Before the
COPYRIGHT ROYALTY BOARD
in the Library of Congress
Washington, D.C. 20559

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In re   )
)
Notice of Proposed Rulemaking   )   RM 2008-7
)
NOTICE AND RECORDKEEPING FOR USE OF)
SOUND RECORDINGS UNDER STATUTORY   )
LICENSE   )
_____ _____)

COMMENTS OF KBVR FM

KBVR FM is an educational radio station licensed under the Oregon University System that strives to serve the community through the introduction of new music and activities of the community. The station staff is supervised through the Educational Activities Board at Oregon State University (OSU) within the Division of Student Affairs and offers OSU students the opportunity to serve the community through broadcast and by streaming the on air signal over the web. The station is funded by student fee dollars and offers training and on-air experience to over 120 students each term.

We are submitting comments because we are concerned about the number of staff hours and expensive technology that will be required of our educational endeavor should expansion of reporting rules be required.

Our quarterly reports are managed and checked by a part-time employee. Moving to the system required a shift of financing in order to accommodate that recordkeeping. A move from quarterly reports to year-round ("census") reports would prove extremely burdensome and might be financially undoable. The compilation of reports must fall to our part time engineer and requires manual reformatting of records. Completing reports

for a short period of time with several months for completion, allows us to perform the chores during hours when the needed employee is anticipated to be working at the station. Allowing a 90 day window for completions that happen once a quarter would be a challenge, but the expectation that census reporting within a month and a half would likely prove impossible for a station with a budget of less than $90,000 annually.

We are not aware of any commercial products that allow us to comply with this requirement. Currently, we use a created solution that combines some automation with manual recordkeeping in order to meet requirements. Our current system is too cumbersome to allow us to comply with the proposed changes.

Our computer takes the same signal path that goes over the air. Because we use the University backbone to send out our signal, we are currently limited to 30 listeners at any one time which means that we have never and are for noncommercial stations not exceeding the minimum fee not likely to exceed the minimum fee. for noncommercial stations not exceeding the minimum fee We do separate out programming for which we do not have streaming rights, which is a manual process and creates two separate program logs.

Our programming is not broken down to the second and is logged in a manner that reports all listening without separating out non-copyrighted material which will cause the per-song audience calculation to inaccurately reflect actual song listening by including other program segments. We have not discovered a workable, affordable way to solve the issue Even if we had a solution to the accuracy issue, we are unaware of any software that would calculate the actual performance data, as proposed.

In order to allow 30 listeners at a time to listen to KBVR on the Internet, we pay $500 annually to the RIAA. We devote at least an hour a week of a 16-hour a week employee's time to creating records, monitoring records and training students to be able to assist in meeting the current requirements. The more frequently such reporting is required, the higher the number of engineering hours required, that number is likely to rise even more

if the turn around time for such reports is short. We do not have money to support increased engineering time and the justification for increased expense is not present based on the small ATH we are capable of sustaining.

KBVR FM believes that for noncommercial stations not exceeding the minimum fee, the reporting requirements should not be expanded beyond a quarterly sample requirement with at least a minimum 90 day turn around for data submission. The requirement for ATH should be retained allow for systems which cannot detail the precise element being transmitted with the exact listening audience.

Respectfully submitted,

KBVR FM

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