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Before the
UNITED STATES COPYRIGHT ROYALTY JUDGES
Library of Congress
Washington, DC

In re **DETERMINATION OF ROYALTY RATES AND TERMS FOR PERFORMANCE OR DISPLAY OF NONDRAMATIC MUSICAL WORKS AND PICTORIAL, GRAPHIC, AND SCULPTURAL WORKS BY PUBLIC BROADCASTING ENTITIES (PB V)**	**Docket No. 25-CRB-0015-PB (2028-2032)** .

JOINT PROPOSAL OF THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, CHURCH MUSIC PUBLISHERS ASSOCIATION, INC., AND THE NRB MUSIC LICENSING COMMITTEE, INC.

The American Society of Composers, Authors and Publishers ("ASCAP"), Church Music Publishers Association, Inc. ("CMPA"), and the NRB Music Licensing Committee, Inc. ("NRBMLC"), the "Proposing Parties") join in a proposal to establish royalty rates pursuant to 17 U.S.C. § 118 for the payment of compulsory ASCAP blanket license royalties by certain noncommercial radio broadcasting entities (the "Religious/Community Noncommercial Radio Stations") that are not licensed to and operated for colleges, universities, or other nonprofit educational institutions and are not affiliated with National Public Radio for the performance of copyrighted musical compositions in the ASCAP repertory. This proposal covers the years 2028 through 2032.

THE PARTIES

ASCAP is a performing rights society that licenses, on a non-exclusive basis, the non-dramatic public performance right in a repertory of many millions of musical works on behalf of its over 1.1 million songwriters, composers and publisher members, including many thousands of

foreign works through ASCAP's reciprocal licensing agreements with foreign performing rights organizations.

The CMPA is an organization founded in 1925 and consisting of predominately U.S. publishers of Christian and Church music. Its membership includes approximately 60 music publishing companies that own and administer song copyrights, including copyrights in hymns, gospel songs, contemporary Christian, urban, praise & worship, liturgical, choral, southern gospel, hip-hop, children's, classical, and other songs embraced by every Christian denomination across America. CMPA's members collectively control approximately 95% of the Christian faith songs created and commercially published in the United States.

The NRBMLC is a nonprofit corporation that represents hundreds of noncommercial educational religious radio broadcasters in music licensing matters. It or its predecessor has negotiated license rates applicable to these stations in this proceeding and prior proceedings under 17 U.S.C. § 118.

In the past several Section 118 rate adjustment proceedings, the Proposing Parties have reached agreements and submitted joint proposals regarding ASCAP license fees for the category of Religious/Community Noncommercial Radio Stations, each of which was formally adopted by the Copyright Royalty Tribunal, the Copyright Royalty Judges, and/or the Copyright Office. *See*, *e.g.*, Notice of Proposed Rulemaking, 1992 Adjustment of the Public Broadcasting Royalty Rates and Terms, Docket No. 92-2-PBRA, 57 Fed. Reg. 55,494, 55,496 (Nov. 25, 1992); Notice of Proposed Rulemaking, Noncommercial Educational Broadcasting Compulsory License, Docket No. 96-6 CARP NCBRA, 62 Fed. Reg. 63,502, 63,504 (Dec. 1, 1997); Notice of Proposed Rulemaking, Noncommercial Educational Broadcasting Compulsory License, Docket No. 2002-4 CARP NCBRA, 67 Fed. Reg. 66,090, 66,090 (Oct. 30, 2002); Final Rule,

Noncommercial Educational Broadcasting Compulsory License, Docket No. 2002-4 CARP NCBRA, 67 Fed. Reg. 77,170, 77,171 (Dec. 17, 2002); Final Rule, Noncommercial Educational Broadcasting Statutory License, Docket No. 2006-2 CRB NCBRA, 72 Fed. Reg. 67,646, 67,647 (Nov. 30, 2007); Final Rule, Determination of Reasonable Rates and Terms for Noncommercial Broadcasting, Docket No. 2011-2 CRB NCEB II, 77 Fed. Reg. 71,104, 71,105 (Nov. 29, 2012); Final Rule, Determination of Rates and Terms for Public Broadcasting (PB III), 83 Fed. Reg. 2,739 (Jan. 19, 2018); and Final Rule, Determination of Rates and Terms for Public Broadcasting (PB IV), 88 Fed. Reg. 41,827, 41,828 (June 28, 2023).

