

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

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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
2011 CRB Rates & Terms Commercial -thru 2015  76 Fed. Reg. 13026, 13047 (3/9/2011)  § 380.3(a)(1)	Commercial Webcaster	\$500 per channel paid by 1/31 each year; capped at \$50K per service	N/A – minimum fee covers ave. of 30 perf. p/hr. in 2011 (@ 2.5 listeners p/hr. if play 12 songs p/hr.)	2011 – \$0.0019 2012 – \$0.0021 2013 – \$0.0021 2014 – \$0.0023 2015 – \$0.0023	<ul style="list-style-type: none"> <li>• Monthly SoA in which excess usage fees owed.</li> <li>• Monthly RoU – full census for all webcasters except:</li> <li>• Quarterly RoU – two 7-day periods for minimum fee broadcasters (<i>i.e.</i>, b/c's that owe no add'l royalties above min. annual fee)</li> </ul>	No
2011 CRB Rates & Terms Noncommercial - thru 2015  76 Fed. Reg. 13026, 13048 (3/9/2011) § 380.3(a)(2)	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 per performance rate: 2011 – \$0.0019 2012 – \$0.0021 2013 – \$0.0021 2014 – \$0.0023 2015 – \$0.0023	<ul style="list-style-type: none"> <li>• Monthly SoA in which excess usage fees owed.</li> <li>• Monthly RoU – full census for all webcasters except:</li> <li>• Quarterly RoU – two 7-day periods for minimum fee broadcasters (<i>i.e.</i>, b/c's that owe no add'l royalties above min. annual fee)</li> </ul>	No
CPB – thru 2015  74 Fed. Reg. at 9294 (March 3, 2009)	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"> <li>• Entities reporting highest 30% of Music ATH – full census data provided quarterly to Public Interactive.</li> <li>• Entities reporting lowest 70% of Music ATH – data for two 7-day periods provided quarterly to Public Interactive.</li> </ul>	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</p> <p>74 Fed. Reg. at 40616 (Aug. 12, 2009) § 380.22</p>	<p>Noncommercial webcaster operated by accredited educational institution and staffed mostly by enrolled students &amp; 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"> <li>• Monthly SoA in which excess usage fees owed</li> <li>• ≤ 159,140 ATH per channel per month - RoU – two 7-day periods per quarter filed annually by 1/31</li> </ul> <p>-If unable to calculate actual total perf. or ATH, may report channel &amp; play frequency</p> <p>-Elect by 1/31 each yr.</p> <ul style="list-style-type: none"> <li>• &gt;159,140 ATH per month, file full census RoU quarterly; 1 year grace period to include ATH or total performances in RoU.</li> </ul>	<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 &amp; Noncommercial Microcasters thru 2015</p> <p>74 Fed. Reg. at 40624 (Aug. 12, 2009)</p>	<p>Noncommercial Broadcaster streaming over-the-air signal with some program substitution; 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 - \$0.00057  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"> <li>• SoA monthly even if no excess usage owed</li> <li>• Quarterly RoU</li> </ul> <p>Beginning 2011, if &gt; 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"> <li>• Quarterly RoU</li> </ul> <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"> <li>• Quarterly RoU</li> </ul> <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										
<p>NAB deal – thru 2015</p> <p>74 Fed Reg. at 9299 (March 3, 2009)</p> <p>§ 380.12</p>	<p>Commercial Broadcaster electing by 1/31 each year.<sup>1</sup></p>	<p>\$500 per channel – Capped at \$50,000 for ≥ 100 channels streamed by same broadcaster - Payable by 1/31 each year.</p>	<p>N/A – minimum fee covers average of 33.5 perf. p/hr. in 2011 (approx. 2.8 listeners p/hr. assuming 12 songs are played p/hr.)</p>	<p>2011 - \$0.0017 2012 - \$0.0020 2013 - \$0.0022 2014 - \$0.0023 2015 - \$0.0025</p>	<ul style="list-style-type: none"> <li>• Monthly SoA</li> <li>• Monthly RoU – full census</li> </ul> <p>But, the following % of programming may be calculated using ATH, assuming 12 songs p/hr.:</p> <table> <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>	2011	16%	2012	14%	2013	12%	2014	10%	2015	8%	<p>\$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.</p>
2011	16%															
2012	14%															
2013	12%															
2014	10%															
2015	8%															
<p>Pureplay deal</p> <p>Commercial Webcasters - thru 2015</p> <p>74 Fed. Reg. 34796 (July 17, 2009)</p>	<p>Any commercial webcaster electing by 1/31 each year.</p>	<p>\$25,000 for all channels.</p>	<p>N/A - minimum fee covers average of 1678 perf. p/hr. in 2011.</p>	<p>For Bundled, Syndicated or Subscription Services, pay:</p> <p>2011 - \$0.0017 2012 - \$0.0020 2013 - \$0.0022 2014 - \$0.0023 2015 - \$0.0025</p> <p>If not Bundled, Syndicated, or Subscription Service, pay the greater of:</p> <p>2011 - \$0.00102 2012 - \$0.0011 2013 - \$0.0012 2014 - \$0.0013 2015 - \$0.0014 or 25% of Gross Revenues</p>	<ul style="list-style-type: none"> <li>• Monthly SoA</li> <li>• Monthly RoU – full census</li> </ul>	<p>N/A</p>										

