

**Comments of the Salt Lake Film Society
To the U.S. Department of Justice, Antitrust Division
Regarding Review of ASCAP and BMI Consent Decrees
August 7, 2019**

First, our gratitude goes out to the Department of Justice for extending the comment period for this important discussion.

We respectfully ask that you maintain the protections set forth in the Consent Decrees in *United States v. ASCAP* and *United States v. BMI*, and particularly to urge the Department to maintain the movie theater licensing exemption set out in Sections IV(E) and (G) of the ASCAP Decree. The repeal of these decrees would spell disaster for film exhibitors who have no control over the music embedded in films and no way to negotiate rights or content within films.

At Salt Lake Film Society (a community arts non-profit in Utah's capital city), we have two venues with a total of seven movie screens showing sometimes up to 11 films in a given week, exhibiting films 365 days per year. It is not feasible that we could somehow negotiate with the performers of each piece of music in each of these films. We are film exhibitors with no expertise in the field of music rights compensation. Small mom-and-pop operations like SLFS and even our larger-scale colleagues cannot begin to do that work. Leaving the system as it is now, where film producers make those decisions and arrangements and then roll the cost into an exhibitor's rental price for the film, is the only solution that makes sense for the health of movie theaters. We need to spend our time curating small, independent, artistically valuable films and producing aesthetically pleasing venues where they can be enjoyed. That is our expertise.

Upholding these consent decrees will support pro-competitive practices that give small, independent theatre owners and distributors at least a fighting chance to continue to provide beautifully evocative storytelling and small, important films of artistic merit to those who wish to enjoy them.

I am available to discuss how changes to the Consent Decrees would have disastrous implications for small, independent theatres such as ours.

Thank you for the opportunity to submit our comment.

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