From: conta[redacted]
Sent: Wednesday, August 6, 2014 6:51 PM
To: ATR-LT3-ASCAP-BMI-Decree-Review <ASCAP-BMI-Decree-Review@ATR.USDOJ.GOV>
Subject: One songwriter's opinion

Do the Consent Decrees continue to serve important competitive purposes today?

No, they are egregiously outdated if, in fact, they should have ever been dated at all

Why or why not?

Apparently, at the time the decrees were created, broadcast was considered a delicate new technology that needed anti-trust protection from songwriters who were organizing to -ahem- protect their property. Needless to say, the times they are a-changing.

Are there provisions that are no longer necessary to protect competition?

The provision that protects competition from the so-called free market might be a worthwhile place to begin an examination.

Are there provisions that are ineffective in protecting competition?

Sure. It's called lobbying and unlimited corporate political contributions.

What, if any, modifications to the Consent Decrees would enhance competition and efficiency?

Call me radical, but eliminating the decrees entirely is a modest modification.

Do differences between the two Consent Decrees adversely affect competition?

Not one iota.

How easy or difficult is it to acquire in a useful format the contents of ASCAP's or BMI's repertory?

Compellingly easy. An online database is available for all to purvey.

How, if at all, does the current degree of repertory transparency impact competition?

It simply makes it easier for tech advertisers to copy/paste our intellectual property to their spreadsheets.

Are modifications of the transparency requirements in the Consent Decrees warranted, and if so, why?

No. You're putting new wine in old wineskins. The cat is already out of the bag on this one.

Should the Consent Decrees be modified to allow rights holders to permit ASCAP or BMI to license their performance rights to some music users but not others?

The premise of regulating rights holders but not tech advertisers is downright ludicrous. You want to shore up a levee to hold back a tsunami?

If such partial or limited grants of licensing rights to ASCAP and BMI are allowed, should there be limits on how such grants are structured?

Face it. It's a jungle out there and everyone knows it. This review process is a farce. There is little to no enforcement currently protecting rights holders and in that context, considerations as to modifying the consent decrees will only produce derision - both from rights holders who are being ravaged and the rapacious industries of finance who commodify derivatives anywhere they can. My intellectual property is just the latest bumper crop for this locust horde.

Should the rate-making function currently performed by the rate court be changed to a system of mandatory arbitration?

Sure. Give us a few more months to eke out a livelihood before their lawyers figure out how to exploit a new loophole for their rigged juries.

What procedures should be considered to expedite resolution of fee disputes?

Two words, three times: Free market. Free market. Free market.

When should the payment of interim fees begin and how should they be set?

Now? Is now good? As to how they should be set, please see above.

Should the Consent Decrees be modified to permit rights holders to grant ASCAP and BMI rights in addition to "rights of public performance"?

We are going around in circles. Modifying the consent decrees to grant rights holders additional rights in this lawless climate of unregulated greed by tech advertisers is like offering to put a sail on a slaveship so that the galley won't have to row so hard. Thanks for all the concern, fellas.