

Before the
COPYRIGHT ROYALTY BOARD
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 WUSB

WUSB hereby submits comments in the above captioned preceding. WUSB is Stony Brook University's non-commercial, radio station broadcasting on 90.1 FM from Stony Brook, N.Y. and intermittently simulcasting an internet stream at www.wusb.fm . WUSB's mission is to serve as an educational and community radio station. The station is volunteer operated and run by student officers. WUSB retains a licensed engineer. WUSB is funded by donations from listeners and student fees. Approval of budgeted expenses is voted on from year to year.

We are an interested party in this preceding because the proposed rule changes will affect the way in which we operate. WUSB's FM signal has significant signal interference problems on the Stony Brook Campus from which we operate and the signal does not reach some of our main listening audience. WUSB's simulcast stream allows our audience including the Stony Brook University and local Stony Brook communities to listen to the broadcasts online. These are the audiences we are licensed to serve. Webcasting allows WUSB to meet its mission as an educational and community radio station by allowing WUSB to reach our listening audience.

WUSB is 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 us and other non-commercial and educational stations that have previously paid a minimum fee to Sound Exchange .We believe those stations that only pay the minimum fee should be exempt from the proposed changes.

Currently there is no known commercially available, affordable or standardized way for WUSB to maintain accurate records based on the proposed reporting requirement changes. If the proposed record keeping changes are enacted then WUSB will likely have to stop webcasting. WUSB has an operating budget that does not increase each year and meeting this rate increase would cause undue financial hardship for the station.

WUSB simulcast streaming is accomplished by using nice cast software on donated computers using University internet connectivity. WUSB's web cast stream is inconsistent and is often manually re-set. WUSB's website has reported hits to our website when our stream was not functioning or playing songs, this means we were not streaming. This problem now leads to an inaccurate calculation of how many people are actually listening to the stream and adding even more reporting requirements would create a technical burden for WUSB.

WUSB's program logs include Public service announcements, news, songs, and live interviews, talk segments, underwriting announcements, sports broadcasts and live music performances. The required calculation would be based on all programming, not just songs played, making the calculation inaccurate for reporting requirements.

Currently we do not know of any software or equipment available to make this reporting requirement practical or affordable. If the software was available and if WUSB could afford to purchase software or equipment to make digital capture of these logs and calculation of per performance plays possible, the logs would also include the other program segments in the calculation.

WUSB believes that the requirement to accurately report each and every connection to the streaming server during each song played for a total actual total performance calculation is unachievable right now for a non-commercial station. As of now there is no practical, technical method of generating actual total performance data for each song, much less an accurate one.

Reports are expected to be submitted monthly within 45 days of each previous report. It will be hardship for WUSB to comply with this reporting time frame. WUSB does not have the personnel or staff to meet these reporting requirements. WUSB operates and functions based on a school year calendar and student officers are not here for portions of the year. This would leave the burden of complying with monthly requirements on volunteers. WUSB is a volunteer run station and we would have to incur personnel costs to comply with the requirements.

The increased burdens will cause WUSB to stop webcasting permanently which will lead to no webcast royalty payments from our station. This will also deprive the public of our public service and entertainment programming.

In closing WUSB provides a forum for many new and underrepresented musical artists and we heavily promote many local music shows and independent musicians. These are another group who would be deprived of the benefits of WUSB's webcasting if we can not stream our broadcast due to the aforementioned financial, technical and personnel hardships.

Respectfully submitted,
WUSB

By: Isobel Breheny-Schafer
Room 266 Union Building Stony Brook University
Stony Brook New York 11794 -3200 PH 631-632-6828
Ibreheny@notes.cc.sunysb.edu

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