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**To:** ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>  
**Subject:** ASCAP and BMI

- Do the Consent Decrees continue to serve important competitive purposes today?
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- I do not believe they do.
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- Why or why not?
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- With the advent of new and digital technology and the myriad of ways replication, duplication, collaboration and dissemination occurs, I believe the benchmarks and rates on which current consent decrees are fashioned need to be reassessed.
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- Are there provisions that are no longer necessary to protect competition?
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- I believe there may be, and the current provisions should be reviewed and stakeholders should be given an opportunity to suggest revisions most beneficial to artistic creatives.
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- Would termination of the Consent Decrees serve the public interest?
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- A thorough review of the current business models, and recommendations from stakeholders that reap the most beneficial returns should be considered.
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- In any event, a smooth transition and perhaps sunset provision should be considered.
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- Do differences between the two Consent Decrees adversely affect competition? How?
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- I am not certain but I believe that artistic creatives should be offered business solutions that clearly demonstrate the differences in the products and provide them opportunities to make decisions based on the law with clear and transparent policies and procedures.
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- Are there differences between ASCAP/BMI and PROs that are not subject to the Consent Decrees that adversely affect competition?

I am not certain.

- Are existing antitrust statutes and applicable caselaw sufficient to protect competition in the absence of the Consent Decrees?

I am not certain.

Suzan Jenkins

please excuse any typos - sent from my mobile device