

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

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

COMMENTS OF WREK ATLANTA

WREK hereby submits comments in the above captioned proceeding. WREK is a student staffed, student funded, non-commercial, no profit radio station located on the campus of the Georgia Institute of Technology in Atlanta, Georgia. We broadcast on 91.1 FM and simulcast the majority of our programming on the Internet at <http://www.wrek.org>. We are an interested party because the proposed rule change would affect our ability to simulcast our programming.

Currently, WREK only pays the minimum required fee for internet streaming. The proposed changes would add an undue burden for our station. We would be unable to comply with the reporting requirements in the proposed timeline, and we would be forced to cease our internet simulcast if those paying the minimum fee are not exempt from the requirements.

WREK employs an integrated digital system for a portion of the broadcasted programming, however most content is aired by an operator playing other forms of media, such as CDs and records. While the digital system is tightly integrated with our

streaming system, most of the programming is recorded through human data entry into the computer or on to paper records. WREK currently has no means of associating the number of listeners to the internet stream with a specific performance of a song.

Also, WREK does currently have a method for recording non-copyrighted material, such as voice breaks and PSAs. Because of this and the fact that we can not associate the number of listeners to a specific song, WREK is currently unable to calculate the actual total performances for our programming without significant human interaction for each recording aired. Using aggregate data, however, WREK has been able to automate the calculation of the aggregate tuning hours as currently required.

The proposed change to census reports would constitute a burdensome amount of record keeping, that our volunteer-staffed station would be unable to comply with in any expedient timeline. Our station would require a significant amount of software development, as well as a complete overhaul of our record keeping procedures to automate the calculation that the proposed reports would require. As a student funded and staffed radio station, this would be a large undertaking, and in all likelihood, would require us to cease our simulcast for some time.

The proposed requirement of reports being due 45 days after the last day of each month also poses a challenge for our station. As a student staffed station, the number of our staff fluctuates with our institute's calendar. During summers and breaks, the proposed reports would require the majority of our shrunken staff's time and effort.

WREK is unaware of any commercial products which would easily bring us into compliance with the proposed changes. Due to WREK's long history, and our emphasis on engineering, many of the systems we have in place were custom built. For any product to truly integrate with our current systems to generate the required reports, it would have to be built in house at WREK. This process would require many man hours from our volunteers as well as compensation for our engineering staff for the product to be finished on time. The project would take our engineering staff at least 200 man hours

to complete at a cost close to \$1500. Currently, our station is unable to spare either of these resources to continue our simulcast.

If these proposed changes are placed into effect, without an exemption for those who pay the minimum fee, WREK will be unable to continue streaming over the Internet for the foreseeable future. This would mean that none of the artists played by WREK would receive any performance royalties from our Internet stream. Also, these measures would deprive 2% of our listenership, close to 300 people a day, from the entertainment and public services we provide.

In closing, the staff of WREK feels that the proposed changes should be amended to include an exemption for those stations that do not surpass the minimum amount of aggregate tuning hours for the current minimum fee. If the changes are implemented as they stand now, WREK will be unable to continue simulcasting our programming via Internet stream. This would put an unfortunate end to our webcast, which has been available for the last 14 years.

Respectfully submitted,

WREK Atlanta

By:

Aubrey Rhodes
WREK Atlanta
350 Ferst Drive
Suite 2224
Atlanta, Georgia 30332-0630
(404) 894-2468
general.manager@wrek.org

January 29, 2009