

From: Casey Clark <csd[REDACTED]>
Sent: Thursday, August 8, 2019 10:52 AM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: BMI/ ASCAP

I am writing strenuously to oppose the attempt by BMI and ASCAP to remove the Antitrust Consent Decrees which have governed them. Such removal would remove all oversight of these companies, who have a great deal of influence nationwide. It is already the case that every live show which includes music in this country is already required to pay a percentage based on number of sold tickets, or number of people hearing the music.

With the Decrees in place, these companies cannot withhold the rights of any presenter or promoter in any market or venue to offer live music. They must also be fair in the application of percentage owed them.

Without the Decrees, these companies assume control of the live music industry in its entirety. They will be able to deny rights to any they choose, offer preferential pricing to any they choose, thus dictating what shows are offered, where and by whom.

In rate court, they are currently seeking to grab percentages of what we call ancillaries. These include concessions, parking, coat check, ticketing fees, and VIP meet & greet revenues. Attacking VIP revenues takes money directly from the performing artists.

None of these functions pertain to the rights of composers and other artists. Further, ticket fees offset the costs of keeping stringent audit compliance with ticketing records, phones, internet platforms and staffed box offices, as well as ticket printing.

Venues survive on ancillaries. When a presenter books a venue for a show, the rent is never enough for the house to make its basic requirement per show. That would make the rent ruinous to the presenter/promoter. So, the venue makes it up by keeping a percentage of merchandise sold, concessions revenues and sometimes parking revenues (if they own their lots), and a facility fee attached to the ticket price, usually between \$1 and \$3.

Please do not allow this to happen. It would destroy the live performance industry. We would see arts hot spots and deserts, at the whim of BMI/ASCAP. We would see graft with promoters and venues trying to bribe their way into being favored. We would see MANY performance venues closing their doors. We would see performing artist squeezed even further if their merchandise and VIP sales are curtailed.

Most sincerely,
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