In the past, the form of a joint proposal has been used in lieu of a voluntary settlement agreement because the NRBMLC does not represent all the Religious/Community Noncommercial Radio Stations.

THE PROPOSAL

The Proposing Parties have again reached agreement regarding an adjustment to the ASCAP license fees and hereby submit this Joint Proposal regarding rates under 37 C.F.R. § 381.6 and a carry-forward of 37 C.F.R. §§ 381.1 and 381.2. For the same reasons as in prior proceedings, a Joint Proposal is submitted in lieu of a voluntary settlement agreement.

The Proposing Parties hereby propose a modification of the royalty rates contained in section 381.6(d)(1) for all compositions in the ASCAP repertory. The structure and definitions remain unchanged and are justified as set forth in prior proposals. The Proposing Parties propose only two additional minor revisions to the text of section 381.6: section 381.6(d)(4) should be changed to clarify the language and modify the dates to "2028 through 2032." No other

revisions to section 381.6 are proposed regarding the compositions in the ASCAP repertory.[1] The proposed new rates and changes to section 381.6(d)(1) are set forth in Appendix A hereto and proposed regulatory language for sections 381.1 and 381.2 and pertinent parts of section 381.6 is set forth in Appendix B hereto.

The Proposing Parties understand that other sections of the regulations are relevant to this proposal, specifically 37 C.F.R. §§ 381.1 and 381.2, which the parties propose be carried forward unchanged (except that in section 381.1, "January 1, 2023" should be changed to "January 1, 2028," and "December 31, 2027" should be changed to "December 31, 2032").

The Proposing Parties propose that 37 C.F.R. § 381.6 be revised and the rates adopted as proposed herein.

CONCLUSION

The Proposing Parties request that the Copyright Royalty Judges adopt this Joint Proposal for a modification of the fees to be paid by the Religious/Community Noncommercial Radio Stations pursuant to Section 118 of the Copyright Act. The Proposing Parties also request that 37 C.F.R. § 381.6 be amended with the new rates set forth in Appendix A of this proposal and further amended as provided herein, and that 37 C.F.R. §§ 381.1 and 381.2 be carried forward unchanged except for the date change to section 381.1 noted above.

[1] The rates in 37 C.F.R. § 381.6(d) for public performances of musical compositions in the repertories of other performing rights organizations will be addressed separately by the NRBMLC and each of those entities.

Respectfully submitted,

Dated November 3, 2026

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APPENDIX A

Proposed ASCAP Blanket License Fees for Radio Stations Not Licensed to Colleges, Universities or other Nonprofit Educational Institutions and Not Affiliated with National Public Radio and Proposed Amendments to 37 C.F.R. § 381.6(d)(1)

(1) For all such compositions in the repertory of ASCAP, the royalty rates shall be as follows:

(i) Music Fees (Stations with 20% or more programming containing Feature Music):

	Population Count	Calendar Years				
		2028	2029	2030	2031	2032
Level 1	0 – 24,999	$646	$672	$685	$699	$713
Level 2	25,000 – 249,999	$849	$883	$900	$918	$937
Level 3	250,000 - 499,999	$1,515	$1,576	$1,607	$1,640	$1,672
Level 4	500,000 - 999,999	$2,270	$2,361	$2,408	$2,457	$2,506
Level 5	1,000,000 – 1,499,999	$3,030	$3,151	$3,214	$3,278	$3,344
Level 6	1,500,000 – 1,999,999	$3,786	$3,937	$4,016	$4,096	$4,178
Level 7	2,000,000 – 2,499,999	$4,543	$4,724	$4,819	$4,915	$5,014
Level 8	2,500,000 – 2,999,999	$5,300	$5,512	$5,622	$5,735	$5,849
Level 9	3,000,000 and above	$7,571	$7,874	$8,032	$8,192	$8,356

