

Before the
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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 WESS Radio (90.3 FM, East Stroudsburg University of
Pennsylvania)**

January 26, 2009

I am the University Advisor to WESS Radio, and I am a full-, tenured professor in the Department of Communication Studies. WESS is a student-operated and funded radio station. Our funding allocation on a yearly basis is roughly \$20,000. We have been webcasting our signal for about two years. We commissioned a university-affiliated company to write the software that allows us to stream and to report our webcasting data to SoundExchange. We are very interested in the issue rule changes regarding webcasting because, if enacted, we will be unable to meet the new rules, given our limited resources.

Specifically, we are submitting comments because the proposed changes concerning census reporting and the requirement to report actual performances in lieu of ATH is an undue burden for those stations paying only the minimum fee and that those stations should be exempt from the proposed changes.

We accomplish our streaming through two third-party software companies—oddcast, and icecast. We use third-party companies because we do not have the resources to pay for the bandwidth that would be required if we streamed directly from campus.

Our programming is logged only insofar as we report the webcasting data fields (song, artist, album title, record label) required by SoundExchange. If the proposed rules go into effect, we will be unable to report each and every connecting to the streaming server during each song played. It is our conclusion that the current procedure using ATH is cumbersome enough, but we are able to do it. Moreover, the move from quarterly reports to year-round ("census") reports would be undoable. As a state-assisted university, the funding and resources simply aren't there to comply with the new rules being proposed. We support CBI's proposal for the due dates for reports—that is, four times per year for two-week sweeps.

It is impossible to estimate specifically what increased costs would result if the proposed rules go into effect, but we estimate an outlay of at least 30,000 dollars, based on the labor and equipment and software purchases that would be necessary.

We have never exceeded the listening levels that would necessitate that we pay more than the \$500 minimum license fee that we are now paying. Typically, we have 3-4 webcast listeners per program.

We do not support changing the rules from their current application. We believe that while these rules are cumbersome as it is, we are able to comply with them.

Respectfully submitted,

WESS Radio

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