



**NOTICE OF ELECTION FOR  
RATES AND TERMS FOR MICROCASTERS  
2010 LICENSE PERIOD**

**I. ELECTION**

The Licensee identified below hereby elects, and declares that it is eligible for, the rates and terms for the statutory licenses for the making of ephemeral phonorecords and digital audio transmissions of sound recordings<sup>1</sup> by Microcasters<sup>2</sup> set forth in the Federal Register at 74 Fed. Reg. 9,293 at 9,302 (Mar. 3, 2009) (the “Eligible Small Webcaster Rates and Terms”) and authorized pursuant to the Webcaster Settlement Act of 2008 (Pub. L. No. 110-435; to be codified at 17 U.S.C. § 114(f)(5)). This election is for the period commencing on January 1, 2010, or the date of the Licensee’s first digital audio transmission of a sound recording under statutory license after such date, and ending on December 31, 2010.

This election is for any eligible digital transmissions and ephemeral recordings made by a qualified Microcaster on all stations and channels owned and/or operated by the Licensee.

By submitting this Notice of Election, the Licensee further declares and certifies that during the period January 1, 2009 through December 31, 2009, the Licensee had the following Gross Revenues, Third Party Participation Revenues and Aggregate Tuning Hours<sup>3</sup>:

- 1. **2009 Gross Revenues:** \_\_\_\_\_
  
- 2. **2009 Third Party Participation Revenues:** \_\_\_\_\_
  
- 3. **2009 Total Aggregate Tuning Hours:** \_\_\_\_\_

**II. PROXY FEE**

Microcasters must pay a \$100 Proxy Fee in lieu of submitting a Report of Use for 2010<sup>4</sup>.

The Proxy Fee **must** be submitted with the Notice of Election, in the form of a (1) check or money order (made out to “SoundExchange, Inc.”) or (2) bank wire.

---

<sup>1</sup> 17 U.S.C. § 112(e), 114.

<sup>2</sup> See 74 Fed. Reg. 9,306 (Mar. 3, 2009) for a definition of the term “Microcaster.”

<sup>3</sup> The eligibility requirements for Microcasters include (1) a combined annual Gross Revenues and annual Third Party Participation Revenues of under \$5,000, (2) annual Expenses of under \$10,000, and (3) a total amount of annual aggregate tuning hours less than 18,067. See 74 Fed. Reg. 9,293 at 9,306 (Mar. 3, 2009).

<sup>4</sup> Microcasters who do *not* pay the Proxy Fee must comply with the reporting procedures as described in 74 Fed. Reg. 9,293 at 9,304 (Mar. 3, 2009).

**NOTICE OF ELECTION – RATES AND TERMS FOR MICROCASTERS  
2010 LICENSE PERIOD**

**III. LICENSEE INFORMATION**

1. Name of Licensee<sup>5</sup>: \_\_\_\_\_
2. Name of Corporate Parent<sup>6</sup>: \_\_\_\_\_
3. Mailing address<sup>7</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: \_\_\_\_\_

IMPORTANT NOTE: Licensees should also identify all of their channels and stations on Schedule A or prepare a document identifying their channels and stations that is in substantially the same format as Schedule A.

**[REMAINDER OF PAGE INTENTIONALLY BLANK]**

---

<sup>5</sup> The "Licensee" should be the entity identified on the Notice of Use filed pursuant to 37 C.F.R. § 370.1.

<sup>6</sup> Name of corporate parent only needs to be listed if different from Licensee..

<sup>7</sup> A post office box is acceptable only if it is the only address that can be used in that geographic location.

<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.

**NOTICE OF ELECTION – RATES AND TERMS FOR MICROCASTERS  
2010 LICENSE PERIOD**

**CERTIFICATION**

The undersigned hereby certifies that (1) he or she is authorized to make the election set forth above, (2) that the Licensee is eligible for the Eligible Small Webcaster Rates and Terms, and (3) that the Licensee is eligible to operate as a Microcaster as defined in the Eligible Small Webcaster 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 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**

