



American Association
of Independent Music

February 14, 2011

The Honorable Fred Upton
Chairman
House Energy & Commerce Committee
2161 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Henry Waxman
Ranking Member
House E&C Committee
2204 Rayburn HOB
Washington, D.C. 20515

The Honorable Greg Walden
Chairman
Subcommittee on Communications & Technology
2182 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Anna G. Eshoo
Ranking Member
Subcommittee on Comm. & Tech.
205 Cannon Building
Washington, D.C. 20515

The Honorable Lamar Smith
Chairman
Committee on the Judiciary
2409 Rayburn House Office Building
Washington, D.C. 20515

The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
2426 Rayburn HOB
Washington, D.C. 20515

The Honorable Robert Goodlatte
Chairman
Subcommittee on IP, Competition & the Internet
2240 Rayburn House Office Building
Washington, D.C. 20515

The Honorable Melvin Watt
Ranking Member
Subcomm. on IP, Competition & Int.
2304 Rayburn HOB
Washington, D.C. 20515

Dear Representatives,

The American Association of Independent Music (A2IM) is a non-profit organization representing a broad coalition of independently owned music labels from a sector that comprises more than 30 percent of the music industry's U.S. market, nearly 40 percent of digital sales, and well over 80 percent of all music released by music labels in the U.S. A2IM's label community includes music companies of all sizes throughout United States, from Hawaii to Florida and all across our country, representing musical genres as diverse as our membership.

Unfortunately, economic reward has not always followed critical success due to barriers to entry for independents in both promotion and commerce. A2IM members share the core conviction that the independent music community plays a vital role in the continued advancement of cultural diversity and innovation in music at home and abroad, but we need your help.

Of all the technological developments in recent history, the Internet represents the most potent platform for entrepreneurship and expression our community has witnessed. Despite the many unresolved questions surrounding the protection of intellectual property online, we remain optimistic that open Internet structures are our best means through which to do business, reach listeners and innovate in the digital realm.

Independent labels would not fare well under any regime that allows Internet traffic to be prioritized based on business arrangements between ISPs and the largest corporate entities, as our sector is not capable of competing economically. This is why we have consistently gone on record in favor of clear, enforceable rules of the road for the Internet, whether accessed on personal computers or mobile devices.

We are not convinced that the FCC's recent Order goes far enough to preserve the dynamics that make the Internet such a unique and promising marketplace for creative commerce. We are particularly concerned about the lack of clarity in the mobile space, as well as the possibility of our sector being priced out of the most desirable online delivery mechanisms.

Nonetheless, it seems shortsighted for Congress to seek to eliminate the FCC's ability to oversee this vital space, as it is an essential part of a free market driven by enterprise, ingenuity and competition. We therefore urge Congress to forego any attempt to stymie the FCC's authority to preserve the underlying dynamic of the Internet.

Sincerely,

The American Association of Independent Music (A2IM)

cc:

The Honorable John Boehner
The Honorable Eric Cantor
The Honorable Kevin McCarthy

The Honorable Nancy Pelosi
The Honorable Steny Hoyer
The Honorable James Clyburn