Electronically Filed
Docket: 25-CRB-0015-PB (2028-2032)
Filing Date: 11/03/2026 08:48:46 PM EST

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 SESAC PERFORMING RIGHTS, LLC, AND THE NRB MUSIC LICENSING COMMITTEE, INC.

SESAC Performing Rights, LLC ("SESAC") and the NRB Music Licensing Committee, Inc. ("NRBMLC") join in a proposal to establish royalty rates pursuant to 17 U.S.C. § 118 for the payment of compulsory SESAC blanket license royalties by certain noncommercial radio broadcasting entities (the "Religious/Community Noncommercial Radio Stations") that are not licensed to colleges, universities, or other nonprofit educational institutions and are not affiliated with National Public Radio, K-LOVE, Inc., or any of K-LOVE, Inc.'s affiliates for the performance of copyrighted musical compositions in the SESAC repertory. This proposal covers the years 2028 through 2032.

SESAC AND THE NRBMLC

SESAC is a performing rights organization that licenses, on a non-exclusive basis, the public performance right in musical works on behalf of its affiliated songwriters, composers, and publishers, including foreign works through SESAC's reciprocal licensing agreements with foreign performing rights organizations.

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, SESAC's predecessor in interest, SESAC, Inc., and the NRBMLC reached agreements and submitted joint proposals regarding SESAC, Inc.'s 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, 2,739 (Jan. 19, 2018); Final Rule, Determination of Rates and Terms for Public Broadcasting (PB IV), Docket No. 21-CRB-0002-PBR (2023-2027), 88 Fed. Reg. 41827, 41828 (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 of the Religious/Community Noncommercial Radio Stations.

THE PROPOSAL

SESAC and the NRBMLC have reached agreement regarding an adjustment to the Section 118 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.

SESAC and the NRBMLC hereby propose a modification of the royalty rates contained in section 381.6(d)(3) for all compositions in the SESAC repertory. In addition to the modified rates, SESAC and the NRBMLC propose only two additional minor revisions to the text of section 381.6. First, Section 381.6(a) should be changed to add the phrase ", K-LOVE, Inc., or any of K-LOVE, Inc.'s affiliates" after the phrase "and not affiliated with NPR." Second, Section 381.6(d)(5) should be changed to modify the dates to "2028 through 2032." The proposed new rates and changes to section 381.6(d)(3) 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.

As in the current regulation, the proposed SESAC blanket license rates are tiered, based on the "60 dBu Contour Population Count" of a Religious/Community Noncommercial Radio Station covered by the compulsory license. The parties have determined that a flat-fee structure is the most suitable rate structure for noncommercial stations. A flat fee structure provides predictability to both copyright licensees and copyright licensors and is particularly suitable for the Religious/Community Noncommercial Radio Stations that are largely dependent on listener

donations to fund their operations. It also is simple and efficient to administer.

The term "Population Count" is defined in the proposal to include the number of persons estimated to reside within a station's "Predicted 60 dBu Contour" based on the most recent available census data as well as the non-duplicative Population Count of any "Translator Station" or "Booster Station" that extends that station's signal beyond the station's Predicted 60 dBu Contour. The technical specification "Predicted 60 dBu Contour" is one with which FCC-licensed stations are familiar. The terms "Translator Station" and "Booster Station" are proposed to have the same meanings as set forth in 47 C.F.R. § 74.1201 for FM translator and FM broadcast booster stations, and the term "Predicted 60 dBu Contour" is proposed to be calculated as set forth in 47 C.F.R. § 73.313.

As before, a Religious/Community Noncommercial Radio Station may alternatively base its Population Count on the total population in a station's licensed broadcast contour by using available data from a research company generally recognized in the broadcasting industry (such as Nielsen or BIA). If a Religious/Community Noncommercial Radio Station uses a research company, as stated above, to calculate the total Population Count for a station, it must also add the non-duplicative population in the Predicted 60 dBu Contour for each Translator Station or Booster Station that extends a station's coverage beyond the station's own Predicted 60 dBu Contour based on the data as provided by the research company.

This Joint Proposal again sets forth a reduced rate for those talk-format stations that meet the requirements set forth in the proposed regulations to account for those stations' more limited use of music in their programming. The Joint Proposal also proposes to carry forward the current reporting provision in section 381.6(f) unchanged. That provision is reasonable for noncommercial stations in this rate category.

The 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").

Once more under the Joint Proposal, a Religious/Community Noncommercial Radio Station shall not pay a separate fee for an in-band, on-channel, digital radio ("HD Radio") signal that is a "simulcast" of the station's analog, over-the-air signal within the same market. But, to the extent that a Religious/Community Noncommercial Radio Station broadcasts different programming by means of its HD Radio signals ("Multicast Signals"), the station must report and pay for each Multicast Signal as a separate station.

SESAC and the NRBMLC propose that 37 C.F.R. § 381.6 be revised and the rates adopted as proposed herein.

CONCLUSION

SESAC and the NRBMLC 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. SESAC and the NRBMLC also request that 37 C.F.R. § 381.6 be amended with the new rates set forth in Appendix A of the proposal and further amended as provided herein. They further propose 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.

