Before the
COPYRIGHT ROYALTY BOARD
in the Library of Congress
Washington, D.C. 20559

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)
In re   )
)
Notice of Proposed Rulemaking   )   RM 2008-7
)
NOTICE AND RECORDKEEPING FOR USE OF)
SOUND RECORDINGS UNDER STATUTORY   )
LICENSE   )
_____ _____)

COMMENTS OF WSBF-FM

WSBF- FM hereby submits comments in the above captioned proceeding. WSBF-FM operates on 88.1 mhz and is licensed to Clemson University. The station is completely student run with a majority of work conducted by student and community volunteers. WSBF is concerned with the following proceedings because it is a current webcaster, with the web stream simulcasting the broadcast signal. The website and stream are available at http://www.wsbf.net

WSBF FM is submitting comments due to the fact that the proposed change concerning the census reporting and the requirement to report actual performances in lieu of ATH is an unnecessarily burdensome measure for stations like WSBF FM that pay only the minimum fee. We feel that stations that pay the minimum licensing fee should be exempt from this requirement.

At WSBF-FM Clemson, we do all of our own web hosting. First, our broadcast is captured by a dedicated computer that transcodes the audio into three different MP3 streams using software called Oddcast. One stream is used for a low-quality stream, one is a high-quality stream, and the last stream is used only internally by archiving software, Streamripper, for saving shows. Then, those three streams are sent to the main Windows Server 2003 webhosting system. The low and high quality streams are broadcast to our listeners using Icecast. The archive stream is tagged specifically for Streamripper to detect between shows. All shows are saved and presented on our website in podcast format.

Due to the diversity of the content that is played on our station "live" through CD's, vinyl, a computerized audio library, and other electronic sources, it is hard to distinguish

exactly when a song is aired. All of the logging is done manually in real time by each DJ; however, the exact transition points between songs are not known. Currently available software does not "tag" a mic segment for instance so it would be hard to accurately report exactly when a song was aired as opposed to that mic segment.

The move from quarterly reports to year-round ("census") reports would be incredibly burdensome for small college radio stations. The proposals appear to be based on an incorrect understanding of the environmental factors affecting small web streamers, such as college radio stations, that make the rules border on arbitrary and capricious. For all intents and purposes, compliance would be impossible. Their implementation would probably force widespread discontinuance of streaming by stations that have been making a good faith effort to comply with quarterly ATH reporting. The proposed rules would be impossible and would probably force the discontinuance of streaming, thus providing no webcast royalty payments from WSBF FM and many other stations to performers.   The content that is aired on WSBF involves new, up and coming artists that really need the royalties as well as the exposure of radio and webstream airplay, so in turn this could actually hurt those that need help the most.

Respectfully submitted,

WSBF FM Clemson 88.1

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