



**NOTICE OF ELECTION FOR
RATES AND TERMS FOR NONCOMMERCIAL MICROCASTERS
(Pursuant to Webcaster Settlement Act)
2012 LICENSE PERIOD**

I. ELECTION

The Licensee identified below hereby elects and declares that it is eligible for the rates and terms of the statutory licenses for the making of ephemeral phonorecords and digital audio transmissions of sound recordings¹ by a Noncommercial Microcaster² as set forth in the Federal Register at 74 Fed. Reg. 40614, 40624 (Aug. 12, 2009) (the “Noncommercial Microcaster Rates and Terms”) and authorized pursuant to the Webcaster Settlement Act of 2009 (codified at 17 U.S.C. § 114(f)(5)). This election is for the period commencing on January 1, 2012, or the date of the Licensee’s first digital audio transmission of a sound recording under statutory license after such date, and ending on December 31, 2012. This election is for any eligible digital transmissions and ephemeral recordings made by an eligible Noncommercial Microcaster on all stations and channels owned and/or operated by the Licensee.

The deadline to submit this Notice of Election is January 31, 2012. For an eligible Noncommercial Microcaster that has not made digital audio transmissions under the statutory license prior to January 31, 2012, the deadline is 30 days after the eligible Noncommercial Microcaster began making digital audio transmissions under the statutory license.

NOTE: This Notice of Election *does not* replace the need for a Noncommercial Microcaster to submit a minimum fee statement of account (available at <http://www.soundexchange.com>), accompanied by the applicable minimum fee payment of \$500.

II. REPORTING WAIVER AND 2011 AGGREGATE TUNING HOURS

Noncommercial Microcasters shall pay a \$100 reporting waiver fee in lieu of submitting a Report of Use for 2011.

The reporting waiver fee **must** be submitted simultaneously with this Notice of Election, in the form of a (1) check or money order (made out to “SoundExchange, Inc.”) or (2) bank wire/ACH payment.

By submitting this Notice of Election, the Licensee further declares and certifies that during the period January 1, 2011 through December 31, 2011, the Licensee’s total usage was less than 44,000 aggregate tuning hours on one or more of its channels or stations over which it transmits Broadcast Retransmissions, or on all of its channels and stations over which it transmits other Eligible Transmissions in the aggregate. Any stations or channels for which this election covers *must* be catalogued in Schedule A (including all information as requested in the provided Schedule A.)

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¹ 17 U.S.C. §§ 112(e), 114.

² See 74 Fed. Reg. 40614, 40624 (Aug. 12, 2009) for the definition of “Noncommercial Microcaster” and other terms.

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III. LICENSEE INFORMATION

1. Name of Licensee³: _____
2. Name of Corporate Parent⁴: _____
3. Mailing address⁵: _____

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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³ The “Licensee” should be the entity identified on the Notice of Use filed pursuant to 37 C.F.R. § 370.2.

⁴ Name of corporate parent only needs to be listed if different from Licensee.

⁵ 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 (1) that he or she is authorized to make the election set forth above, (2) that the Licensee is eligible for the Noncommercial Microcaster Rates and Terms, and (3) that the channels and stations identified on Schedule A are eligible to operate as a Noncommercial Microcaster as defined in the Noncommercial Microcaster 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 is otherwise ineligible for the statutory license.

DELIVERY⁶

A completed Notice of Election must be delivered to:

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

⁶ 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.

