

November 11, 2015

Chief, Litigation III Section
Antitrust Division
U.S. Department of Justice
450 5th Street NW, Suite 4000
Washington, DC 20001

Re: Justice Department Review of the BMI and ASCAP Consent Decrees

To the Chief of the Litigation III Section:

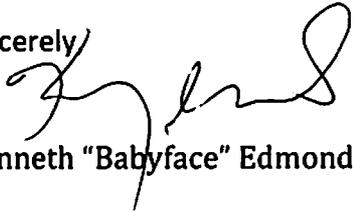
My name is Kenneth "Babyface" Edmonds. Many of you may know me as the artist, Babyface, but I am first and foremost a songwriter living in Los Angeles, CA. I have been affiliated with BMI since the beginning of my career in 1977 and have written over 600 songs many of receiving BMI POP and R&B awards and Million Performance citations. Some of you may know me from the songs I have written including "End Of The Road" by the artist, Boyz II Men; "Exhale Shoop Shoop" by Whitney Houston; "Best Thing I Never Had" by Beyonce; "Another Sad Love Song" by Toni Braxton and numerous others. I am grateful for the success I enjoy today, but in the beginning, it wasn't always easy as it can take many years to develop as a songwriter and artist. I value the service and support BMI has provided me throughout my career growth. Through the years, BMI has looked out for my rights and has provided a stable source of income for me. I am loyal to BMI because of the trusted relationships I have there, and, moreover, it is very important to me how they value my music and fight for me and all BMI writers to get fees that reflect the fair value of our creative work on radio, TV, cable, digital services and wherever music is played.

I am writing this letter in response to the Justice Department's request for public comments on the issue of whether BMI and ASCAP's consent decrees mandate music licensing on a 100% basis, rather than the long-established industry practice of fractionally licensing jointly-owned songs. Traditionally, music users from radio to streaming services to local television have all paid the PROs according to their respective shares of the music. Similarly, BMI has only ever paid me for my shares of co-written songs. I'd like my voice to be heard because I believe that if 100% licensing is required, it would likely negatively impact my creative freedom, my ability to choose which PRO licenses my music, and ultimately, my livelihood as a songwriter. Beyond my career, these ramifications would profoundly affect songwriters across our nation. Like most music songwriters today, I often collaborate with other writers. Going to a 100% licensing model might lead to a lower royalty payment if my collaborator is a member of a different PRO which hasn't negotiated the higher fee that BMI has negotiated and collects. If a different PRO were collecting and distributing my royalties, I would be subject to a delay in receiving my earnings as they would then flow through two PROs instead of one. These would become grievances to me. It feels to me that I would be

forced to rely on a PRO with whom I have no relationship to accurately track my performances and pay me on a different timetable under a different distribution system including my fair share of bonuses. I want to be able to choose the best artistic and creative collaborative fit for me and if the licensing model changes from the model that has existed for year to instead a 100% model, I might have to make creative and artistic decisions that are not in the best interest of creativity and growth. 100% licensing would upend the well-established ways the PROs have been conducting business for decades, and consequently, have a drastic effect on the profession of songwriting.

If protection under copyright law was developed as an incentive for creativity, with its resulting works to be shared to benefit all of society, then requiring PROs to license music on a 100% basis – which would impede the way I work creatively – goes against the very premise of copyright policy. I urge you to carefully consider your decision and consider the impact it will have not only on all songwriters across our nation, but also on the continual creation of the music that forms the soundtrack to our lives and positions America on the forefront of the global creative marketplace.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ken Edmonds', written in a cursive style.

Kenneth "Babyface" Edmonds