

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
MUSICFIRST PETITION)
REGARDING THE ACTIONS OF CERTAIN) MB Docket No. 09-143
RADIO BROADCASTERS IN OPPOSITION)
TO THE PERFORMANCE RIGHTS ACT)
)

COMMENTS OF THE PROPERTY RIGHTS ALLIANCE

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September 8, 2009

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The Property Rights Alliance hereby files these comments in response to the MusicFirst petition regarding the actions of certain broadcasters in opposition to the Performance Rights Act (PRA), MB Docket No. 09-143.

MusicFirst and broadcasters have been engaged in a legislative battle in Congress on whether radio broadcasters should be allowed to use copyrighted intellectual property without compensation because of the perceived promotional benefit to the owner of the creative work. The Property Rights Alliance supports a performance right for sound recordings, finding itself on the opposite side of broadcasters on this issue. Where radio may once have been the only medium for a recording artist to promote their work, in today’s digital world there are countless mediums from satellite radio to internet radio to MySpace that allow consumers to enjoy the creative works of recording artists. All of these mediums pay for the use of music despite offering a potentially greater promotional value.

At the Property Rights Alliance we believe strongly both in an open and free market *and* the vigilant protection of property rights. The entire existing licensing arrangement is unfortunate and unnecessary. In a free market, the broadcasters would have full ownership of the airwaves, not the government.

It has been alleged that broadcasters are using the licenses granted to them by the government to interfere with the rights of others to speak freely on issues the broadcasters oppose.

The Property Rights Alliance recognizes the free speech right of broadcasters to select the music they want to play, as well as their right to express their views over the public airwaves without having to represent both sides of an issue. Under current law, broadcasters should not boycott artists for joining a coalition, especially given the fact they are currently using the artists' music for free.

Government should extract itself from the broadcasting business, however, since this is not currently the case, the Property Rights Alliance urges the Commission to investigate any allegations that the broadcasters misused their government issued license.

Respectfully submitted

A handwritten signature in cursive script, appearing to read "Kelsey Zahourek".

Kelsey Zahourek
Property Rights Alliance