<sup>1</sup> NAB deal participants received limited waivers of the sound recording performance complement from EMI, Sony, UMG, Warner, and Association of Independent Music that allow them to transmit consecutively up to one-half of an entire album and transmit certain classical music works in their entirety. Generally, prior aural announcement but not prior publication of a written or visual advance program schedule is also permitted. As each waiver is slightly different, consult with counsel before proceeding.

Webcaster Options	Eligibility	Minimum Annual Fee	ATH Covered by Min. Fee	Per Performance Royalty Rates	Reporting Requirements	Proxy Fee in lieu of RoU
<p>Small Pureplay Commercial Webcasters - thru 2014</p> <p>74 Fed. Reg. 34796 (July 17, 2009)</p>	<p>Webcaster with ≤ \$1,250,000 in annual gross revenues in any 2 prior calendar years</p> <p>-Elect by 1/31 each year.</p>	<p>\$25,000 for all channels (can be paid in quarterly installments on 1/31, 4/14, 7/15, and 10/15).</p>	<p>Cannot exceed average monthly ATH thresholds for applicable year:</p> <p>2011 - 9 mill. 2012-14 - 10 mill.</p>	<p>Pay the greater of:</p> <p>12% of first \$250,000 in Gross Revenues, and 14% of Gross Revenues over \$250,000 or 7% of Expenses.</p> <p>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.</p>	<ul style="list-style-type: none"> <li>• Monthly SoA</li> <li>• Monthly RoU – full census</li> </ul>	N/A
<p>SX unilateral offer</p> <p>Small Commercial Webcasters</p> <p>74 Fed. Reg. at 9302 (March 3, 2009)</p>	<p>Must have &lt; \$1,250,000 annual gross revenues.</p> <p>-Elect by 1/31 each year.</p>	<p>\$2,000 if have gross revenues ≤ \$50,000; \$5,000 if have gross revenues &gt;\$50,000.</p> <p>- Payable by 1/31 each year.</p>	<p>Minimum fee covers 5,000,000 ATH per month (6,945 average simultaneous listeners).</p> <p>If exceed eligibility condition for 6 months, pay excess usage at commercial CRB rates.</p>	<p>Pay greater of 10% of first \$250,000 per year in gross revenues &amp; 12% of any gross revenues over \$250,000, or 7% of expenses during the year.</p> <p>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.</p>	<ul style="list-style-type: none"> <li>• Monthly SoU</li> <li>• 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.</li> </ul>	Only for microcasters (defined below)

Webcaster Options	Eligibility	Minimum Annual Fee	ATH Covered by Min. Fee	Per Performance Royalty Rates	Reporting Requirements	Proxy Fee in lieu of RoU
SX unilateral offer  Commercial Microcasters  74 Fed. Reg. at 9302 (March 3, 2009)	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  74 Fed. Reg. 40614 (Aug. 12, 2009)	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 31.7 perf. p/hr. in 2011 (approx. 2.6 listeners p/hr. assuming 12 songs are played p/hr.)	2011 - \$0.0018 2012 - \$0.0020 2013 - \$0.0021 2014 - \$0.0022 2015 - \$0.0024	<ul style="list-style-type: none"> <li>• Monthly SoA</li> <li>• Monthly RoU based on CRB terms</li> </ul>	N/A

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