

From: Bob <[REDACTED]>

Sent: Tuesday, July 21, 2020 1:37 PM

To: ATR-MusicLicensing-Workshop (ATR) <ATR.MusicLicensing-Workshop@ATR.USDOJ.GOV>

Cc: 'Tara Good' <[REDACTED]>

Subject: Consent Decrees

Thank you in advance for accepting my comment toward the workshop you will be holding to discuss the ASCAP and BMI Consent Decrees. I am a winery operating out of Colorado. As with some other wineries music events are held on our property. We have been operational for 21 years and during that period of time I have not once employed or payed for musicians, nor have I ever had a contract with performers. Rather, other organizations such as wedding parties and non-profits have garnered musical activities for their events. I believe that most of them are licensed but it really is not my business.

Throughout the years we have been equally harassed by individuals with ASCAP and BMI and there has been intense communications both verbally and written. Eventually these organizations back off until they hire a new licensing sales person, then it starts all over again. Without embellishment I have had 15 or so communications on the subject of licensing over the years. I am a rule follower but I do not blindly participate with activities that I don't understand. If nothing else, I have become more educated as to my obligation and the behaviors of performing rights organizations (PRO). More specifically, I have come to understand the decrees which have remained relevant over the period of time I have been aware of the requirements. Even as such, when new people are hired as enforcers, who are not up to speed with the discussion, I fear that to make alterations to the existing decrees will even complicate the situation more than it is already.

Regardless, the evolution of this licensing requirement is nearly unenforceable and to add decrees, only thwarts it more. With these complications will come additional licensing fees. With the additional fees will come opportunities for colluding by (PRO). It is therefore important that decrees are preserved and that an organization can continue to engage in a direct license with a songwriter who performs their own work.

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