

UNITED STATES COURT OF APPEALS
DISTRICT OF COLUMBIA CIRCUIT

Appeal No. 09-1276

COLLEGE BROADCASTERS, INC.,

Petitioner,

v.

COPYRIGHT ROYALTY BOARD,

Respondent.

Petition for Review

PETITIONER'S NONBINDING STATEMENT OF ISSUES

Pursuant to this Court's Procedural Order of November 13, 2009, Petitioners College Broadcasters, Inc. ("CBI") hereby submit the following Non-Binding Statement of Issues to be raised in this proceeding to review the decision by the Copyright Royalty Board to not exempt non-FCC licensed, minimum fee-paying broadcasters from census ATP reporting as they did FCC licensed, minimum fee-paying broadcasters. See Final Rule, Notice and Recordkeeping for Use of Sound Recordings Under Statutory License, 74 Fed. Reg. 52418 (Publication Date: October 13, 2009) (Effective Date: November 12, 2009) ("Final Rule").

1. Whether the Copyright Royalty Board acted in an arbitrary and capricious manner in omitting non-FCC licensed, minimum fee-paying broadcasters from the census ATP reporting exemption that it allowed for FCC licensed, minimum fee-paying broadcasters.

Date: December 14, 2009

Respectfully submitted,

By: /s/ Catherine R. Gellis

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CERTIFICATE OF SERVICE

I, Catherine Gellis, hereby certify that I today caused a true and accurate copy of the PETITIONER'S NONBINDING STATEMENT OF ISSUES to be served electronically via the Court's Electronic Case Filing system, which will send notification of such filings to all counsel of record.

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Dated: December 14, 2009