



August 9, 2019

The Honorable Makan Delrahim
Assistant Attorney General
U.S. Department of Justice
Antitrust Division
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

BY EMAIL: ATR.MEP.Information@usdoj.gov

Dear Assistant Attorney General Delrahim,

This public comment is being submitted by Des Moines Performing Arts to respectfully implore the U.S. Department of Justice Antitrust Division to continue to uphold the BMI and ASCAP consent decrees. **The protections provided by these decrees are necessary to continue fair music licensing agreements for all venues in which musical content is performed.**

Des Moines Performing Arts is a nonprofit arts organization located in the heart of Iowa's capital city. Our organization manages four venues, most notably the 2,754 seat Des Moines Civic Center, and has a rich history of promoting and/or hosting 300 performance annually, serving more than 300,000 lowans each season. Over the 40-year history, these performances have become a critical economic driver for the region and State of Iowa, impacting our communities in greater ways than just the show experience.

Terminating the consent decrees would disrupt the music marketplace and potentially jeopardize Des Moines Performing Arts' ability to license music for its performances for the community. By requiring all licenses be non-exclusive and all license requests be granted, the consent decrees support venues of all sizes and make sure there are no abuses of power. The judicial oversight provided by the consent decrees are also crucial for licensees for settling rate disputes. While this has a direct impact for our organization on the concert promotion business, terminating the consent decrees would also negatively impact workers at almost every restaurant, retailer, and small business that rely on concert and event activity at our facilities.

In the music industry, the monopolization of ownership of performance rights is controlled by ASCAP and BMI. **The current consent decrees have served the music industry and live entertainment venues well and there is no legitimate reason to change or terminate them now.** Upholding the consent decrees is essential for the safety of the music marketplace.

Thank you for your consideration of Des Moines Performing Arts' comments on the consent decrees.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff Chelesvig".

Jeff Chelesvig
President & CEO
Des Moines Performing Arts
JeffC@DMPA.org

CC:

Senator Charles Grassley, Iowa
Senator Joni Ernst, Iowa
Representative Abby Finkenauer, Iowa 1st district
Representative David Loebsack, Iowa 2nd district
Representative Cynthia Axne, Iowa 3rd district
Representative Steve King, Iowa Congressman 4th district