

UNITED STATES COPYRIGHT ROYALTY JUDGES

In the Matter of

Adjustment of Rates and Terms for Digital
Performance Right in Sound Recordings and
Ephemeral Recordings

Docket No. 2005-1
CRB DTRA
Webcasting II

**ORDER
DENYING IN PART AND GRANTING IN PART
JOINT MOTION TO MODIFY SCHEDULING ORDER**

SoundExchange, Inc. (“SoundExchange”) and the Digital Media Association (“DiMA”) jointly moved to modify the October 23, 2009 (the “Scheduling Order”) to delay the filing of Written Direct Statements, presently required to be filed January 11, 2010. The Joint Motion also requested adoption of a settlement agreement between the two movants. The settlement agreement addresses issues of the sole remaining issue, following remand, of the minimum fee for Commercial Webcasters. The agreement does not address the minimum fee for Noncommercial Webcasters, which is also an issue remanded by the Circuit. The Joint Motion seeks to delay the filing of Written Direct Statements for all participants until after a ruling whether the settlement is adopted.

The Joint Motion of SoundExchange and DiMA is **GRANTED** as to Commercial Webcasters. If the settlement agreement is not adopted, Commercial Webcasters are **ORDERED** to file written direct statements 14 days after the deadline for filing comments or objections to the settlement agreement.

The Joint Motion of SoundExchange and DiMA is **DENIED** as to Noncommercial Webcasters. The settlement agreement does not include Noncommercial Webcasters, and its adoption will not affect the duty of the Judges, on remand of the Circuit, to review the determination of minimum fees for Noncommercial Webcasters.

SO ORDERED.

Dated: December 22, 2009



James Scott Sledge
Chief US Copyright Royalty Judge