(ii) Talk Format Station Fees (Stations with < 20% Feature Music programming):

	Population Count	Calendar Years				
		2028	2029	2030	2031	2032
Level 1	0 – 24,999	$293	$299	$305	$311	$317
Level 2	25,000 – 249,999	$633	$646	$659	$672	$686
Level 3	250,000 - 499,999	$633	$646	$659	$672	$686
Level 4	500,000 - 999,999	$633	$646	$659	$672	$686
Level 5	1,000,000 – 1,499,999	$1,040	$1,061	$1,082	$1,104	$1,126
Level 6	1,500,000 – 1,999,999	$1,299	$1,325	$1,352	$1,379	$1,407
Level 7	2,000,000 – 2,499,999	$1,559	$1,590	$1,622	$1,654	$1,687
Level 8	2,500,000 – 2,999,999	$1,819	$1,855	$1,892	$1,930	$1,969
Level 9	3,000,000 and above	$2,599	$2,651	$2,704	$2,758	$2,813

APPENDIX B

§ 381.1 General.

This part establishes terms and rates of royalty payments for certain activities using published nondramatic musical works and published pictorial, graphic and sculptural works during a period beginning on January 1, 2028, and ending on December 31, 2032. Upon compliance with 17 U.S.C. 118, and the terms and rates of this part, a public broadcasting entity may engage in the activities with respect to such works set forth in 17 U.S.C. 118(c).

§ 381.2 Definition of public broadcasting entity.

As used in this part, the term public broadcasting entity means a noncommercial educational broadcast station as defined in section 397 of title 47 and any nonprofit institution or organization engaged in the activities described in 17 U.S.C. 118(c).

§ 381.6 Performance of musical compositions by other public broadcasting entities.

(a) *Scope*. This section applies to the performance of copyrighted published nondramatic musical compositions by radio stations not licensed to colleges, universities, or other nonprofit educational institutions and not affiliated with NPR. In the event that a station owned by a public broadcasting entity broadcasts programming by means of an in-band, on-channel ("IBOC") digital radio signal and such programming is different than the station's analog broadcast programming, then any such programming shall be deemed to be provided by a separate station requiring a separate royalty payment.

(b) *Definitions*. As used in paragraphs (d) and (e) of this section, the following terms and their variant forms mean the following:

(1) *Feature Music* shall mean any performance of a musical work, whether live or recorded, that is the principal focus of audience attention. Feature Music does not include bridge, background, or underscore music, themes or signatures, interstitial music between programs such as in public service announcements or program sponsorship identifications, brief musical transitions in and out of program segments (not to exceed 60 seconds in duration), incidental performances of music during broadcasts of public, religious, or sports events, or brief performances during news, talk, religious, and sports programming of no more than 30 seconds in duration.

(2) *Population Count*. The combination of:

(i) The number of persons estimated to reside within a station's Predicted 60 dBu Contour, based on the most recent available census data; and

(ii) The nonduplicative number of persons estimated to reside in the Predicted 60 dBu Contour of any Translator or Booster Station that extends a public broadcasting entity's signal beyond the contours of a station's Predicted 60 dBu Contour.

(iii) In determining Population Count, a station or a Translator or Booster Station may use and report the total population data, from a research company generally recognized in the broadcasting industry, for the radio market within which the station's community license is located.

(3) *Predicted 60 dBu Contour* shall be calculated as set forth in 47 C.F.R. § 73.313.

(4) *Talk Format Station* shall mean a noncommercial radio station:

(i) Whose program content primarily consists of talk shows, news programs, sports, community affairs or religious sermons (or other non-music-oriented programming);

(ii) That performs Feature Music in less than 20% of its programming annually; and

(iii) That performs music-oriented programming for no more than four (4) programming hours during the hours from 6:00 a.m. to 10:00 p.m. each Weekday, with no two (2) hours of such programming occurring consecutively, with the exception of up to five (5) Weekdays during the year.

