

Before the
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In the
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)
Digital Performance Right in Sound)
Recordings and Ephemeral)
Recordings and Digital Performance)
of Sound Recordings)
_____)

Docket No. 2014 CRB-0001WR
(2016-2020)
(Web IV)

AFFIDAVIT OF FRITZ KASS IN SUPPORT OF IBS' COMMENTS

I am the same Frederick J. Kass who filed written direct testimony in this matter October 7, 2014, on behalf of the Intercollegiate Broadcasting System, Inc., a Rhode Island non-profit corporation and a party to this proceeding. I make this affidavit based on my personal knowledge, except as those facts that pertain to internal matters of College Broadcasters, Inc., which are based on information and belief.

Historically CBI predominantly was part of the radio and webcasting operations of the College Media Association (CMA), (Also previously know as College Media Advisors) comprised of the advisers of college newspapers, yearbooks, and campus broadcasters. Most CMA Members are full time advisors

for campus print publications. CBI up until January 1, 2012, had held its conventions concurrently and as part of CMA's.

In 2012 CBI came to a parting of the ways with CMA, and IBS stepped in to provide some broadcast media sessions at the CMA Spring New York City College Media Conference. In the fall of 2012 IBS provided broadcast sessions in place of CBI, at the Fall Chicago, IL, CMA and ACP, Associated Collegiate Press conference. Subsequently, CMA/ACP used CMA paid staff at Vanderbilt University to provide broadcast sessions at their conferences. In the fall of 2012 CBI began holding annual conventions on its own. The severing of the tie between CMA and CBI left CBI having to entirely fund CBI operations including a paid CBI Executive Director.

The amounts paid to CBI by SoundExchange (SX) were, we were informed, less than Mr. Robedee's, CBI Executive Director, salary during the two years in which Mr. Robedee was presumably negotiating the new rates with SoundExchange, although the amounts may be listed as CBI convention sponsorship or some such by SX and/or CBI. A substantial number of the present members of CBI, who continued from CBI's relationship with CMA, when such a paid staff was a criterion for membership, presumably still have such paid staffs.

I am not aware of any webcaster, whom I can identify as a member of CBI, who claims to have signed a license agreement with SX at these rates.

Subscribed and sworn to by Frederick J. Kass, Jr., this 23rd day of
November, 2014.


