



"While Tempe Radio, Inc. an FCC licensed broadcaster, is not currently streaming music on its website, it contemplates that it will commence streaming some or all of its on-air programming in the near future. In the event such transmissions are covered by the Digital Millennium Copyright Act, as amended, and are not exempt or otherwise licensed, this initial notice constitutes Tempe Radio's intention to obtain statutory licenses thereunder. Tempe Radio contends that it is not legally required to obtain any such licenses. Accordingly, the filing of this initial notice shall not be deemed a waiver of such claim."

**Initial Notice of Digital Transmission of Sound Recordings
under Statutory License**

In accordance with 37 CFR 201.35, the transmission service set forth herein files with the Library of Congress, Copyright Office, an initial notice stating the Service's intention to obtain statutory license under section 114(f) of title 17 of the United States Code, as amended by Public Law 104-39, 109 Stat. 336, and Public Law 105-304, 112 Stat. 2860.

- 1. Name of Service: Tempe Radio DBA KUPD-FM
- 2. Mailing Address: 1900 W. Carmen
Tempe, Arizona 85283

Note: A post office box is acceptable if it is the only address that can be used in that geographic location.

- 3. Telephone #: (480)838-0400
- 4. Facsimile #: (480)820-8469

Note: Indicate "none" if there is no number.

- 5. Website Address of Service: http://98kupd.com

Note: Information on how to gain access to the online website or home page of the Service, or where information may be posted under the regulations concerning the use of sound recordings must be provided.

- 6. Officer or Authorized Representative of Service:

Name: Chuck Artigue
 Title: Vice President/General Manager
 Date: October 14, 1999
 Signature: _____

This notice must be accompanied by a \$20 filing fee made payable to the Register of Copyrights. Mail to:

Library of Congress
Copyright Office, Licensing Division
101 Independence Avenue, S.E.
Washington, D.C. 20557-6400

EFFECTIVE DATE
10/15/99 *JA*