

**Before the
COPYRIGHT ROYALTY JUDGES
Washington, DC**

)	
In the Matter of)	
)	
Determination of Rates and Terms for)	Docket No. 16-CRB-0002-PBR (2018-2022)
Public Broadcasting (PB III))	
)	

PETITION TO PARTICIPATE

Broadcast Music, Inc. (“BMI”) hereby files its Petition to Participate in the above-captioned proceeding pursuant to 37 C.F.R. § 351.1(b)(1)(i) and in accordance with the Notice of the Copyright Royalty Judges (the “Judges”) announcing the commencement of a proceeding to determine reasonable rates and terms for noncommercial broadcasting issued on December 29, 2015. *See* 81 Fed. Reg. 256 (Jan. 5, 2016).

BMI is a music performing rights society, as defined in Section 101 of the Copyright Act, that licenses, on a non-exclusive basis, the public performing right in approximately 10.5 million non-dramatic musical works on behalf of its over 700,000 affiliated songwriters, composers and publishers, including thousands of foreign works through BMI’s reciprocal licensing agreements with over 90 foreign performing right organizations.

BMI has a direct interest in the subject matter of this proceeding. Public performances of musical works in BMI’s repertoire fall within the noncommercial educational broadcasting compulsory license contained in Section 118 of the Copyright Act, 17 U.S.C. § 118, when they are made by a “public broadcasting entity,” as defined in 17 U.S.C. § 118(f) and that therefore qualifies for the compulsory license. Pursuant to Section 118, for decades rates and terms have been determined by the Judges (or their predecessor decision-makers) when voluntary license

agreements have not been reached. Moreover, BMI has licensed the Public Broadcasting Service and National Public Radio, as well as hundreds of non-commercial radio stations that are either: (1) qualified by the Corporation for Public Broadcasting to receive federal funding; (2) affiliated with colleges or universities; or (3) other non-commercial radio stations (e.g., religious and community radio stations). Therefore, BMI has both a financial and legal stake in the outcome of this proceeding. This constitutes a “significant interest” in the proceeding pursuant to 17 U.S.C. § 803(b)(2)(C).

BMI therefore petitions to participate fully in any royalty rate proceeding for the period 2018-2022 to establish BMI license fees and terms in any instance where voluntary agreements are not reached. Pursuant to 37 CFR § 351.1(b)(4), BMI encloses a check to the Copyright Royalty Board in the amount of \$150.00 for the requisite filing fee.

Respectfully submitted,

BROADCAST MUSIC, INC.

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