

Before the  
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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 WICB (FM) and VIC Radio at Ithaca College**

The Ithaca College radio stations in Ithaca, NY hereby submit comments in the above captioned proceedings. The College operates WICB (FM), a class B1, non-commercial, educational (NCE) station, and VIC Internet Radio. WICB is in operation 24/7/365; VIC is Internet-only, and operates when classes are in session. We are an interested party in the above captioned Notice of Proposed Rulemaking since both our student-operated, non-commercial radio stations stream on the Internet. The proposed rule changes will drastically affect the way in which we operate.

Ithaca College Radio is submitting comments because we are certain that if the NPRM, particularly with respect to census reporting and the requirement to report actual performances is enacted, the radio stations at Ithaca College will have to stop streaming altogether. Thanks to the low Aggregate Tuning Hours (ATH) numbers our streams generate, our stations pay the minimum annual fee—\$500 each—to SoundExchange. We are requesting that stations like ours with relatively small online audiences be exempted from census reporting and the requirement to report actual performances. We also request an exemption from the monthly reporting requirement with 45 days to submit the report.

Our stations produce a combined 336 hours of programming per week, yet employ only one full time staff member. Programming is produced by student volunteers and a small number of community volunteers. Census reporting and the requirement to report actual performances in lieu of ATH would be an undue burden on our operation. We are unaware of any commercially available software to aid in the calculation of actual performances. Furthermore, our stations lack the manpower necessary to comply with the newly proposed rules.

WICB and VIC pride themselves on producing quality, innovative programming. That is accomplished by employing several playback formats, including LP and 45 rpm records, CDs and an AudioVAULT digital on-air system. We send the analog signal of each station to an encoding computer that digitizes the signal and sends it to Live365.com for distribution to our online audience. Unlike commercial webcasters with a closed connection between the playback system and the streaming server, the fact that we have a wide variety of eclectic program offerings, making use of various playback formats, makes accurate playlist logging—even under the current rules requiring two weeks per quarter—exceedingly cumbersome and complicated. In addition, our programming is not logged to the second, so determining actual performances of music is simply not possible. Attempting to comply with the NPRM could be a full-time job for someone, but given the current state of the economy, we are not in a position to hire anyone.

Webcasting is a cost center of our radio operation, not a source of income. Any one of the proposed new rules would increase those costs, and it is doubtful that compliance is even possible. Certainly, the addition of the proposed rules would end our streaming activities.

Being forced to cease webcasting would mean the end of VIC Radio. That would affect nearly 40 student volunteers, who are learning the art and science of radio, while allowing friends, family and prospective students to hear their webcasts. Silencing our streams will result in no royalties from our stations to SoundExchange and the artists we support, and would deprive the public of our public service, news, sports and entertainment programming.

We believe the rules should be not be changed in order to allow our stations and others like ours to continue to comply with the rules and continue webcasting. We respectfully request an exemption for stations paying only the minimum fee from the proposed changes from sample to census reporting. We also request that such stations be allowed the use of ATH instead of per-performance reporting.

Respectfully submitted,

Ithaca College Radio

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