

National
Religious
Broadcasters

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Christian
Communicators
Impacting
the World



April 1, 2009

The Honorable John Conyers
United States House of Representatives
2426 Rayburn House Office Building
Washington, DC 20515-2214

Dear Chairman Conyers:

There is an old adage that says that "justice delayed is justice denied." Right now, non-commercial broadcasters across the nation feel that justice is being denied them through the repeated, destructive delays by the music industry regarding the settlement of a crucial issue: how much must those stations pay to the music companies in order to stream music from their Internet platforms?

Unless and until a settlement is reached, non-profit radio broadcasters face crushing rates set by the Copyright Royalty Board (CRB) – rates that will force some stations (perhaps in your own district) to cease operations.

Meanwhile SoundExchange, the bargaining agent for the music labels, has negotiated a deal with America's *commercial* radio stations on royalties for music played over the Internet. We believe that settlement of a just, and reasonable web-streaming music rate for the financially distressed non-commercial radio industry depends on one thing: the resolve of Congress.

As it did in 2002 and 2008, Congress must provide the leadership by employing the only effective legislative remedy – temporarily suspending the exorbitant CRB rates for non-commercial radio, and providing a negotiating "window." Only then will SoundExchange be forced to do the right thing, by returning to the process of bargaining in good faith.

This has worked before. Most recently, when the Webcaster Settlement Act of 2008 was passed, it provided needed pressure for SoundExchange to negotiate a settlement with commercial radio by the Congressional deadline of February 15, 2009. Sadly, this was not enough pressure to force SoundExchange to likewise settle music rates at the same time for non-commercial radio stations – a substantial number of which are Christian broadcasters struggling for economic survival.

As the midnight, February 15th deadline loomed closer, our attorneys at the Wiley Rein law firm had reached a tentative agreement with SoundExchange on basic rate issues, with only some technical matters to be resolved. However, at the “eleventh hour” the attorneys for the music companies literally “pulled the plug” on negotiations and hung up the telephone.

NRB’s General Counsel, Craig Parshall, instructed our negotiating attorney Bruce Joseph to reopen dialogue with SoundExchange. But these settlement gestures have been met with only more delays, excuses, and non-commitment from the attorneys for the music companies.

And so we have come to you.

We believe that without your active influence on this issue, our non-commercial radio stations – those least able to afford it – will be decimated by the financial excesses of SoundExchange and the music industry it represents.

We humbly ask for your help with a legislative remedy similar to the Webcaster Settlement Act of 2008, so that justice can be applied and not denied.

Sincerely,

A handwritten signature in blue ink that reads "Frank Wright". The signature is written in a cursive, flowing style.

Frank Wright, Ph.D.
President & CEO