

Before the
COPYRIGHT ROYALTY BOARD
LIBRARY OF CONGRESS
Washington, DC

_____)	
In the Matter of)	
)	
Digital Performance in Sound Recordings)	Docket No. 2009-1 CRB
and Ephemeral Recordings)	Webcasting III
)	
_____)	

Settled Party College Broadcasters, Inc.'s
Objections to Non-opposing Party Intercollegiate Broadcasting Systems, Inc.'s
Interrogatory

Settled party College Broadcasters, Inc. ("CBI"), by and through its attorneys, hereby responds, in accordance with 37 C.F.R. Sec. 351.5, to the interrogatory by non-opposing party Intercollegiate Broadcasting Systems, Inc. ("IBS") as follows:

GENERAL OBJECTIONS

CBI incorporates the following General Objections into each response set forth below to the specific requests contained in IBS's Interrogatory. CBI does not waive any of these General Objections in response to any specific interrogatory propounded.

1. CBI objects to the Interrogatory as being improperly propounded by a non-oppositional party upon CBI. In this proceeding both CBI and IBS are each rate payers adverse only to Sound Exchange.

2. CBI objects to the Interrogatory in that, having reached a settlement with SoundExchange according to 37 C.F.R. 351.2(b)(1), it remains a participant in this proceeding for the sole purpose of submitting and seeking approval of said settlement by the Copyright Royalty Judges pursuant to 37 C.F.R. Sec. 351.2(b)(2). Neither

SoundExchange nor CBI have propounded discovery on the other, nor has CBI propounded discovery on any other party.

3. CBI objects to the Interrogatory to the extent that it calls for privileged information, or information that is protected by the attorney-client privilege, the attorney work product doctrine, or any other constitutional, statutory or common-law privilege and/or doctrine.

4. CBI objects to the Interrogatory to the extent that it, in whole or in part, seeks information that is neither relevant to a claim or defense in this proceeding nor reasonably calculated to lead to the discovery of admissible evidence.

5. CBI objects to the Interrogatory to the extent that it seeks information not in the possession, custody, or control of CBI or that is equally available to IBS.

6. CBI objects to the Interrogatory, and to each individual part of the Interrogatory, to the extent any part seeks disclosure of information that reflects or discloses trade secrets or other confidential, financial, or proprietary information of CBI.

7. CBI objects to the Interrogatory, and to each individual part of the Interrogatory, to the extent any part seeks information protected by the United States or any relevant state's constitutional right of privacy.

8. CBI objects to the extent that this Interrogatory seeks confidential and/or proprietary information or trade secret information in the absence of a protective order.

9. CBI objects to the extent that this Interrogatory seeks information that is protected by agreement.

10. These general objections as stated herein are hereby incorporated by reference to each and every answer and response, and shall not necessarily be repeated in every answer and response to which they are applicable.

11. These general objections apply to the responses below. To the extent that specific objections are cited in a response below, those specific citations are provided because they are believed to be particularly applicable to the specific interrogatory and are not to be construed as waiver of any other objection.

RESPONSE TO INTERROGATORY

INTERROGATORY NO. 1.

At various points [under the heading "Proposed Settlement" within Mr. Robedee's prepared testimony filed September 29, 2009] he refers to negotiations between SoundExchange and CBI leading up to the agreement between CBI and SoundExchange filed with the Office at the end of July, 2009, published in the Federal Register on or about August 12, 2009, and filed under your joint petition to the CRJs on August 13, 2009. On behalf of which non-commercial educational and commercial webcasters did CBI (a) seek to negotiate and (b) sign on behalf of, indicating in your answer as to each such entity named whether (a) or (b), or both, tabulating entries in categories (a) and (b) by their annual budgets or estimates thereof and indicating as to each entry the numbers of, or estimates of, paid, non-teaching-faculty staff? For the purpose of this interrogatory, non-teaching-faculty staff excludes faculty appointees and employees of the parent institutions currently teaching regular in-classroom courses for which academic credit is awarded.

RESPONSE TO INTERROGATORY NO. 1.

CBI objects to the Interrogatory for being improperly propounded by a non-oppositional party upon CBI. In this proceeding both CBI and IBS are each rate payers adverse only to Sound Exchange. CBI objects to the Interrogatory in that, having reached a settlement with SoundExchange according to 37 C.F.R. 351.2(b)(1), it remains a participant in this proceeding for the sole purpose of submitting and seeking approval of said settlement by the Copyright Royalty Judges pursuant to 37 C.F.R. Sec. 351.2(b)(2). Neither SoundExchange nor CBI have propounded discovery on the other, nor has CBI propounded discovery on any other party. CBI objects to this Interrogatory on grounds

that it contains more than one discrete subpart. CBI objects to this Interrogatory on grounds that it is unintelligible. CBI objects to the extent this Interrogatory seeks information protected from disclosure by the attorney-client privilege, work product doctrine or other judicially-recognized protection or privilege. CBI objects to this Interrogatory to the extent that the information sought are publicly available and on the grounds that a requirement that CBI produce such information would impose an unreasonable burden on CBI. CBI further objects on grounds that this Interrogatory is overly broad and unduly burdensome and seeks information not relevant to a claim or defense of any party in this proceeding. CBI objects to the extent that this Interrogatory seeks private information of third parties to whom CBI owes duties of confidentiality. CBI objects to the extent that this Interrogatory seeks confidential and/or proprietary information or trade secret information in the absence of a protective order. CBI objects to the extent that this Interrogatory seeks information that is protected by agreement.

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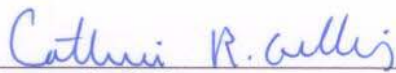
Dated: December 21, 2009

CERTIFICATE OF SERVICE

I, Catherine Gellis do hereby certify that copies of the foregoing filing were sent via email and first class mail this 21 day of December, 2009 to the following:

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