

Before the
United States Copyright Office
Library of Congress

In the Matter of)
)
NOTICE AND RECORDKEEPING FOR) Docket No. RM-2008-7
USE OF SOUND RECORDINGS UNDER)
STATUTORY LICENSE)

To: Copyright Royalty Board

REQUEST FOR EXTENSION OF TIME

Station Resource Group (“SRG”), hereby supports the proposal of College Broadcasters, Inc. (“CBI”) to extend the deadline for submitting comments in the above-captioned proceeding from January 29, 2009 to and including March 30, 2009.

SRG is a membership organization comprised of leaders in the field of public media. SRG’s 42-members operate approximately 220 noncommercial radio stations across the country, reach some 9 million listeners on their own stations and millions more through national distribution of programming they produce.

On December 30, 2008, the Copyright Royalty Board (“CRB”) published in the Federal Register the above-captioned Notice of Proposed Rulemaking (“NPRM”). The NPRM proposes to modify reporting requirements for a license to perform sound recordings, pursuant to Sections 112 and 114 of the Copyright Act. The NPRM established a January 29, 2009 deadline for submitting comments.

On January 16, 2009, CBI and Harvard University, licensee of noncommercial station WHRB, submitted a joint request to extend the deadline to March 30, 2009. CBI’s extension

request is based on the fact that the NPRM was released during the holidays, when most colleges were on break. CBI points out that the proposed deadline will effectively preclude many colleges and college students from submitting timely comments on a matter of great concern to college broadcast and Internet stations.

SRG files these comments in support of CBI's request, both to emphasize the importance of the issue on which the NPRM invites comment and to demonstrate that the proposed deadline will disadvantage many other interested parties and deprive the CRB of a fully developed record on the issue.

The NPRM notes that it proposes "only one substantial change – to expand the period to implement census reporting." That characterization does not do justice to the magnitude of the change proposed. The change from a reporting system based on a quarterly sampling of sound recordings, to reporting every performance of every sound recording is a categorical change in reporting requirements, not merely an expansion of the "reporting period."

The change proposed entails significant costs. Those costs are particularly problematic for nonprofit entities that operate on fixed or limited budgets and that cannot readily pass on new costs to those who enjoy their services.

As the NPRM itself recognizes, the ability of statutory licensees to provide "census data" depends on a number of factors beyond the control of any individual licensee. Not the least of these factors is the availability of affordable software that can collect required data and present it in a standardized format. A short extension of time would permit interested parties to submit comments on these important issues.

The brief time period currently allowed for comments not only harms colleges and college students who are on holiday break, but the larger community of public media. Until

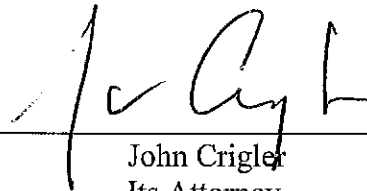
recently, SRG, National Public Radio and the Corporation for Public Broadcasting have been intensely engaged in negotiating a voluntary license agreement with Sound Exchange. This agreement establishes royalty rates for the period January 1, 2005 through December 31, 2010 and tailors reporting requirements to what is currently practicable. A brief extension of time would permit SRG, its members, and other public media entities, to provide practical insights that would be useful to the CRB in deciding whether to adopt the proposal.

Accordingly, SRG requests that the deadline for submitting comments in response to the NPRM be extended to and including March 30, 2009.

Respectfully submitted,

STATION RESOURCE GROUP

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