

**Before the  
COPYRIGHT ROYALTY BOARD  
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 )	
_____ )	

**JOINT COMMENTS OF  
UNIVERSITY OF CALIFORNIA  
NCE BROADCAST RADIO STATIONS AND  
ASSOCIATED COLLEGE AND UNIVERSITY BROADCASTERS WHO SIMULCAST**

University of California radio stations, in concert with associated college and university broadcasting stations in California,<sup>1</sup> file these Comments in response to the proposals put forth by the Copyright Royalty Board’s *Notice of Proposed Rulemaking* published 73 Fed Reg. 250 (Dec 30, 2008)(“NPRM”).

The NPRM proposes new regulations that would require all webcasters to report detailed information on every sound recording played, i.e. to implement census reporting. As the aforementioned Broadcasters who simulcast their signals show below, the proposed move from quarterly reports to year-round census reports with accompanying performance data is unreasonable and not feasible. We strongly urge the CRB to allow quarterly reports using aggregate tuning hours (ATH) for stations like ours.

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<sup>1</sup> The call signs, colleges and universities, and communities of license are listed at the end of these comments.

Our stations are a geographically diverse group of noncommercial, non-CPB funded radio stations licensed to various institutions of higher education throughout California. Financial resources are few; we operate with minimal budgets and with principal staffing comprised mainly of volunteers. Paid professional staff range from 0 to 2.75 full time equivalents. Besides our mission as a broadcast learning experience for students, we explore unique and diverse programming not available in the commercial world. As a result, we still use analog media such as vinyl and cassettes from large libraries (in excess of 70,000 pieces of recorded music) and do not utilize pre-programmed playlists. Streaming services offered are not-for-profit activities.

Adoption of the NPRM would impose insurmountable hurdles for our stations:

- Census reporting is not technologically feasible for broadcasters who manually enter play data as there are two separate data sources: one for playlist data and one for streaming data. The streaming server data and the playlist data are not integrated systems. Streaming data (where ATH is garnered) is separate from playlist data and must be connected to playlist data manually. A technological solution does not exist and therefore ATP cannot be calculated.
- Recordkeeping of playlist data is entered into a computer manually as each piece is played. Even those stations who meet current reporting statutes do not have accurate start times for playlist data, end times are not recorded and non-music programming is not logged. ATP would not be accurate even if a “number” could be attached. .

Should we lose the ability to stream our broadcast signals, our communities will have a major local voice silenced.

The undersigned urge the CRB to adopt a proposal that recognizes the special nature of colleges and university stations that are not funded by/affiliated with CPB or National Public Radio and are operated with students. We request that stations like ours be allowed to report two weeks out of every quarter with reports due 90 days after the end of the quarter and to continue to accept the use of ATH.

Respectfully submitted,

Radio Station KALX  
University of California, Berkeley  
Berkeley, California

Radio Station KDVS  
University of California, Davis  
Davis, California

Radio Station KCSB  
University of California, Santa Barbara  
Santa Barbara, California

Radio Station KUCI  
University of California, Irvine  
Irvine, California

Radio Station KUCR  
University of California, Riverside  
Riverside, California

Radio Station KZSC  
University of California, Santa Cruz  
Santa Cruz, California

Radio Station KSPC  
Pomona College  
Claremont, California

Radio Station KFJC  
Foothill College  
Los Altos Hills, California

Dated: January 28, 2009

