

SHELBURNE VINEYARD

November 19, 2015

Department of Justice

ascap-bmi-decree-review@usdoj.gov

Subject: Antitrust Consent Decree Review – ASCAP and BMI 2015

My comments pertain to the six questions the DOJ has listed on this subject, specifically:

- What, if any, rationale is there for ASCAP and BMI to engage in joint price setting if their licenses do not provide immediate access to all of the works in their repertoires?

We are a small winery with an approximately 900 square foot tasting area where occasionally local artists stage musical performances. We have for a number of years purchased licenses from both BMI and ASCAP.

We were shocked when the renewal fee charged by ASCAP suddenly increased from \$359 annually to \$667 for the 2015-2016 time period. In phone calls to ASCAP questioning this increase I was treated in what appeared to me a high-handed manner and was essentially told to “take it or leave it”. My requests to speak to a person that might hear my concern was refused. If ASCAP is free to do joint price setting with other PRO’s I fear their behavior could become even more arbitrary with respect to setting rates and dealing with small entities such as ours.

The consent decree should not be changed.

Sincerely



Kenneth Albert

Managing Partner, Shelburne Vineyard, LLC