

**From:** Tom Richter <trich[REDACTED]>  
**Sent:** Saturday, August 10, 2019 5:21 PM  
**To:** ATR-Antitrust - Internet (ATR) <ANTITRUST.ATR@ATR.USDOJ.gov>  
**Subject:** Antitrust Decree

August 10, 2019

The Honorable Makan Delrahim  
Assistant Attorney General  
U.S. Department of Justice Antitrust Division  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530

Dear Assistant Attorney General,

I write to express my opposition to any change to the Antitrust Consent Decrees that have regulated the Performing Rights Organizations (PROs), including Broadcast Music Inc. (BMI) and the American Society of Composers Authors and Publishers (ASCAP), since the early 1940s.

I support the right of creators and artists to be compensated for their work, and the performance of their work, but it must be reasonable. This is a cash grab, pure and simple. It would cause irreparable harm to the music industry.

The termination of the Consent Decrees would allow the PROs to significantly increase rates without any judicial or DOJ oversight. It would also allow the PROs to charge different fees to similar presenters. It would give the PROs the ability to decline licenses, in effect giving the PROs control over which acts are available to specific communities nationwide. This seems contrary to a free market, and very undemocratic, and very un-American. I am employed by VenuWorks of Brookings, LLC a private management company and I am the Executive Director of the Swiftel Center in Brookings, SD. The facility I manage is owned by the City of Brookings, SD and was built for generating economic impact for the area and creating a gathering place for the community to enjoy entertainment events. Termination of the consent decrees would jeopardize the licensing system that makes it possible for us to bring performing arts and entertainment to our community.

BMI is in the Rate Court right now requesting the addition to their licensing fees of ancillary incomes from hospitality and other services that have nothing

whatsoever to do with the creation or performance of music and art. Although we do not know how the Rate Court will decide this issue, without judicial oversight under the Consent Decrees, it will be much easier for the PROs to pursue these claims.

I urge you to keep the Consent Decrees in place.

Sincerely,

Tom Richter

EXECUTIVE DIRECTOR

**SWIFTEL CENTER | MANAGED BY VENUWORKS**

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