

From: sheltonrs6 [REDACTED] <sheltonrs6 [REDACTED]>
Sent: Thursday, August 8, 2019 9:13 AM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: Antitrust Consent Decrees which have regulated both BMI and ASCAP

To Whom It May Concern:

I was just informed that the Department of Justice is considering ending the Antitrust Consent Decrees which have regulated both BMI and ASCAP since the 1940's. As I'm sure you are aware, these Consent Decrees require, among other things, that both organizations provide licenses to anyone who requests a license and to apply standardized fees for the performance of works by similarly situated licensees. The termination of the Consent Decrees would allow these Performing Rights Organizations (PROs) to significantly increase rates without any of the judicial or DOJ oversight required under the Consent Decrees, allow differing fees between presenters and give them the ability to decline licenses potentially giving the PROs the ability to control which acts presenters may hire. This could also create significant uncertainty in how venues and promoters would license performance rights for events going forward. Although we do not know how the Rate Court will decide this issue, without judicial oversight under the Consent Decrees, it will be much easier for the PROs to pursue these additional revenue streams.

As the Director and Conductor of a non-profit community band, this change could virtually put us out of business. As a community band, we do not charge an admission to our concerts, they are provided as a public service and afford many senior citizens and others in the community an opportunity to enjoy good musical entertainment without charge. We survive on the contribution generosity of those patrons to pay for such things as our ASCAP and BMI licenses, hall rentals, music purchases and equipment repair. We simply don't have the resources to accommodate excessive licensing fees that could result from Consent Decree termination.

At a time when all performing organizations across the country are struggling to make their budgets and stay afloat, I emphatically urge you to keep the Consent Decrees in place and maintain current fee structures.

Sincerely,



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