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Sent: Wednesday, July 22, 2020 8:10 AM

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

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Subject: Consent Decrees for BMI and ASCAP

We would like to express our concerns about any de regulation of the performing rights organizations (PRO) s, such as BMI and ASCAP. There should be more review and oversight to ensure they are paying the musicians, and more protections to businesses that have performers entertaining at their venue.

As a small winery and business we have area musicians come to entertain semi weekly during the year. Currently we are subscribing to several of the PROs because we cannot know what music would be played and it is not practical to try to come up with a list of songs they cannot play.

ASCAP in particular refuses to acknowledge the size of our business and how many songs are likely played in any year. Their fees continue to increase exponentially. They have frequently sent threatening letters that say they will take legal action and sue us if we play any of the songs they hold. In review it seems they hold rights to songs on a per songwriter basis, so they hold a small percentage of many songs. I have to wonder if that is intentional that they deliberately seek out just one of a group of songwriters, thus maximizing their coverage but minimizing what they pay out?

If they bring legal action what rights do business owners have? Do they negotiate fees fairly? If they win a legal settlement, does the songwriter get the money or do they just pocket this thus incentivizing them? How can we know if the fees they are charging come even close to being reasonable based on the number of songs performed at our business in a given year? How could we know in advance what number of songs are likely to be played?

It seems the only way we can protect ourselves is to sign up to all PROs. As a result the fees they charge add up to be significant to a small business. Compared to what we pay musicians themselves it becomes over 25% of our cost! We would love to pay reasonable fees with assurance it is going to the actual songwriters. I don't think that these organizations really have any interest in protecting the songwriters but instead prey upon small businesses using threatening behavior and with unreasonable fee systems.

Please help protect us from this abusive behavior and system.

Thanks,
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Owner

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