

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

_____)	
In the Matter of)	
)	
Notice and Recordkeeping for Use of)	
Sound Recordings Under Statutory)	Docket No. 14-CRB-0005 (RM)
License)	
Notice of proposed rulemaking)	
)	
_____)	

Comments of Lasell College Radio

Pursuant to the above captioned Notice of Proposed Rulemaking ("Notice") which appeared in the Federal Register on May 2, 2014, Lasell College Radio, submits its comments. Noncommercial Educational Webcaster ("NEW") as defined by 37 CFR §380.21. Since Lasell College Radio does not possess an FCC license, it cannot qualify as a "minimum fee broadcaster" as currently defined in 37 CFR 370.4(b)(3).

The designation as a NEW has suited us well as the Reporting requirements under 37 CFR §380.23 provide Lasell College Radio to Reports of Use (ROUs) through limited data collection which does not require reporting Aggregate Tuning Hours ("ATH") or Actual Total Performances ("ATP"). We would like to retain the ability to report as a NEW for as long as possible, and request that the regulations which appear to sunset these recordkeeping provisions be removed so we can continue to report as a NEW even after December 31, 2015. The §380.23 regulations were adopted as precedent and should be allowed to remain as the recordkeeping and reporting regulations as they serve us well, will allow us to continue to webcast and have been previously approved and adopted as a reasonable.

Barring that outcome, Lasell College Radio fully supports the proposed changes to 37 CFR §370.4(b)(2) which would qualify Lasell College Radio as a Minimum Fee Broadcaster in the event that the classification of a NEW is no longer available after January 1, 2016 as that the only option which MIGHT allow us to continue to survive as a student operated, non-profit educational station.

In the Notice, the Copyright Royalty Judges (“Judges”) asked how unlicensed minimum fee Educational Stations have been reporting under the current regulations. As detailed above, my station Lasell College Radio has been reporting under §380.23. If it were not for this section of the regulations, we may not have been able to continue webcasting. The Judges further asked if the proposed change is warranted. If the ability to report as a NEW went away and our only option would be to report census data on a monthly basis with ATP, Lasell College Radio would likely have to cease webcasting as because Lasell College Radio would not have the resources or means to comply. As such, Lasell College Radio believes the changes are warranted if ability to report under §380.23 were to sunset.

The Notice also proposes numerous changes requested by SoundExchange. Lasell College Radio agrees with the proposed regulations which specify use of “UTF-8 *if feasible*” (emphasis added) as opposed to the outright elimination of the use of ASCII.

With respect to the elimination of the requirement of a template in Quatro Pro, Lasell College Radio has no objection; however we respectfully request that this requirement be replaced with a template as Microsoft Excel spreadsheet. Also, the current Excel template should be updated to conform to any and all proposed changes.

Lasell College Radio feels that the requirement to submit a copy the Notice of Use directly to SoundExchange is unnecessary and likely to be overlooked. This problem would be eliminated if Lasell College Radio could complete a form on-line and submit payment with a credit card. A copy of the electronic submission could then automatically be forwarded to SoundExchange.

Lasell College Radio is very relieved to see that the proposed regulations included the qualifier, “if feasible” with respect to reporting the ISRC because we are a small student-run organization who does not possess the resources to meet such meticulous record-keeping demands for every song we air.

Lasell College Radio must also strongly object to the proposed new requirement to be required to add the “The letters ‘NLR’ (for ‘no license required’”) if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because transmission of the sound recording does not require a license, or the letters ‘DL’ (for ‘direct license’”) if the Service has excluded the sound recording from its calculation of statutory royalties in accordance with regulations setting forth the applicable royalty rates and terms because the Service has a license directly from the copyright owner of such sound recording.”

Lasell College Radio objects because we are a small student-run organization whose non-paid DJs come from a variety of majors—only about 25% of them are Communication majors. Because of this, 75% of our DJs may not be proficient and/or willing to successfully complete such tasks. Many of these students would likely do this incorrectly, or become so frustrated with the process that they would leave the organization.

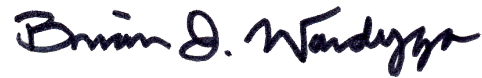
Lasell College Radio must object to the proposed change of due date for ROUs submitted from the current 45 days after the close of the relevant reporting period to 30 days because we are uncomfortable with the provisions for a late fee for “non-compliant” reports of use, even if timely filed. We are uncertain what constitutes a non-compliant ROU and unclear to the threshold level of non-compliance which would justify such a late fee.

Conclusion

For the above reasons, Lasell College Radio believes that the §380.23 provisions for NEWS should be extended indefinitely as we may not exist if they go away. In the alternative, the proposed changes to 37 CFR §370.4(b)(2) should be adopted so Lasell College Radio might have a chance to survive.

Dated: 5/22/14

Respectfully submitted,



Dr. Brian J. Wardyga
Associate Professor of Communication
General Manager, Lasell College Radio
Lasell College
1844 Commonwealth Ave.
Newton, MA 02466
617.243.2238
bwardyga@lasell.edu