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August 9, 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 am writing to urge the Antitrust Division to preserve the consent decrees governing the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI).

Our company, VenuWorks, Inc. provides professional management, programming and marketing services to over fifty theatres, arenas, conference centers and amphitheatres throughout the US. Most of these venues were built by cities, municipalities or other public sector entities for the benefit of the citizens in those communities. Termination of the consent decrees would jeopardize the licensing system that makes it possible for us to bring the performing arts and popular entertainment to these American towns. The consent decrees were first enacted in 1941. Over the past seventy-eight years there has been extraordinary innovation in how Americans experience music, with more American consumers than ever having access to more and more music. As a result, songwriters, lyricists and composers are collecting record-high revenues. This has been possible because of the competition, non-discrimination and fairness built into those consent decrees. To terminate these consent decrees would inflict an awful disruption on the music industry by allowing anticompetitive collective licensing practices to return to the American music scene. Those of us forced to seek music licensing will face a sea of confusion coupled with the promise of exorbitant rate increases. Noncompliance, whether intentional or accidental, will be met with business killing claims for rights infringement.

I certainly concede that there are problems with music licensing as it exists in the US today. But for the DOJ to discard the decrees without first developing a new set of licensing rules would cause enormous harm. And new licensing rules should only be developed with the involvement of all stakeholders – composers, lyricists, and songwriters working with representatives from the American entertainment and hospitality industries and Congress to create a better system for the twenty-first century.

Therefore, on behalf of the many communities we serve, and the over three million patrons who attend events in the venues we manage, I urge the Department of Justice to leave the consent decrees in place.

Respectfully,

John Siehl, CVE, Chief Operating Officer, VenuWorks