



New York Farm Bureau • 159 Wolf Road • Albany, New York 12205 • (518) 436-8495 Fax: (518) 431-5656 • www.nyfb.org

July 20, 2020

United States Department of Justice
950 Pennsylvania Avenue, NW
Washington, D.C. 20530

Re: Review of ASCAP/BMI Consent Decrees

To whom it may concern,

The New York Farm Bureau (NYFB), New York State's largest general farm organization, appreciates the opportunity to file these comments on the ASCAP and BMI Consent Decrees. We are requesting the Department of Justice (DOJ) preserve the current licensing process and protect the Consent Decrees governing of the American Society of Composers, Authors and Publishers (ASCAP) and Broadcast Music, Inc. (BMI). NYFB represents a diverse New York craft beverage industry which includes wineries, breweries, cideries and distilleries across the state with a fair amount of these beverage producers located on their own farm operations. These businesses are important to the agricultural industry as well as the tourism industry and greatly contribute to New York State's economy.

Currently, ASCAP and BMI provide an efficient and effective way for businesses to play music while ensuring songwriters and copyright holders are compensated. Many of our members in the industry as well as other businesses use music as a marketing tool. Wineries especially, play music throughout their tasting rooms as well as concerts at the vineyard are used to create an experience and attract customers to the winery. These businesses are often faced with the challenge of knowing who owns the rights to the music and who should receive payment for use of the music. Business owners do not have the tools and information to know what each licensing agreement entails, making it difficult to license music. The current system allows the security needed to make these decisions. The consent decrees the DOJ are currently reviewing prevent monopoly pricing and if altered at all would force businesses to pay greater costs for music.

During the COVID-19 pandemic New York's craft beverage industry has faced hardship and are still fighting to survive in the new normal. The New York Craft Beverage industry was subject to the NYPAUSE Act which meant tasting rooms were closed and now only open at a limited capacity. Ending the ASCAP and BMI consent decrees during this time of crisis for many businesses would likely result in a loss of jobs and even a death sentence for some. These businesses are economic drivers for their local communities where there have already been financial impacts due to COVID-19. This would substantially hurt the music industry as well. We are requesting the DOJ stand with small businesses and preserve the decrees in their current

form because any changes made to change the licensing process especially at such a time of uncertainty for most could further cripple small businesses.

Thank you for your consideration of these comments.

Sincerely,

A handwritten signature in black ink, consisting of a stylized 'D' followed by a horizontal line and a small flourish.

David Fisher
President, New York Farm Bureau