasons detailed in the Motion, and in light of the Stipulation, the Judges find that good cause exists to grant the access and use of “Past SDARS Materials” to *SDARS IV* “Outside Counsel” and “Experts” as requested in the Stipulation, and thus modify the protective orders in the “Past SDARS Proceedings” only to the extent necessary to allow such access and use. To facilitate that access and use, the Judges permit Milbank LLP<sup>4</sup> to collect copies of the restricted versions of “Past SDARS Materials” from either its predecessor counsel or from the counsel of record for other Stipulating Parties. In the latter case, counsel of record for the Stipulating Parties in the “Past SDARS Proceedings” may, to the extent they have copies of “Past SDARS Materials” in their possession, provide any of the requested Past SDARS Materials to Milbank.

**SO ORDERED.**

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Trevor Jefferson  
Interim Chief Copyright Royalty Judge

DATED: April 6, 2026

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<sup>4</sup> Counsel for SoundExchange in SDARS IV.