

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 Blaze Radio at University of Alabama/Birmingham

Blaze Radio hereby submits comments in the above caption proceeding. Blaze Radio is student-staffed, non-commercial, non-profit radio/web station on the campus of the University of Alabama at Birmingham. We webcast our programming on the Internet at www.blazeradio.org. We are an all volunteer station with minimal support from the University. We are an interested party because the proposed rule changes will adversely affect the way in which we operate.

We are submitting comments because having reviewed the potential rule changes, there is no doubt that if passed in their current form, these changes would place significant obstacles on our volunteers and would more than likely result in shutting our station down completely. Blaze Radio is a small, streaming operation that does not exceed minimum Aggregate Tuning Hours, and therefore we would argue that an exemption from census reporting is a fair a reasonable option for very small, educational streaming operations.

The proposed changes concerning census reporting and the requirement to report actual performances in lieu of ATH is an undue burden for those stations like Blaze Radio paying only the minimum fee and that those stations should be exempt from the proposed

changes. The streaming process for Blaze Radio is accomplished through a hybrid system cobbled together consisting of second-hand studio gear and surplus computers that have been brought to new life as part of the educational challenge of equipping the station. The station does use automation software at times. However, the “home grown” system is not as robust and integrated as the systems deployed at commercial webcasters.

Our programming is logged using both manual and automated processes. We currently log songs, but not voice breaks, PSAs and other non-copyrighted material. To comply with the proposed rules the station would have to abandon live studio webcasts, and the concomitant education value those sessions provide, and process all content through an automation system so logs can be generated. Even so we are not sure that those logs would meet the level of precision dictated under the proposed rules. This would be a burdensome activity for volunteers who are seeking training as webcasters not clerical personnel. As a practical matter, we have found that compliance with ATH is difficult enough without any practical, technical method of generating actual total performance data for each song, much less an accurate one.

The move from quarterly reports to year-round ("census") reports would be not only be burdensome but more than likely undoable. Census reports more than would require the station to hire a part-time clerical assistant and software acquisition (if and when that software for reporting becomes available) just to process census reports. The staff expansion alone, given today's economic situation, along with the 45 day turnaround required for the Monthly reports, would probably silence our operation.

Blaze Radio uses MegaSeg Software, a commercially available automation solution that produces log information that might be satisfactory for a portion of our programming. However, a 100 percent level of accuracy cannot be guaranteed given the manual manipulation of data involved. Webcast material that is not processed through our automation software must be entered manually. Even for the two weeks per calendar quarter that is required under present rules, this is a labor intensive process for our volunteers. We know of no commercially available software solution for our logging.

Because the current reporting strategy has to be supplemented, expanding the reporting period to a census basis would place a severe hardship on our station, one that we likely could not overcome.

Blaze Radio has a budget less than \$10,000 per year. The station sells neither advertising nor subscriptions, and has no revenue whatsoever other than activity budget allocations. The only paid staff member is the general manager who draws a modest stipend. Other budget allocations are earmarked for licensing, equipment acquisition, software licensing and little else. The new rules proposed would likely double our current budget – a request likely to be denied by university officials since they are already grappling with a near 10 percent proration of allocations for higher education. Thus, we would have to stop operations.


Blaze Radio has never exceeded listening levels that would cause our fees to rise above the \$500 minimum. The most recent ATH reports submitted internally for the station show an average of less than 15 listeners per hour average. The increased burden being proposed will cause us cease webcasting, an action that will result in no royalties being collected from our station to distribute, accurately or not, to those entitled and further would deprive the public of public service and entertainment programming, and, perhaps more importantly for an educational institution, would deprive students of a valuable activity intended to provide real-world training in the media arts.

As a new webcasting station, Blaze Radio's volunteer staff finds the current level of regulatory requirement burdensome as is. And this burden comes merely from volunteers coping with sampling two weeks of data each quarter. In all fairness, and with a nod to the intent in which the webcasting initiative was drafted originally, Blaze Radio strongly believes that stations that are paying the minimum licensing fee should be exempted from the new census reporting regulations.

Therefore, we are requesting an exemption for ours and other stations that pay only the minimum fee with respect to the proposed changes from sample to census reporting and allow the use of ATH instead of per performance.

Respectfully submitted,

Blaze Radio

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