

Chart of Various SoundExchange (SX) Rates and Terms to Stream Digital Sound Recordings under Statutory License

Definitions: Performance (perf.) – one performance is one sound recording streamed to one listener (*i.e.*, a computing device)
 Aggregate Tuning Hours (ATH) – total programming hours streamed to all listeners (Music ATH excludes non-music programming)
 Statement of Account (SoA) – filed with SX to calculate monthly royalty fees
 Report of Use (RoU) – filed with SX to report featured artist, song title, album title, label, and number of performances

Webcaster Options	Eligibility	Minimum Annual Fee	ATH Covered by Min. Fee	Per Performance Royalty Rates	Reporting Requirements	Proxy Fee in lieu of RoU
2007 CRB Rates & Terms Commercial -thru 2010	Commercial Webcaster	\$500 per channel paid by 1/31 each year.	N/A – minimum fee covers average of 30 perf. p/hr. in 2010.	2009 - \$0.0018 2010 - \$0.0019	<ul style="list-style-type: none"> Monthly SoA in which excess usage fees owed. Quarterly RoU – two 7-day periods. 	No
2007 CRB Rates & Terms Noncommercial - thru 2010	Tax Exempt or Governmental Entity	\$500 per channel paid by 1/31 each year.	159,140 ATH per month – averages 218 listeners p/hr.	Over monthly ATH, pay: 2009 - \$0.0018 2010 - \$0.0019	<ul style="list-style-type: none"> Monthly SoA in which excess usage fees owed. Quarterly RoU – two 7-day periods. 	No
CPB – thru 2015	Covered Entities (generally, NPR, APM, PRI or PRX affiliate, NFCB member, or CPB grantee); elect thru CPB.	CPB pays; covers all channels.	Unlimited	CPB pays.	<ul style="list-style-type: none"> Entities reporting highest 30% of Music ATH – full census data provided quarterly to Public Interactive. Entities reporting lowest 70% of Music ATH – data for two 7-day periods provided quarterly to Public Interactive. 	No

Webcaster Options	Eligibility	Minimum Annual Fee	ATH Covered by Min. Fee	Per Performance Royalty Rates	Reporting Requirements	Proxy Fee in lieu of RoU
<p>College Broadcasters deal</p> <p>Noncommercial Educational Webcasters –after 2010, except proxy fee option available in 2010 (retroactive to 2009)</p>	<p>Noncommercial webcaster operated by accredited educational institution and staffed mostly by enrolled students & not CPB-qualified; elect by 1/31 each year.</p>	<p>\$500 per channel by 1/31 each year.</p>	<p>159,140 ATH per month per channel – average of 218 listeners p/hr.</p>	<p>Over monthly ATH, pay: 2011 - \$0.0017 2012 - \$0.0020 2013 - \$0.0022 2014 - \$0.0023 2015 - \$0.0025 (same as NAB per/perf. rate)</p> <p>-If unable to calculate actual total perf., may pay on an ATH basis assuming 12 songs p/hr.</p>	<ul style="list-style-type: none"> Monthly SoA in which excess usage fees owed ≤ 159,140 ATH per channel per month - RoU – two 7-day periods per quarter filed annually by 1/31 <p>-If unable to calculate actual total perf. or ATH, may report channel & play frequency</p> <p>-Elect by 1/31 each yr.</p> <ul style="list-style-type: none"> >159,140 ATH per month, file full census RoU quarterly; 1 year grace period to include ATH or total performances in RoU. 	<p>\$100 p/yr. per non-commercial educational webcaster if ≤ 55,000 ATH per channel per month in prior year (approx. 75 listeners p/hr.)</p> <p>-Elect by 1/31 each yr.</p>
<p>Northwestern College deal negotiated by National Religious Broadcasters but available to all NCE broadcast streamers</p> <p>Noncommercial Webcasters & Noncommercial Microcasters thru 2015</p>	<p>Noncommercial Broadcaster streaming over-the-air signal with some program substitution; elect by 9/15/2009 for 2006-2009; thereafter elect by 1/31 each year.</p>	<p>\$500 per channel by 1/31 each year.</p>	<p>159,140 ATH per month per channel – average of 218 listeners p/hr.</p>	<p>Over monthly ATH, pay: 2006-2010: - \$0.0002176 per perf. - \$0.00251 per ATH, if music channel, or \$0.0002 per ATH for news, talk, sports or business channel.</p> <p>2011 - \$0.00057 2012 - \$0.00067 2013 - \$0.00073 2014 - \$0.00077 2015 - \$0.00083</p> <p>If unable to calculate actual total perf., may pay on an ATH basis assuming 12 songs p/hr., except non-music formats assume 1 song p/hr.</p>	<ul style="list-style-type: none"> SoA monthly even if no excess usage owed Quarterly RoU <p>Beginning 2011, if > 159,140 ATH for its Broadcast Retransmission, or on all its channels in the aggregate, report full census data and may report using ATH.</p> <ul style="list-style-type: none"> Quarterly RoU <p>If ≤ 159,140 average monthly ATH in a year, can revert to 2 wks. p/quarter in the following yr.</p> <ul style="list-style-type: none"> Quarterly RoU <p>All other non-Microcasters report 2 wks. p/quarter and may use ATH in lieu of total perf.</p>	<p>\$100 p/yr. if qualify as a Non-commercial Microcaster – i.e., does not exceed 44,000 ATH (approx. 5 listeners. p/hr.) for the year across all of its channels.</p>

