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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 MAKING AND DISTRIBUTING PUBLIC BROADCASTING (PUBLIC BROADCASTING V)**	**Docket No. 25-CRB-0015-PB** **(2028-2032)**

BROADCAST MUSIC, INC.'S NOTICE OF SETTLEMENT AND STATUS REPORT IN RESPONSE TO ORDER 5

Broadcast Music, Inc. ("BMI") hereby files this Notice of Settlement and Status Report in accordance with Order 5 Regarding Case Schedule and Settlement Status issued by the Copyright Royalty Judges (the "Judges") on October 16, 2026 directing the Participants in the above captioned proceeding (the "Proceeding") to file a joint proposed schedule and an update on the status of settlement negotiations no later than November 3, 2026.

BMI hereby notifies the Judges of the progress it has made as to negotiating joint proposals and/or voluntary agreements with the other participants in this proceeding that will govern the fees and terms for the nondramatic public performance of musical works in the BMI repertory for the period 2028 through 2032.[1] As set forth below, BMI anticipates at this juncture that it will not participate in any litigated portion of this proceeding, insofar as it has as reached agreements and/or agreements in principle with all relevant participants.

[1] BMI licenses, on a non-exclusive basis, the public performing right in over 25 million non-dramatic musical works on behalf of its more than 1.5 million affiliated songwriters, composers and publishers, many of which are included in nondramatic musical works published by noncommercial broadcasting entities.

I. Rates Under 37 C.F.R. § 381.4: Performance of Musical Compositions by PBS, NPR and other Public Broadcasting Entities.

37 C.F.R. § 381.4 governs performance of musical compositions by National Public Radio ("NPR") and Public Broadcasting Service ("PBS" and, with NPR, the "Public Broadcasting Entities"). Historically, these rates have been the subject of voluntary agreements pursuant to 17 U.S.C. § 118(b)(2)-(3), including for the 2023 to 2027 period. BMI has engaged in negotiations with these Public Broadcasting Entities to reach a voluntary license agreement for performance of works in the BMI repertory for the period from 2028 to 2032. As stated in the Notice of Voluntary Agreement in Principle of Broadcast Music, Inc. and the Public Broadcasting Entities submitted concurrently in this Proceeding, BMI and the Public Broadcasting Entities have reached an agreement in principle for fees and terms that would apply in the new license period. The terms of an agreement have not been finalized as of yet but is anticipated to be forthcoming in short order. The parties will notify the Judges when the agreement has been executed. Any proposed edits to 37 C.F.R. §381.4 will thereupon be submitted, to the limited extent (of any) not mooted by the above-referenced voluntary agreement.

II. Rates Under 37 C.F.R. § 381.5: Performance of Musical Compositions by Public Broadcasting Entities Licensed to Colleges and Universities.

37 CFR § 381.5 sets forth the rates and terms that govern the public performance of musical works, including those in the BMI repertory, by public broadcasting entities licensed by colleges and universities. In this Proceeding, however, no representative of colleges and universities filed a petition to participate. BMI has developed a set of modest revisions to the existing terms of 37 CFR §381.5, as well as an adjustment to BMI's rates that reflect an increase in the cost of living, and include annual step-up increases to account for future projected inflationary increases. BMI anticipates submitting this unopposed proposal concurrently with this submission or within the next few days.

III. Rates Under 37 C.F.R. § 381.6: Performance of Musical Compositions by Other Public Broadcasting Entities.

37 C.F.R. § 381.6 governs the performance of musical compositions by public broadcasting entities *other than* PBS and NPR (37 C.F.R. § 381.4) and colleges and universities (37 C.F.R. § 381.6). The content of these stations is predominantly devotional in nature and historically BMI negotiations with organizations representing that industry. In this regard, following negotiations, BMI and the NRB Music License Committee ("NRBMLC") concurrently file herewith a joint proposal setting forth the fees and terms upon which they have agreed and that will govern the performance of musical works in the BMI repertory by religious broadcasting entities and other public broadcasting entities, as provided in 37 C.F.R. § 381.6.[2]

BMI has separately negotiated with and reached a voluntary agreement in principle with participant K-Love, Inc. ("K-LOVE"), whose works would otherwise fall within the ambit of 37 C.F.R. § 381.6. The parties will notify the Judges when the agreement has been executed.

IV. Scheduling

In view of the foregoing settlements and/or voluntary agreements and agreed and/or unopposed proposals, BMI respectfully defers to any scheduling proposals submitted by other Participants to this proceeding.

[2] In addition to NRBMLC and K-Love, Inc, two other entities filed petitions to participate in the Proceeding that represent radio stations and/or publishers in this Category: Catholic Radio Association ("CRA") and Church Music Publishers' Association, Inc. ("CMPA). It is BMI's understanding that CMPA supports the above-reference joint proposal of NRBMLC and BMI. It is further BMI's understanding that CRA does not object to that joint proposal of NRBMLC and BMI.

BROADCAST MUSIC, INC.

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CERTIFICATE OF SERVICE

I hereby certify that on this 3d day of November, 2026, a copy of the foregoing was filed electronically using eCRB, which will automatically provide electronic service copies to all counsel and *pro se* participants who are registered to use eCRB. *See* 37 C.F.R. § 303.6(h)(1).

/s/ Katlyn M. Moseley
Katlyn M. Moseley

Proof of Delivery

I hereby certify that on Tuesday, November 03, 2026, I provided a true and correct copy of the Broadcast Music, Inc.'s Notice of Settlement and Status Report in Response to Order 5 to the following:

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

Catholic Radio Association, represented by Karyn K Ablin, served via E-Service at ablin@fhhlaw.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

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

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

Signed: /s/ Brian A Coleman