



**NOTICE OF ELECTION FOR  
RATES AND TERMS FOR SMALL BROADCASTERS  
2012 LICENSE PERIOD**

**IMPORTANT: SMALL BROADCASTERS ELECTING FOR 2012 MUST  
SUBMIT THIS FORM BY JANUARY 31<sup>st</sup>, 2012<sup>1</sup>.**

**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 of the statutory licenses for the making of ephemeral phonorecords and digital audio transmissions of sound recordings<sup>2</sup> by a Small Broadcaster<sup>3</sup> as set forth in either (1) the Federal Register at 74 Fed. Reg. 9293, 9299 (Mar. 3, 2009), and authorized pursuant to the Webcaster Settlement Act of 2008 (codified at 17 U.S.C. § 114(f)(5)), or (2) 37 C.F.R. Part 380 Subpart B (in either case, the “Eligible Small Broadcaster Rates and Terms”). This election is for the period commencing on January 1, 2012, 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, 2012. This election is for all Eligible Transmissions made by the stations identified as “Small Broadcasters” herein.

**II. REPORTING WAIVER FEE AND 2011 AGGREGATE TUNING HOURS**

Small Broadcasters may pay a \$100 reporting waiver fee for each of their stations in lieu of submitting Reports of Use for 2012<sup>4</sup>.

The reporting waiver 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/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, each station’s total usage was less than 27,777 aggregate tuning hours<sup>5</sup>. 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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<sup>1</sup> A Broadcaster who begins making Eligible Transmissions (as defined in the Eligible Small Broadcaster Rates and Terms) after January 31, 2012 must submit this form to SoundExchange within 30 days after the Broadcaster begins making Eligible Transmissions.

<sup>2</sup> 17 U.S.C. §§ 112(e), 114.

<sup>3</sup> See 74 Fed. Reg. 9293, 9299 (Mar. 3, 2009) or 37 C.F.R. § 380.11 for the definition of “Small Broadcaster” and other terms.

<sup>4</sup> Stations who do *not* pay the reporting waiver fee must comply with the reporting procedures as described in either 74 Fed. Reg. 9293, 9301 (Mar. 3, 2009), or 37 C.F.R. Part 370, as applicable.

<sup>5</sup> 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 the Eligible Small Broadcaster Rates and Terms for more information.

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**III. LICENSEE INFORMATION**

1. Name of Licensee<sup>6</sup>: \_\_\_\_\_
2. Name of Corporate Parent<sup>7</sup>: \_\_\_\_\_
3. Mailing address<sup>8</sup>: \_\_\_\_\_  
\_\_\_\_\_
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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<sup>6</sup> The “Licensee” should be the entity identified on the Notice of Use filed pursuant to 37 C.F.R. § 370.2.

<sup>7</sup> Name of corporate parent only needs to be listed if different from Licensee.

<sup>8</sup> 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 Eligible Small 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 Small 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 is otherwise ineligible for the statutory license.

**DELIVERY<sup>9</sup>**

A completed Notice of Election must be delivered to:

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

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<sup>9</sup> 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.

