

**From:** Sandra Wasson <swkalx@berkeley.edu>  
**To:** crb@loc.gov  
**Date:** Thu, Apr 22, 2010 4:29 PM  
**Subject:** Comments re: Docket 2009-1 CRB Webcasting III

Attached please find comments regarding Docket 2009-1 CRB Webcasting III regarding Digital Performance Right in Sound Recordings and Ephemeral Recordings.

These comments are filed by KALX FM at the University of California, Berkeley NCE broadcast radio station.

Thank You,

Sandra Wasson  
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Before the  
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In the Matter of	)	
	)	
Proposed Rule	)	Docket 2009-1
	)	CRB Webcasting III
DIGITAL PERFORMANCE RIGHT IN	)	
SOUND RECORDINGS AND EPHEMERAL	)	
RECORDINGS	)	
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**COMMENT SOF  
KALX FM  
UNIVERSITY OF CALIFORNIA, BERKELEY**

KALX FM files these Comments in response to the proposals put forth by the Copyright Royalty Board's *Proposed Rules* published 75 Fed Reg. 62 (April 1, 2010)("Proposed Rules").

KALX FM is a noncommercial educational, non-CPB funded radio station licensed to the Regents of the University of California, broadcasting at the University of California, Berkeley, a four year public university in California. Financial resources are few; we operate with a minimal budget and with principal staffing comprised mainly of volunteers. Besides our mission as a broadcast learning experience for students, we explore unique and diverse programming not available in the commercial world. As a result, we still use analog media such as vinyl and cds from large libraries (in excess of 90,000 pieces of recorded music) and do not utilize pre-programmed playlists. Streaming services offered are not-for-profit activities.

KALX submits its support for the regulations proposed as "Subpart C- Noncommercial Educational Webcasters" (NEWS.) The proposed rates and terms acknowledge the distinct class of service that NEWS represent and serves the interest of this class in a more appropriate way than previous regulation and rate determination rules. Reporting requirements specific to NEWS

as proposed e.g. the data proxy fee, the reports of use on a sample basis and reports based on Aggregate Tuning Hours (ATH) instead of Actual Total Performances (ATP) are also more suitable to NEWS than previous regulations.

We urge the CRB to adopt the proposed rates and terms for the digital performances of soundrecordings by noncommercial educational webcasters for the period commencing January 1, 2011 and ending December 31, 2015 in the proposed rules in subpart C of this proceeding.

Respectfully submitted,

Sandra Wasson  
Radio Station KALX  
University of California, Berkeley  
Berkeley, California

Dated: April 22, 2010