

Copyright Royalty Board  
Docket No. RM 2008-7  
Request for Comments: Notice and Recordkeeping for Use of Sound Recordings Under Statutory License

WTBU submits these comments in response to the notice published by the Copyright Royalty Board on December 30, 2008 seeking commentary on recordkeeping costs and other Reports of Use developments.

WTBU is Boston University's student radio station, broadcasting on the BU cable TV system channel 6 and in selected buildings on campus on either 640 AM or 89.3 FM and online on [www.WTBUradio.org](http://www.WTBUradio.org). WTBU offers listeners unique music programming along with local and national news and live sport broadcasts. WTBU is entirely staffed by volunteer students under the supervision of a faculty advisor. Currently, due to the limited size of its audience, WTBU pays only the minimum fee.

WTBU submits these comments in support of its request that the CRB not implement its proposed changes regarding reporting to Sound Exchange, or at the very least, exempt from the proposed rules changes non-commercial stations that pay only the minimum fee. In particular, WTBU urges the CRB not implement the proposed changes that would: (1) require monthly submissions of reports of use to Sound Exchange; (2) require the reporting of "Actual Performances" for each copyrighted song that is webcast; and (3) require that every song webcast be included in each monthly report of use.

With respect to monthly submissions of reports of use to Sound Exchange, the burden on small radio stations like WTBU to produce these reports would be overwhelming. WTBU is run by student volunteers, who are already stretched thin keeping up with the station's business operations in addition to delivering quality broadcasts. There is no paid staff who can take on this responsibility, nor has WTBU been able to discover any affordable and effective technological solutions to this problem. Because we are a volunteer student run station, staff changes regularly, and the additional training and monitoring of staff compliance that would be required under the proposed rules would be an onerous task that would redirect limited resources away from the station's core function – delivering quality broadcasts. Further, it is our sense that it has not been shown that the more frequent reports required under the proposed rules would result in a fairer allocation of copyright royalties to the copyright owners. For these reasons, the current quarterly ATH-based reporting requirements should not be changed.

With respect to the proposed change to reporting Actual Total Performances, commercially available hardware and software does not permit calculation of this metric. Since the ATP metric cannot be computed accurately, generating these kinds of reports would not produce reliable information and, therefore, would not improve the quality of information provided to Sound Exchange, calling to mind the trite but true adage, garbage in, garbage out. How would copyright owners benefit from that?

With respect to the proposed change to census reporting, again the increased manpower required to collect, integrate and format the required data is not available to a small, volunteer student run station, particularly small stations like WTBU whose broadcast range is so limited. The new reporting requirements would essentially require the addition of a staff member with database programming skills and webcasting technology expertise.

Comments of WTBU

This is simply not feasible.

WTBU urges you to look at the big picture in evaluating the proposed rule changes. It does not seem likely that they will result in any real benefit to copyright owners, and the burden they will place on college radio stations is staggering. Indeed, it is not unlikely that, given the probable costs of compliance and the unavailability of increased funding in these dire economic times, the effect of these changes will be that many stations may need to stop webcasting. That would be a most unfortunate result.

WTBU urges the CRB not to implement the proposed changes discussed herein, or, in the alternative to exempt from the proposed changes all non-commercial stations that pay only the minimum fee.

/s/ Kathleen Farrell

On behalf of WTBU