Webcaster Options	Eligibility	Minimum Annual Fee	ATH Covered by Min. Fee	Per Performance Royalty Rates	Reporting Requirements	Proxy Fee in lieu of RoU														
NAB deal – thru 2015	Commercial Broadcaster electing by 4/2/2009 and by 1/31 each year.	\$500 per channel – Capped at \$50,000 for ≥ 100 channels streamed by same broadcaster - Payable by 1/31 each year.	N/A – minimum fee covers average of 35 perf. p/hr. in 2010 (approx. 3 listeners p/hr. assuming 12 songs are played p/hr.).	2009 - \$0.0015 2010 - \$0.0016 2011 - \$0.0017 2012 - \$0.0020 2013 - \$0.0022 2014 - \$0.0023 2015 - \$0.0025	<ul style="list-style-type: none"> Monthly SoA Monthly RoU – full census But, the following % of programming may be calculated using ATH, assuming 12 songs p/hr.: <table style="margin-left: 20px;"> <tr><td>2009</td><td>20%</td></tr> <tr><td>2010</td><td>18%</td></tr> <tr><td>2011</td><td>16%</td></tr> <tr><td>2012</td><td>14%</td></tr> <tr><td>2013</td><td>12%</td></tr> <tr><td>2014</td><td>10%</td></tr> <tr><td>2015</td><td>8%</td></tr> </table>	2009	20%	2010	18%	2011	16%	2012	14%	2013	12%	2014	10%	2015	8%	\$100 p/yr. for a Small Broadcaster – <i>i.e.</i> , ≤ 27,777 ATH p/yr. (approx. 3 listeners p/hr.) across all channels; election by 1/31 each yr.
2009	20%																			
2010	18%																			
2011	16%																			
2012	14%																			
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2014	10%																			
2015	8%																			
Pureplay deal Commercial Webcasters - thru 2015	Any commercial webcaster electing by 8/17/2009 and by 1/31 each year.	\$25,000 for all channels.	N/A - Minimum fee covers average of 1783 perf. p/hr. in 2010.	For Bundled, Syndicated or Subscription Services, pay: 2009 - \$0.0015 2010 - \$0.0016 2011 - \$0.0017 2012 - \$0.0020 2013 - \$0.0022 2014 - \$0.0023 2015 - \$0.0025 If not Bundled, Syndicated, or Subscription Service, pay the greater of: 2009 - \$0.00093 2010 - \$0.00097 2011 - \$0.00102 2012 - \$0.0011 2013 - \$0.0012 2014 - \$0.0013 2015 - \$0.0014 or 25% of Gross Revenues	<ul style="list-style-type: none"> Monthly SoA Monthly RoU – full census 	N/A														

