

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

In re

Determination of Rates and Terms for Digital
Performance of Sound Recordings and
Making of Ephemeral Copies to Facilitate
Performances (*Web V*)

Docket No. 19-CRB-0005-WR
(2021-2025)

WRITTEN DIRECT STATEMENT OF COLLEGE BROADCASTERS, INC.

Pursuant to 37 C.F.R. § 351.4, College Broadcasters, Inc. (“CBI”) herby submits its written direct statement consisting of the Direct Written Testimony of John Morris, President of CBI, in support of SoundExchange, Inc. and CBI’s Joint Motion to Adopt Partial Settlement, which will be filed separately.

Dated: September 23, 2019

Respectfully submitted,

/s/ David D. Golden

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UNITED STATES COPYRIGHT ROYALTY JUDGES
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**DIRECT TESTIMONY OF JOHN MORRIS ON BEHALF OF
COLLEGE BROADCASTERS, INC.**

1. My name is John Morris. I currently serve as the President of College Broadcasters, Inc. (“CBI”), a 501(c)(3) corporation. I submit this written testimony in support of the SoundExchange, Inc. and CBI’s Joint Motion to Adopt Partial Settlement.

2. CBI is a national nonprofit association, the members of which include college, university and high school radio and television stations and other electronic media organizations. Many of CBI’s radio station and other members make internet transmissions subject to licensing under 17 U.S.C. §§ 112(e) and 114.

Personal Qualifications

3. I was elected President by the membership of CBI in 2016. Prior to my election, I served as an active member of CBI for over 15 years. In that time, I have presented on dozens of panels during the organization’s National Student Electronic Media Convention discussing a variety of topics. Before being elected to the CBI Board of Directors, I served on the Indiana Association of School Broadcasters Board of Directors for over a decade.

4. During my tenure at CBI, I have worked with nearly 100 college radio and media outlets that are primarily staffed by students.

5. I have had articles published in a variety of radio journals concerning CBI and student radio, as well as being a guest on podcasts hosted by the Radio Advertising Bureau and Radio Survivor to talk about college radio.

6. I am currently employed by the University of Southern Indiana (“USI”) as an Instructor in Radio and Television and as General Manager of and Faculty Advisor to WSWI, USI’s campus radio station. I have held these positions since August of 1999. During this time I have worked with our Broadcast Advisory Committee consisting of professional broadcasters as well as having the radio station named Student Organization of the Year.

7. Prior to my work in academia, I held positions in commercial radio sports, news, and sales at radio stations in Indiana, Idaho, and Missouri.

8. I hold a Bachelor of Arts from the University of Wyoming and a Master of Science from Indiana State University in Human Resources Development. I first became involved in student radio in 1982 at the University of Wyoming on KUWR.

9. I have won three national awards for my work in radio. All are from the Broadcast Education Association Festival of Media Arts in Long Form Production and Broadcast News.

10. I have more than 18 years of employed and volunteer experience working in college radio and television stations that are staffed and run by students.

11. I have led CBI’s efforts to obtain reasonable rates and terms for its members’ webcasting operations since 2016. CBI has a long history of advocating on behalf of its member stations. As part of its efforts, CBI participated in three previous rate-setting webcasting

proceedings before the Copyright Royalty Board and has submitted comments to the Copyright Royalty Board on behalf of its membership.

12. My testimony is based on my experience in various roles at CBI and my experience in working with and mentoring student-staffed webcasting, radio, and television stations. My testimony is further based on the resources available to me and upon on which I rely to carry out my duties as President of CBI.

PROPOSED SETTLEMENT

13. The proposed rates and terms are attached to SoundExchange, Inc. and CBI's Joint Motion to Adopt Partial Settlement, which will be filed separately. The proposed rates and terms are similar to those currently codified at 37 U.S.C. 380.21-23, except that the minimum fee applicable to CBI's member stations will increase by \$50 per year throughout the settlement period.

14. CBI believes the proposed rates and terms to be reasonable because they generally maintain the existing regulations for CBI's member stations for the eligible nonsubscription transmissions and related ephemeral recordings they make over the Internet under Sections 112(e) and 114 of the Copyright Act.

Except as otherwise noted, I have personal knowledge of the facts in my testimony, and the foregoing is true and correct to the best of my understanding.

Dated: September 23, 2019

Respectfully submitted,



John Morris
President
College Broadcasters, Inc.

Proof of Delivery

I hereby certify that on Monday, September 23, 2019, I provided a true and correct copy of the Written Direct Statement of College Broadcasters, Inc. to the following:

SAG-AFTRA, represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

Sirius XM Radio Inc., represented by Todd Larson, served via Electronic Service at todd.larson@weil.com

Sony Music Entertainment, represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

American Association of Independent Music ("A2IM"), The, represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

circle god network inc d/b/a david powell, represented by david powell, served via Electronic Service at davidpowell008@yahoo.com

Radio Paradise Inc., represented by David Oxenford, served via Electronic Service at doxenford@wbklaw.com

Warner Music Group Corp., represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

National Public Radio, Inc., represented by Gregory A Lewis, served via Electronic Service at glewis@npr.org

Educational Media Foundation, represented by David Oxenford, served via Electronic Service at doxenford@wbklaw.com

National Association of Broadcasters, represented by Andrew Gass, served via Electronic Service at andrew.gass@lw.com

SoundExchange, Inc., represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

American Federation of Musicians of the United States and Canada, The, represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

Google Inc., represented by Kenneth L Steinthal, served via Electronic Service at ksteinthal@kslaw.com

Pandora Media, LLC, represented by Todd Larson, served via Electronic Service at todd.larson@weil.com

National Religious Broadcasters Noncommercial Music License Committee, represented by Karyn K Ablin, served via Electronic Service at ablin@fhhlaw.com

iHeartMedia, Inc., represented by John Thorne, served via Electronic Service at jthorne@kellogghansen.com

Jagjaguwar Inc., represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

UMG Recordings, Inc., represented by David A. Handzo, served via Electronic Service at dhandzo@jenner.com

Signed: /s/ David D Golden