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Sent: Tuesday, August 6, 2019 3:58 PM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: Antitrust Consent Decrees

To Whom it May Concern:

Montalvo Arts Center is a not for profit public benefit organization located in Saratoga, California. Our mission is to engage the public in the creative process, acting as a catalyst for exploring the arts, unleashing creativity, and advancing different cultural and cross-cultural perspectives. We achieve our mission by creating and presenting arts of all types, nurturing artists, and using our historic property in innovative ways.

One component of our programming we offer the public is that of live performances of music, be it through our small 316 seat Carriage House Theater, in our large outdoor Garden Theater or elsewhere on our grounds.

Montalvo has entered into agreements with ASCAP, BMI and SESAC and paid their required licensing fees through our years of varied programming. However, even these agreements seemed inequitable and heavy handed in that there is no current blanket license that makes sense for the small number and type of musical programs we offer, particularly as a not for profit organization. The margin within we work is slim and these fees are deeply felt.

And this has all been with the apparent protection of the consent decrees which are now in jeopardy of being eliminated.

Without this minimum level of oversight and protection it is likely the increase in fees, currently proposed to include a percentage of revenues (in addition to ticket revenue) related to parking, service charges, concessions, VIP up sells, among others, the costs of offering such programming to the public will become too onerous and overbearing and it is likely that this programming will need to be eliminated in its entirety.

The musical licensing organizations already hold a monopoly and level of power far and above what is reasonable. The Department of Justice must retain some level of oversight to ensure fair practices and protect presenting organizations, particularly not for profit organizations, which serve and hold our assets in trust for our public.

Thank you for your consideration of and your work on this issue.

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stART here.

Montalvo is a non-profit organization dedicated to the arts.

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Coming up at Montalvo:

August 9: **Starry, Starry Night** • August 15: **The Mending Project Workshop** • August 15: **Live Music Dance Party** — Bollywood • August 20: **A Docent-Led Tour & Trail Hike** • August 21: **Experimental Drawing Techniques: India Ink, Charcoal, & Graphite** • August 22: **An Evening with Chris Botti** • September 8: **Food & Wine Classic** • Wednesdays throughout August: **Summer Luncheons** • Art on the Grounds: **Threads – Weaving Humanity** • **Tours of the historic Villa** available by appointment