

July 14, 2015

Chairman Tom Wheeler
Commissioner Mignon Clyburn
Commissioner Jessica Rosenworcel
Commissioner Ajit Pai
Commissioner Michael O'Rielly
c/o Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Letter in ET Docket No. 14-165 and GN Docket Nos. 12-268 and 14-166 and MB Docket 15-146 Via Electronic Filing

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, Commissioner O'Rielly and Ms. Dortch:

The Performing Arts Wireless Microphone Working Group submits this Letter in order to express our continued concern about protection for wireless microphones and backstage communications devices used in the performing arts and by our members. The Performing Arts Wireless Microphone Working Group is a coalition of national performing arts service organizations serving the professional, nonprofit performing arts and presenting fields and educational theatre. These are the current participants in this Working Group: Alliance of Resident Theatres/New York; Association of Performing Arts Presenters; The Broadway League; Dance/USA; Educational Theatre Association; League of American Orchestras; OPERA America; The Recording Academy; Performing Arts Alliance; SAG-AFTRA and Theatre Communications Group.

In light of ongoing meetings and conversations between various interested parties and the FCC, we believe it would be helpful to outline a suite of measures that would protect and serve ALL wireless microphones, particularly unlicensed wireless microphones used in the performing arts:

1) Continue to allow unlicensed wireless microphone users to access the database as they currently do.

The FCC's decision to allow performing arts entities that regularly use 50 or more wireless devices to apply for a Part 74 license is a good step forward. However, to consider performing arts entities that use fewer than 50 wireless devices to be non-professional, and therefore ineligible to register their uses in the geo-location database, is a false assumption. The majority of professional, not-for-profit theatres, symphony orchestras, presenting organizations, dance and opera companies, professional training programs and even touring Broadway productions across this country use fewer than 50 wireless devices on a regular basis. The best solution is to continue the current practice which the FCC put in place: in addition to expanded licensing, continue to allow unlicensed professional performing arts entities the ability to register in the database as they do under current rules.

- 2) Preserve one vacant television channel post-auction for use by licensed and unlicensed wireless microphones.**
- 3) Allow unlicensed wireless microphone users to operate in some portion of the duplex gap.**
- 4) Allow all wireless microphones to operate in the guard bands around channel 37**
- 5) Allow unlicensed wireless microphones to operate in TV channel guardbands.**
- 6) Allow licensed and unlicensed wireless microphones to co-channel with TV broadcasts in some circumstances.**

- 7) **Continue to allow all wireless microphones to operate in current UHF channels post-auction for as long as possible, until the new occupants are actually operating in the space.**
- 8) **Permit a space for unlicensed microphone users in any new spectrum identified for wireless microphone use, including specifically the 5MHz band between 2020-2025 MHz.**

Thousands of performances are held by professional performing arts organizations each year and the use of wireless microphones is both essential to producing high-quality performances and also mitigates against significant public safety concerns. Professional wireless capability, with successful interference protection, and sufficient spectrum to operate, is essential to our sector.

As background, it is important to remember the ways in which wireless devices are used in the performing arts: amplification for performers onstage and in back-stage communications. Audiences pay for high-quality performances that should not suffer interruption; and should back-stage communications be compromised, this could cause safety issues for performers, stagehands and audience members. In addition to these uses of devices in the production of a performance, some infrared devices require wireless frequency to assist hearing-impaired patrons.

Performing arts organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; and in providing education, enlightenment and entertainment. They also contribute to local economies in every community across this country. We respectfully request that the Commission maintain access to interference protection, ensure sufficient spectrum to operate and consider the costs already borne by not-for-profit performing arts organizations.

Respectfully submitted,

/s/
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/s/
Amy Fitterer
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/s/
Julie Cohen Theobald
Executive Director
Educational Theatre Association

/s/
Jesse Rosen
President and CEO
League of American Orchestras

/s/
Marc Scorca
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OPERA America

/s/
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