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From: Rudy Trubitt [mailto:r[Redacted]]

Sent: Thursday, November 19, 2015 1:44 PM

To: ATR-LT3-ASCAP-BMI-Decree-Review

Subject: AS a songwriter (ASCAP) I oppose the proposal for 100% licensing

I understand The DOJ is considering requiring ASCAP and BMI to engage in what is called 100% licensing. This means that if either of these PROs controls any part of a song, no matter how small, they would be required to license the entire song without the approval of those who control the remainder.

For example, say I have written a song with a writer affiliated with a different PRO. Under 100% licensing, a streaming service could bypass me and my PRO (ASCAP) and go to my collaborator's PRO to obtain a license for the entire song without my consent. I would then be subject to that PRO's royalty rate, even if it is lower than my PRO's rate, and I may have to depend on the other PRO, with which I have no relationship, to collect my share of royalties and account to me.

This would substantially disrupt the well-established practice of licensees entering into agreements with each PRO representing whatever piece of a song they control and create significant accounting inefficiencies as PROs would have to pay royalties to songwriters not affiliated with them.

I urge you to reject this proposal.

Thank you,  
David Trubitt  
ASCAP writer/publisher  
Oakland, CA