

**From:** Cabana Wine Info <[REDACTED]>

**Sent:** Tuesday, July 21, 2020 1:59 PM

**To:** ATR-MusicLicensing-Workshop (ATR) <[ATR.MusicLicensing-Workshop@ATR.USDOJ.GOV](mailto:ATR.MusicLicensing-Workshop@ATR.USDOJ.GOV)>

**Subject:** ASCAP and BMI Consent Decrees

Dear Sirs,

Please do not remove the Consent decrees against ASCAP and BMI.

As a small winery, struggling to survive , entertainment is an important part of our marketing. ASCAP and BMI are ruthless and lawless. We only have non licensed musicians, improvising jazz music, never performed or recorded. ASCAP and BMI harrassed us and threatened us, we had to capitulate and pay their blackmail fees. They own everything, even if you hum a tune you just created, their lawyers say they own it.

The Consent decree is our only leverage.

- The ASCAP and BMI consent decrees are just as important today as ever before. The Justice Department must stand on the side of competition and small businesses by preserving the decrees in their current form.
- During the COVID-19 pandemic, businesses like mine are fighting to survive. Terminating or sunseting the ASCAP and BMI consent decrees during this crisis would be a death sentence for businesses like mine that are economic multipliers in our communities.
- In fact, we were forced to close during the pandemic and even with no customers, we are expected to pay music licensing fees.
- Making any changes to the music licensing system that would result in an increase of fees or further complicate the process would cripple American businesses.

Thank you for your consideration,

**Robert I. Smerling**

**Winemaker/President**

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