

To: Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington, DC 20580

Re: Restraining Competition in CD Music Market  
File No. 971-0070

From: Andrew Radakovitz HR/Treasurer  
Dimple Records  
2433 Arden Way  
Sacramento, Ca 95825

ORIGINAL



I am writing this letter feeling like David with his slingshot against a Brontosaurus Rex. I realize this may have little effect other than being counted among the rest and left unread, a tactic self-help groups employ when they shout affirmations in front of a mirror while cutting their pinky finger with a razor. So if I am just a number and not a voice, I realize how extraordinarily busy you all are, I will allow myself the latitude of being a snot.

**Who you have just injured is the retailer and the consumer.** The public sentiment is that the retailer must be cruel, gouging the consumer, marking up CDs by margins of 50% or more. How incredibly untrue! The labels via copyright/monopolistic direction set the price, and we bow down. We live on fifty cents to a dollar per new release at our store. If we were to go higher, customers would go elsewhere. Public perception has spoken. Therefore, we work on volume. And for new releases that works just fine. Or so you think. What other vendor/merchant relationship (in terms of margin), in any industry, is so flagrantly indentured? The labels give us nothing to live on except what's left over after the trendy carcass has been eaten by so many hard won, dedicated fans. So, yes, here's the truth. Listen good. We live on four cents of the dollar. **The government gets more in sales tax than we do for selling new music.** Long live the wisdom there. Let's not even go into the pandering of the GOP in waving internet sales taxes. That's a whole other topic worthy of investigation based on the maintenance of power like a high school popularity contest.

Let me talk bluntly about that for a minute. The maintenance of power. You guys must love to look like the good guy. Public perception, polls. Making it appear that you are out there for the little guy. Operating under the intoxication of the Robin Hood complex like so much hyperactive, youthful enthusiasm and then bleeding it out to the media. "Hey, look what we did! We just pulled the chair out from under the fat guy." Not realizing that when the fat guy falls, he pulls the tablecloth tucked into his shirt, which also yanks off the China, the gravy boat, the roast and the Jell-O mold. When you hit something with a hammer things break, other things that you don't initially see at first with your eyes. When you eliminate MAP, a good policy that protects bloodshed (including the consumer over the long haul), you unintentionally and undeservedly whack retail which serves the customer in an interesting way that electronic chains do not. What I believe your decision lacks is foresight that is the inability to see the actual consequences that come about when you put something in place. **MAP was essentially a protective measure against predatory pricing schemes. You just chummed the water again for the big sharks.**

Even if you hide underneath the federal bureaucratic blanket for protection you will be held liable for your decisions based on your track record as it plays out. You will be held liable for enabling other big businesses to capitalize on your weak, one-dimensional ruling that aids the practice of predatory pricing. You must think carefully before you act. Query everyone involved including the retailers. The retailer has the most direct contact with the consumer. The consumer is how you play your game via the popularity contest. If you want to win and continue being regarded positively you will have the character to reconsider your broad gestures. This letter would not be complete without an appeal to reconsider your decision concerning the policies of MAP. I ask you to not end MAP and I decry your decision.

Respectfully submitted,

Andrew Radakovitz, Dimple Records

A handwritten signature in black ink that reads "Andrew D. Radakovitz".