

**Before the  
Copyright Royalty Board  
Library of Congress  
Washington, D.C. 20554**

|  |   |                               |
|--|---|-------------------------------|
| In the Matter of:  | ) |                               |
|  | ) |                               |
| Determination of Reasonable Rates<br>and Terms for<br>Noncommercial Broadcasting | ) | Docket No. 2011-2 CRB NCEB II |

**COMMENTS OF EDUCATIONAL STATION WKNC-FM**

1. The volunteers and staff of radio station WKNC-FM respectfully submit these comments in the above-captioned proceeding. WKNC-FM is a 25,000-watt radio educational radio station not affiliated with National Public Radio.
2. WKNC-FM objects to the proposed rule to change the annual royalty rate structure for public broadcasting entities licensed to colleges and universities from a flat rate to tiered rates based primarily on the number of full-time students enrolled in the educational entity operating the station. This proposed structure change for ASCAP and BMI royalty rates is unreasonable. WKNC-FM's licensee, North Carolina State University, has an annual full-time enrollment of 27,438. Under the proposed structure, WKNC-FM's royalty rate for ASCAP and BMI would change from \$312 per organization in 2012 to \$822 per organization in 2013, an increase of more than 163%.
3. Current royalty rates for colleges and universities are based on undergraduate and graduate student enrollment. Understandably those with greater student populations serve a larger number of individuals and thus should pay a higher rate than those with smaller populations. The listening audience of a campus radio station, however, is not

- correlated to the enrollment number of its licensee. Financial resources also vary widely among stations and again have no standard based on school enrollment.
4. WKNC-FM therefore supports ASCAP and BMI following the same flat rate structure for royalty rates as SESAC, subject to an annual adjustment of the change in the Consumer Price Index or two percent, whichever is greater. We feel this is a reasonable method to determine royalty rates for noncommercial broadcaster, rather than the proposed arbitrary and capricious change to a tiered structure.

Respectfully submitted,

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Date: May 23, 2012