

**From:** Tony Williams <[REDACTED]>  
**Sent:** Wednesday, June 26, 2019 11:13 AM  
**To:** ATR-LitIII-Information (ATR) <ATR.LitIII.Information@ATR.USDOJ.gov>  
**Subject:** ANTITRUST CONSENT DECREE REVIEW - ASCAP AND BMI 2019

In answer to your RFC:

- Do the Consent Decrees continue to serve important competitive purposes today? Why or why not? Are there provisions that are no longer necessary to protect competition? Which ones and why? Are there provisions that are ineffective in protecting competition? Which ones and why?
- What, if any, modifications to the Consent Decrees would enhance competition and efficiency?
- Would termination of the Consent Decrees serve the public interest? If so, should termination be immediate or should there instead be a sunset period? What, if any, modifications to the Consent Decrees would provide an efficient transitional period before any decree termination?
- Do differences between the two Consent Decrees adversely affect competition? How?
- Are there differences between ASCAP/BMI and PROs that are not subject to the Consent Decrees that adversely affect competition?
- Are existing antitrust statutes and applicable caselaw sufficient to protect competition in the absence of the Consent Decrees?

Simply put, these are bad for small businesses.

- Putting the burden of licensing on the venue stops new businesses from having licensed live music without paying fees with funds that, many times, can be used elsewhere to better effect in the business.
- The venues are forced to pay double, IE: Pay for licensing, and pay for the bands to perform. The venues are not performing the music, the bands are. In most other licensing/business uses, the business using a product pays for the license and then includes a portion of that expense in its fees. This is the only situation I can think of where the business (In this case the band) doesn't have to get licensed to use a product (music IP) and still gets paid to use the product; it's customer (the venue) actually pays for its license to use the product (music IP).
- Open mic nights have essentially ceased to exist due to venue licensing requirements. New musicians are unfairly denied a vital part of learning to perform, which is performing in public. Open mic nights provide this and forward the arts.
- Ascap / BMI use practices that are harassing and create a hostile atmosphere in the business community towards them. They make contact up to 4 times a month using language such as "You are required to comply", and "Amount Due" on invoices sent with no previous conversation about the cost of licensing.

An email from Sydney Guinn on 03/28/2019 stated "Dear Mr. Williams: The account for your business was transferred to my desk since the previous licensing specialist was unable to resolve with the company. If you are unwilling to resolve please have your attorney contact me. The licensing documents for your business are attached below. "

I had spoken to a representative at ASCAP previous and stated that I do not hire bands that play licensed music. I further stated that if, in the future I did choose to, I would contact them for licensing. I also stated that I had already consulted with my lawyer on the legalities of this and was aware of the requirements. Yet they continue to harass and intimidate, which takes up valuable time that I need to run my business.

- Let small business thrive, remove these burdensome requirements so that our customers can enjoy live music without forcing the venues to cover this added expense.

Thank you for your time,

Cheers!

Tony Williams  
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