

Before the  
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Washington, D.C. 20559

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In re )  
 )  
Notice of Proposed Rulemaking ) RM 2008-7  
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NOTICE AND RECORDKEEPING FOR USE OF )  
SOUND RECORDINGS UNDER STATUTORY )  
LICENSE )  
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**COMMENTS OF KUIW.org**

KUIW.org started webcasting in January 2004. It is a student-run radio station that broadcasts from the University of the Incarnate Word in San Antonio, TX. Our primary format is the broadcasting of music. We also broadcast live sporting events. The station is funded currently by a grant that ends in May 2009 at which time the University will fund the station from its operating budget. KUIW has over 50 student volunteers to run the station. We are not a FCC licensed station and have no plans to do so because of the cost factor as well as lack of frequencies.

The following paragraphs are comments about the proposed reporting changes Sound Exchange is asking the CRB to make a decision on.

Currently KUIW.org is reporting to Sound Exchange (SX) with a quarterly two-week report on music that is played. We are using a company to compile the data and we are emailing it to SX. This new proposal of a monthly report will create a heavy burden on our station to comply with. Just the compliance factor alone with the regulations that are in place today creates a problem with what to do and what not to do during our webcasts.

Currently just to comply with regulations our students work on the importing of music into the broadcast computer with the proper data (artist, album, title, record label, etc), ensuring we do not play 3 songs in a row from the same artist, not playing from the same album over a three hour period, and constantly are vigilant for bad tags and data on each song we play. All these requirements have come from SX. This takes up a considerable amount of time for our DJ's and music directors. The cost of these new proposed rules will virtually eat up any stipend I pay students and ensure more time taken away from a true educational experience. We are teaching students in our radio coursework about other aspects of a radio station and just what duties are needed to work in this field. I have had to cut back on their exposure on other operational aspects of a radio station at our university because of the recordkeeping and compliance factor of SX.

It has been our concern since we began reporting data to SX as to why the data is needed? Is the data being used to help musicians create a better understanding of their market? Is the data shared with the talent that performs the music? This has been the most disturbing part of the data collection from a stations standpoint. There really has been no answer from SX on why they deem this data is necessary. What is the purpose of going from a two-week reporting period to a monthly report? I have had more questions than answers from Sound Exchange at this point. What do I tell students when asked these questions?

There is also concern from my fellow college broadcasters as to why this data is necessary as well. Many of them pre-exist the streaming regulations and have expressed concern that current regulations are extremely taxing and some stations have confided that they can't comply with the recordkeeping regulations, but are, nonetheless paying royalties. Making the recordkeeping requirements even more unreasonable and burdensome, as proposed, will likely decrease the number of stations that are able to comply with the regulations. As a result, stations will stop streaming, or stop complying with the rules altogether.

The University will begin funding our radio station beginning in the fall of this year. The current budget takes into account the \$500 we currently send to SX. It also includes a lot of operational expenses including the amount of recordkeeping functions our paid students perform to comply with SX regulations. We also pay a third party to capture this data and provide the reports. I am currently paying a lot from our budget just to keep up with this record keeping. Our university does not ask students to fund this operation or a lot of other things for that matter. Tuition is high enough as it is. It is becoming extremely difficult to justify a cost-benefit factor to my administration about our campus radio station. The buzz and enthusiasm created in 2004 with the start of this operation is still in existence today. Students are learning and working together to create a station that is truly theirs. I would hate to see the loss of this enthusiasm by creating further regulations that are burdensome and more costly to our students and administration. This continued ratcheting up of regulations may very well kill our station altogether.

Respectfully submitted,

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