Respectfully submitted,

SESAC PERFORMING RIGHTS, LLC

By: */s/ Tim Warnock*
Tim Warnock (TN Bar No. 12844)
Keane Barger (TN Bar No. 33196)
Loeb & Loeb LLP
35 Music Square East, Suite 310
Nashville, TN 37203
(615) 749 8300
(615) 749-8308 (facsimile)
twarnock@loeb.com
kbarger@loeb.com

Counsel for SESAC Performing Rights, LLC

NRB MUSIC LICENSING COMMITTEE, INC.

By: */s/ Karyn K. Ablin*
Karyn K. Ablin (D.C. Bar No. 454473)
ablin@fhhlaw.com
FLETCHER, HEALD & HILDRETH, PLC
1300 N. 17th St., Suite 1100
Arlington, VA 22209
Telephone: (703) 812-0443
Fax: (703) 812-0486

Counsel for the NRB Music Licensing Committee, Inc.

Dated: November 3, 2026

APPENDIX A

Proposed SESAC Blanket License Fees for Radio Stations Not Licensed to Colleges, Universities or other Nonprofit Educational Institutions, Not Affiliated with National Public Radio, and Not Affiliated with K-LOVE, Inc. or Any of Its Affiliates, and Proposed Amendments to 37 C.F.R. § 381.6(d)(3)

(3) For all such compositions in the repertory of SESAC, 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	$149	$152	$155	$159	$162
Level 2	25,000 – 249,999	$167	$170	$173	$177	$180
Level 3	250,000 - 499,999	$258	$263	$268	$274	$279
Level 4	500,000 - 999,999	$388	$395	$403	$411	$420
Level 5	1,000,000 – 1,499,999	$517	$527	$538	$549	$560
Level 6	1,500,000 – 1,999,999	$646	$659	$672	$685	$699
Level 7	2,000,000 – 2,499,999	$775	$791	$807	$823	$839
Level 8	2,500,000 – 2,999,999	$904	$922	$940	$959	$978
Level 9	3,000,000 and above	$1,291	$1,317	$1,343	$1,370	$1,398

(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	$87	$88	$90	$92	$94
Level 2	25,000 - 249,999	$110	$112	$115	$117	$119
Level 3	250,000 - 499,999	$134	$136	$139	$142	$145
Level 4	500,000 - 999,999	$157	$160	$163	$167	$170
Level 5	1,000,000 – 1,499,999	$181	$184	$188	$192	$195
Level 6	1,500,000 – 1,999,999	$226	$231	$236	$240	$245
Level 7	2,000,000 – 2,499,999	$271	$277	$282	$288	$294
Level 8	2,500,000 – 2,999,999	$316	$323	$329	$369	$377
Level 9	3,000,000 and above	$452	$461	$470	$480	$489

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 January1, 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, K-LOVE, Inc., or any of K-LOVE, Inc.'s affiliates. 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 12:00AM through 11:59 PM 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 . . .

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

(3) For all such compositions in the repertory of SESAC, 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	$149	$152	$155	$159	$162
Level 2	25,000 – 249,999	$167	$170	$173	$177	$180
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(ii) Talk Format Station Fees (Stations with < 20% Feature Music programming):

	Population Count	Calendar Years				
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Level 4	500,000 - 999,999	$157	$160	$163	$167	$170
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Level 6	1,500,000 – 1,999,999	$226	$231	$236	$240	$245
Level 7	2,000,000 – 2,499,999	$271	$277	$282	$288	$294
Level 8	2,500,000 – 2,999,999	$316	$323	$329	$369	$377
Level 9	3,000,000 and above	$452	$461	$470	$480	$489

(4) For the performance of all other such compositions in the aggregate, in 2028 through 2032, $1.

(e) *Payment of royalty rate*. The public broadcasting entity shall pay the required royalty rate to [ASCAP, BMI] and SESAC 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, BMI] and SESAC. Upon prior written notice thereof from [ASCAP, BMI] or SESAC, 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 subparagraph (b)(4). An exact copy of such declaration shall be furnished to [each of ASCAP, BMI] and SESAC. Upon prior written notice thereof from [ASCAP, BMI] or SESAC, 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, BMI] and SESAC, upon request, a music-use report during one week of each calendar year. [ASCAP, BMI] and SESAC each 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 SESAC Performing Rights, LLC, and the NRB Music Licensing Committee, Inc. to the following:

American Society of Composers, Authors and Publishers, represented by Sam Mosenkis, served via E-Service at smosenkis@ascap.com

Broadcast Music, Inc., represented by Brian A Coleman, served via E-Service at Brian.Coleman@faegredrinker.com

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

Global Music Rights, LLC, represented by Scott A Zebrak, served via E-Service at carly@oandzlaw.com

K-LOVE, Inc., represented by Keenan P Adamchak, served via E-Service at kadamchak@wbklaw.com

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

Public Broadcasting Service, represented by Wesley E Weeks, served via E-Service at wweeks@wiley.law

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

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

Signed: /s/ Karyn K Ablin