


RECEIVED

FEB 24 2002

February 26, 2002

David O. Carson, General Counsel  
Copyright Arbitration Royalty Panel (CARP)  
P.O. Box 70977, Southwest Station  
Washington, DC 20024-0977

GENERAL COUNSEL  
OF COPYRIGHT

DOCKET NO.
RM 2002.1
COMMENT NO. 

Dear Mr. Carson,

I am writing to submit comments on the proposed rulemaking for webcasting rates. As a musician and copyright owner, I fully support the rights of parties to protect their intellectual property.

However, the royalty rates as currently proposed will have a negative and injurious effect on my ability to make a living.

I am an independent musician, which means I am not signed to a major record label, and instead operate as a small business. Crucial to the success of my business is the ability to receive radio and web broadcasts of my music. If I cannot get my product to the market through airplay, my business may not survive.

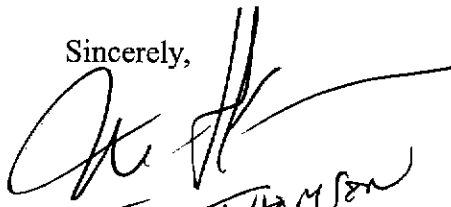
It has become harder and harder for independent musicians to receive this crucial airplay in the last several years due to massive consolidation in the broadcast industry, and the proposed webcasting royalty rates will further complicate this problem. This is clearly anti-competition by stacking the deck in favor of the well established firms and eliminates artists on the basis of money rather than contribution potential.

Because of budgetary concerns, independent musicians typically receive airplay only from independent broadcast sources that are willing to experiment with "unknown" music. These broadcast outlets, both non-commercial/college radio and internet webcast sites, are most often small micro-businesses - the very businesses that will not be able to afford the proposed webcasting rates. The music itself will attract a smaller audience, and be of less benefit commercially to the broadcaster. Additionally, the reporting requirements will be beyond the abilities of the small broadcasters, both technically and financially.

The proposed rates are likely to drive many small broadcasters out of business, while only large broadcasters will be able to afford the webcasting royalty fees.

The negative effects of this situation are difficult to overestimate for the small business musician, and for this reason, I ask you to reconsider the proposed royalty rates and bring them down to a level that small broadcasters can afford.

Sincerely,

  
JAY JOHNSON