

**From:** John Potter <[REDACTED]>  
**Sent:** Thursday, August 8, 2019 11:52 AM  
**To:** ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>  
**Subject:** Antitrust Consent Decrees

Dear Sir or Madam:

It is my understanding the U.S. Department of Justice is considering ending the Antitrust Consent Decrees which have regulated both BMI and ASCAP since the early 1940s. 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 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 performing rights organizations 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.

As a nonprofit arts organization that presents concerts regularly, I respectfully request that the DOJ does not end the Antitrust Consent Decrees which regulate both BMI and ASCAP. Ending the decrees could result in a significant increase in expenses as well as limiting programming choices for The Phipps Center for the Arts as well as similar organizations, large and small, throughout the country.

I appreciate your consideration,  
John H. Potter  
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