



**NOTICE OF ELECTION FOR
RATES AND TERMS FOR SMALL BROADCASTERS¹
2010 LICENSE PERIOD**

**IMPORTANT: SMALL BROADCASTERS ELECTING FOR 2010 MUST
SUBMIT THIS FORM BY JANUARY 31st, 2010².**

I. ELECTION

The Licensee identified below hereby elects “Small Broadcaster” status for the channels and stations identified on Schedule A, and declares that the stations and channels identified on Schedule A are eligible for the rates and terms for the statutory licenses for the making of ephemeral phonorecords and digital audio transmissions of sound recordings³ by a Small Broadcaster as set forth in the Federal Register at 74 Fed. Reg. 9,293 at 9,299 (Mar. 3, 2009) (the “Eligible Broadcaster Rates and Terms”) and authorized pursuant to the Webcaster Settlement Act of 2008 (Pub. L. No. 110-435; to be codified at 17 U.S.C. § 114(f)(5)). This election is for the period commencing on January 1, 2010, or the date of the station’s or channel’s first digital audio transmission of a sound recording under statutory license after such date, and ending on December 31, 2010. This election is for all Eligible Transmissions made by the stations identified as “Small Broadcasters” herein.

The Licensee must have also completed and timely submitted the separate Notice of Election for Broadcasters (2006 – 2015 License Period) in accordance with the Eligible Broadcaster Rates and Terms. *See* Section 2.2 of the Eligible Broadcaster Rates and Terms.

II. PROXY FEE AND 2009 AGGREGATE TUNING HOURS

Small Broadcasters may pay a \$100 Proxy Fee for each of their stations in lieu of submitting a Report of Use for 2009⁴.

The Proxy Fee **must** be submitted with this Notice of Election, in the form of a (1) check or money order (made out to “SoundExchange, Inc.”) or (2) bank wire.

By submitting this Notice of Election, the Licensee further declares and certifies that during the period January 1, 2009 through December 31, 2009, each station’s total usage was less than 27,777 aggregate tuning hours⁵. Any stations or channels for which the Licensee is electing Small Broadcaster status *must* be catalogued in Schedule A (including all information as requested in the provided Schedule A.)

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¹ See 74 Fed. Reg. 9,293 at 9,299 (Mar. 3, 2009) for the definition of “Small Broadcaster” and other terms.

² A Broadcaster who begins making Eligible Transmissions (as defined in Section 1.2(d) of the Eligible Broadcaster Rates and Terms) after January 31, 2010 must submit this form to SoundExchange by 30 days after the Broadcaster begins making Eligible Transmissions.

³ 17 U.S.C. § 112(e), 114.

⁴ Stations who do *not* pay the Proxy Fee must comply with the reporting procedures as described in 74 Fed. Reg. 9,301 (Mar. 3, 2009).

⁵ In order to qualify as a Small Broadcaster, the station’s prior year’s usage must be less than 27,777 aggregate tuning hours. See 74 Fed. Reg. 9,293 at 9,299 (Mar. 3, 2009).

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III. LICENSEE INFORMATION

1. Name of Licensee⁶: _____
2. Name of Corporate Parent⁷: _____
3. Mailing address⁸: _____

4. City/State/Zip: _____
5. Telephone number: _____
6. Fax number: _____
7. Contact person for questions: _____
8. Telephone number for contact person: _____
9. E-mail address for contact person: _____

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⁶ The “Licensee” should be the entity identified on the Notice of Use filed pursuant to 37 C.F.R. § 370.1.

⁷ Name of corporate parent only needs to be listed if different from Licensee.

⁸ A post office box is acceptable only if it is the only address that can be used in that geographic location.

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CERTIFICATION

The undersigned hereby states that (1) he or she is authorized to make the election set forth above, (2) that the Licensee is eligible for the Eligible Broadcaster Rates and Terms, and (3) that the channels and stations identified on Schedule A are eligible to operate as a Small Broadcaster as defined in the Eligible Broadcaster Rates and Terms.

Signature: _____

Name: _____

Title: _____

Date: _____

Licensees must comply with all requirements of the statutory licenses set forth in Sections 112(e) and 114 of the Copyright Act, including all requirements set forth in the applicable rates and terms adopted in accordance with those statutory licenses. SoundExchange is not in a position to determine whether each of the many services that rely on these statutory licenses is eligible for statutory licensing and does not in fact make any such determination. Nor does SoundExchange verify that such Licensees are in full compliance with all applicable requirements of the two statutory licenses. Accordingly, SoundExchange's acceptance of a Notice of Election, Statement of Account, Report of Use, payment, or anything else provided by a Licensee does not express or imply any acknowledgment that a Licensee is in compliance with the requirements of the statutory licenses or otherwise eligible to rely on the statutory licenses. SoundExchange, its members and other copyright owners reserve all their rights to take enforcement action against a Licensee that is not in compliance with those requirements or otherwise ineligible for the statutory license.

DELIVERY⁹

A completed Notice of Election must be delivered to:

**SoundExchange
ATTN: Royalty Administration
1121 Fourteenth Street, N.W., Suite 700
Washington, DC 20005**

⁹ SoundExchange does not acknowledge receipt of documents. If you wish to receive notice of delivery, please mail this form by Certified Mail, return receipt requested.

