

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

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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 WSDP-FM

Pursuant to the above captioned Notice of Proposed Rulemaking ("Notice") which appeared in the Federal Register on May 2, 2014, WSDP-FM submits its comments. WSDP-FM is currently considered a Noncommercial Educational Webcaster ("NEW") as defined by 37 CFR §380.21. WSDP-FM is a high school radio station, owned and operated by the Plymouth-Canton Community Schools. The station is staffed by students at Canton, Plymouth and Salem High Schools and has a mission of using local radio to invest in the lives of young people and serve the Plymouth-Canton Community.

The designation as a NEW has suited us well as the Reporting requirements under 37 CFR §380.23 provide WSDP-FM to Reports of Use through a proxy fee. 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.

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

WSDP-FM 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 WSDP-FM could complete a form on-line. A copy of the electronic submission could then automatically be forwarded to SoundExchange.

WSDP-FM is very relieved to see that the proposed regulations included the qualifier, “if feasible” with respect to reporting the ISRC because it is absolutely not feasible for that to happen at WSDP-FM. We have one full time staff member and one half-time assistant to provide direction for our staff of 40+ students. Adding this to the responsibilities of supervising students, teaching class, coordinating alumni contacts, and providing station oversight is not possible. We also have some shows that allow students to bring in music and have no way to enforce the tracking of this information.

WSDP-FM 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.”

WSDP-FM objects because to our knowledge no definitive list exists to help us include the information in our automation. Additional student programmed shows would require students to make this decision and they would often have to guess.

WSDP-FM is uncomfortable with the provisions for a late fee for “non-compliant” reports of use, even if timely filed. We have not seen clear guidelines on what would constitute a non-compliant ROU. Would it be non-compliant if it had one line of data with missing information or a typo? What is the threshold level of non-compliance which would justify a late fee? With our limited staff we would not want typos and insignificant missing information to be construed as non-compliance.

WSDP-FM 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. We would need those 45 days to coordinate a volunteer staff, check the data for accuracy and make sure it is in the correct format. Our limited staff makes any additional constraints very hard, if not impossible, to comply with.

Conclusion

For the above reasons, WSDP-FM believes that the §380.23 provisions for NEWS should be extended indefinitely or we may have to drop the web feed of our signal.

WSDP-FM objects to the requirement to submit a copy the Notice of Use directly to SoundExchange, the proposed new requirements to add the letters “NLR” (for “no license required”) or “DL” (for “direct license”) to our reports, the provisions for a late fee for “non-compliant” reports of use, and to the proposed change of due date for ROUs submitted.

Dated: June 25, 2014

Respectfully submitted,

Bill Keith

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