Webcaster Options	Eligibility	Minimum Annual Fee	ATH Covered by Min. Fee	Per Performance Royalty Rates	Reporting Requirements	Proxy Fee in lieu of RoU
Small Pureplay Commercial Webcasters - thru 2014	Webcaster with ≤ \$1,250,000 in annual gross revenues in any 2 prior calendar years -Elect by 8/17/2009 and by 1/31 each year.	\$25,000 for all channels (can be paid in quarterly installments on 1/31, 4/14, 7/15, and 10/15).	Cannot exceed average monthly ATH thresholds for applicable year: 2009 - 8 mill. 2010 - 8.5 mill. 2011 - 9 mill. 2012-14 - 10 mill.	Pay the greater of: 12% of first \$250,000 in Gross Revenues, and 14% of Gross Revenues over \$250,000 or 7% of Expenses. Special fee if business sold: If buyer does not qualify as Small Pureplay Webcaster, must pay SX within 30 days of closing either i) the difference between Commercial and Small Pureplay Webcaster rates for prior 4 years, or ii) 30% of the value of the transaction.	<ul style="list-style-type: none"> • Monthly SoA • Monthly RoU – full census 	N/A
SX unilateral offer Small Commercial Webcasters	Must have < \$1,250,000 annual gross revenues. -Elect by 1/31 each year.	\$2,000 if have gross revenues ≤ \$50,000; \$5,000 if have gross revenues >\$50,000. - Payable by 1/31 each year.	Minimum fee covers 5,000,000 ATH per month (6,945 average simultaneous listeners). If exceed eligibility condition for 6 months, pay excess usage at commercial CRB rates.	Pay greater of 10% of first \$250,000 per year, or 7% of expenses during the year. Special fee if business sold: If transmitting entity elected to be treated as small webcaster and has not ceased to qualify as Small Commercial Webcaster and pay commercial rates for at least 12 full months, and buyer does not qualify as a Small Commercial Webcaster, must pay SX within 30 days of closing the difference between commercial CRB rate and Small Commercial Webcaster rate for each year previously elected such rates. If records insufficient, assume 5,000,000 ATH per month and 15.375 performances per ATH.	<ul style="list-style-type: none"> • Monthly SoU • Monthly RoU – can report based on ATH, and start date and time of each transmitted sound recording; if CRB adopts regs requiring more info, must comply with new regs. 	Only for microcasters (defined below)

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SX unilateral offer Commercial Microcasters	Must have ≤ \$5,000 annual gross revenues, annual expenses ≤ \$10,000, or transmissions ≤ 18,067 ATH per year.	\$500 payable by 1/31 each year.	Must ≤ 18,067 ATH per year. If exceed eligibility condition, pay retroactive true up.	No additional royalties. See special fee for Small Commercial Webcasters if business sold.	None	\$100 per year
Sirius XM deal Commercial Webcasters – 2009 – 2015	Any commercial webcaster electing by 8/27/2009, or 30 days after begin streaming.	\$500 – capped at \$50,000 for ≥ 100 channels streamed by same webcaster - Payable by 1/31 each year.	N/A – minimum fee covers average of 35 perf. p/hr. in 2010 (approx. 3 listeners p/hr. assuming 12 songs are played p/hr.).	2009 - \$0.0016 2010 - \$0.0017 2011 - \$0.0018 2012 - \$0.0020 2013 - \$0.0021 2014 - \$0.0022 2015 - \$0.0024	<ul style="list-style-type: none"> • Monthly SoA • Monthly RoU based on CRB terms 	N/A

For further information, contact Melodie Virtue at 202-298-2527 or at mvirtue@ggsblaw.com. You may also contact any of the attorneys in the Communications and Information Technology Group listed below.

Washington, DC Communications and Information Technology Group

John Crigler.....202-298-2521	Daniel J. Margolis202-298-2179
James E. Dunstan.....202-298-2534	John M. Pelkey.....202-298-2528
John Wells King.....202-298-2520	Henry A. Solomon202-298-2529
Erwin G. Krasnow202-298-2161	Melodie A. Virtue202-298-2527