

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 WRVU**

My name is Jim Hayes and I am the adviser for WRVU radio at Vanderbilt University. WRVU is a non-commercial educational station with an all-volunteer staff comprised of students in leadership positions and some Nashville community members as DJ's. WRVU has an annual operating budget of approximately \$10,000 provided by a combination of student activity fees and local underwriting. WRVU currently streams a simulcast of its broadcast programming.

WRVU is submitting comments regarding the proposed rulemaking for several reasons. First the proposed move from quarterly reports to year-round census reporting would be almost impossible given the detailed nature of these reports, the lack of full time professional staff to dedicate to this task, as well as the lack of funding necessary to provide the technological support necessary for such a year-round census report. In addition, after an extensive search there doesn't even seem to be a viable low cost commercial software option that could be utilized to automate these reports. If the year-round census report goes into effect WRVU will have two choices: 1) hire part-time personnel to compile this report (which is financially impossible due to WRVU's limited budget), OR 2) cease webcasting operations. I would further request that the proposal to

calculate the number of stream listeners per each song be dismissed in favor of the current method that allows reporting of Aggregate Tuning Hours (ATH). WRVU has no means to perform calculations for individual streams per song, and after an extensive review I have found no other commercially available software that would perform that function.

WRVU has never exceeded the current listening levels to incur fees above the \$500 minimum license fee, but with the increased burden being proposed for year-round census reporting WRVU will be forced to cease webcasting, which will result in \$0 in royalties from WRVU to distribute to the entitled artists and it will deprive the public of our public service and entertainment programming via the stream.

In closing I believe the current guidelines that allow for quarterly reporting of 2 week periods is already taxing non-commercial educational broadcasters such as WRVU to the limit of our capabilities. I would implore those involved in this decision making process to allow the use of ATH and quarterly reports for stations paying only the minimum fee, such as non-commercial educational stations like WRVU.

Respectfully submitted,

WRVU

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