

From: Nat <nat[REDACTED]>
Sent: Friday, August 2, 2019 5:59 PM
To: ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>
Subject: ASCAP & BMI consent decrees

Hello,

I am submitting this comment because I believe that ASCAP and BMI, while created under good intent, no longer serves the community in the way that it should. I have worked with local musicians in the Live Music Capital of the World, Austin, TX where ASCAP profits from their live music licenses most and I can tell you that they hurt the community more than they help the community. They do not market the ASCAP Onstage or BMI Live platforms to artists because they don't want to pay the artists their fair share. The artists who do submit set lists are merely doing market research for the PROs in which they report music venues they play at. This creates a convenient leads list for ASCAP and BMI to pursue. However, the costs of live music licenses are enormous.

My work is as a owner of a commercial licensing company (business establishment service) that serves local retail and restaurants by providing music that is cleared through blanket licenses with the PROs. However, many times, retail owners will tell me how much they hate the bullies that are the PROs. I beg of you- please do not let the harassment of small business owners continue. The PROs, without funding any educational services to help small retail and restaurant owners understand music licensing, send outrageous invoices that blindsides many business owners and sometimes even put them out of business.

In Texas, if you own a live music venue, it's even tougher! Bars that are music venues must pay all 4 PROs, Soundexchange, the bands themselves, and 16% mixed beverage taxes. That leaves them with paper thin margins and as a result, we see less music venues, less places for musicians to perform, and overall this hurts our music ecosystem.

If you have any questions for me, please let me know.

Sincerely,

Nathalie Phan