(5) *Weekday* shall mean the 24-hour period starting at 12:00 a.m. through 11:59 p.m. on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays occurring between January 1 of a given year up to and including Thanksgiving day of that year.

(6) *Translator Station* and *Booster Station* shall have the same meanings as set forth in 47 C.F.R. § 74.1201.

(c) *Voluntary license agreements*. Notwithstanding the schedule of rates and terms established in this section, the rates and terms of any license agreements entered into by copyright owners and noncommercial radio stations within the scope of this section concerning the performance of copyrighted musical compositions, including performances by noncommercial radio stations, shall apply in lieu of the rates and terms of this section.

(d) *Royalty rate*. A public broadcasting entity within the scope of this section may perform published nondramatic musical compositions subject to the following schedule of royalty rates:

(1) For all such compositions in the repertory of ASCAP, the royalty rates shall be as follows:

(i) Music Fees (Stations with 20% or more programming containing Feature Music):

	Population Count	Calendar Years				
		2028	2029	2030	2031	2032
Level 1	0 – 24,999	$646	$672	$685	$699	$713
Level 2	25,000 – 249,999	$849	$883	$900	$918	$937
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Level 6	1,500,000 – 1,999,999	$3,786	$3,937	$4,016	$4,096	$4,178
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(ii) Talk Format Station Fees (Stations with < 20% Feature Music programming):

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Level 9	3,000,000 and above	$2,599	$2,651	$2,704	$2,758	$2,813

(2) For all such compositions in the repertory of BMI . . .

(3) For all such compositions in the repertory of SESAC . . .

(4) For the performance of all other such compositions in the aggregate, in 2023 through 2027, $1.

(e) *Payment of royalty rate*. The public broadcasting entity shall pay the required royalty rate to ASCAP[,] not later than January 31 of each year. Each annual payment shall be accompanied by a signed declaration stating the Population Count of the public broadcasting entity and the source for such Population Count. An exact copy of such declaration shall be furnished to [each of] ASCAP[,]. Upon prior written notice thereof from ASCAP[,], a

public broadcasting entity shall make its books and records relating to its Population Count available for inspection. In the event that a public broadcasting entity wishes to be deemed a Talk Format Station, then such entity shall provide a signed declaration stating that Feature Music is performed in less than 20% of its annual programming and that it complies with the caps set forth in paragraph (b)(4) of this section. An exact copy of such declaration shall be furnished to [each of] ASCAP[,]. Upon prior written notice thereof from ASCAP[,], a public broadcasting entity shall make its program schedule or other documentation supporting its eligibility as a Talk Format Station available for inspection.

(f) *Records of use*. A public broadcasting entity subject to this section shall furnish to ASCAP[,], upon request, a music-use report during one week of each calendar year. ASCAP[,] shall not in any one calendar year request more than 10 stations to furnish such reports.

Proof of Delivery

I hereby certify that on Tuesday, November 03, 2026, I provided a true and correct copy of the JOINT PROPOSAL OF THE AMERICAN SOCIETY OF COMPOSERS, AUTHORS AND PUBLISHERS, CHURCH MUSIC PUBLISHERS ASSOCIATION, INC., AND THE NRB MUSIC LICENSING COMMITTEE, INC. to the following:

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SESAC Performing Rights, LLC, represented by Keane Barger, served via E-Service at kbarger@loeb.com

The Harry Fox Agency LLC, represented by James M Smith, served via E-Service at msmith@harryfox.com

Church Music Publisher's Association, Inc., represented by Jack R Hicks, served via E-Service at rush@ktaglaw.com

NRB Music Licensing Committee, Inc., represented by Karyn K Ablin, served via E-Service at ablin@fhhlaw.com

Signed: /s/ Sam Mosenkis