

February 3, 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: Comments in ET Docket No. 14-165 and GN Docket Nos. 12-268 and 14-166 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 these Comments in order to express our collective 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/NY; Association of Performing Arts Presenters; Dance/USA; Educational Theatre Association; League of American Orchestras; OPERA America; The Recording Academy; Performing Arts Alliance; SAG-AFTRA and Theatre Communications Group.

We appreciate the opportunity to follow-up on previous filings that many of our organizations have made and meetings we have had with the FCC in other dockets, and we continue to advocate for the protection of wireless microphones used in the performing arts.

We understand the Commission has ruled that performing arts entities that regularly use 50 or more wireless devices will be eligible to apply for a Part 74 license, which allows registrants access to a geo-location database that monitors wireless microphone use. We also know that the FCC is seeking Comment on a proposed rule that would prevent performing arts entities using fewer than 50 wireless devices from participating in the database. This would leave our member organizations without any interference protection mechanism from the many TV Band Devices that may soon flood the market. Frequency coordination with other known wireless microphone users has become common practice, but there is no way to coordinate with TVBD's if you don't know about them.

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, is essential to our sector.

The Commission's current proceedings prompted us to request information from our member organizations about their current use of wireless microphones. Over 60 letters from theatres, symphony orchestras and educational institutions from large and small cities across the country have been submitted to the FCC. They represent many professional, not-for-profit cultural institutions including Actors Theatre of Louisville in Louisville, KY, Alley Theatre in Houston, TX, Center Theatre Group in LA, CA, Indiana Repertory Theatre in Indianapolis, IN, Oregon Shakespeare Festival in Ashland, OR and Shakespeare Theatre Company in Washington, DC.

The overwhelming response from these major not-for-profit cultural and educational institutions across the country is that they use fewer than 50 wireless devices on a regular basis. Many of them spent considerable funds in vacating the 700 MHz band in 2010.

Access to the Geo-Location Database

Recent rulings by the FCC have eliminated the two safe-haven channels for wireless microphones, which had provided interference protection. While we recognize that the FCC has opened the door to performing arts entities to apply for a Part 74 license, the vast majority of professional, not-for-profit and educational entities in this country do not regularly use 50 or more wireless devices.

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.

Continued access to the geo-location database for all types of professional and educational wireless microphone users in the performing arts is extremely important – both for the performing arts entities and to new TVBD's.

Performing Arts Investment in Wireless Technology

Performing arts organizations in the United States have made substantial financial investments in their technical equipment, including wireless microphones and communications devices used for backstage communications, in order to produce and present performances of the highest caliber, which our audiences have come to expect.

Offsetting the Costs of Wireless Microphone Transition

Wireless microphone users, including those in the performing arts, were subject to an FCC Rule that required cessation of operations in the 700 MHz band by June 12, 2010. For many performing arts organizations, this migration out of the 700 MHz band caused an unanticipated expenditure of \$25,000 to \$100,000 for the purchase of sound equipment that would operate in a different area of the broadcast spectrum.

As the FCC reviews options for rulemaking on the recently approved spectrum auctions, we request that the FCC consider the burden already borne by the performing arts community. Should another move in the broadcast spectrum be deemed necessary, the performing arts community has conservatively estimated that \$17.5 million – which is a fraction of the actual cost – would be needed to be set aside to defray equipment replacement costs for the performing arts community. We respectfully request that the FCC establish some mechanism to reimburse entities that would need to purchase new wireless microphones due to a relocation mandated by the FCC.

We appreciate that the Commission has sought Public Comment on these very important issues. Professional performing arts organizations and educational institutions should all have some sort of interference protection. While some entities will be protected by access to the geo-location database, many more will not under this plan. Further, we would request that the Commission consider the burden already borne by the performing arts community in vacating the 700 MHz band. We are concerned about the cost to our members of once again replacing their sound equipment.

Performing arts organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; and in providing education, enlightenment, entertainment. They also contribute to local economies in every community across this country. We respectfully request that the Commission maintain access to interference protection and establish a mechanism to reimburse performing arts organizations for the cost of new equipment.

Respectfully submitted,

/s/
Ginny Louloudes
Executive Director
Alliance of Resident Theatres/ New York

/s/
Mario Garcia Durham
President and CEO
Association of Performing Arts Presenters
Performing Arts Alliance

/s/
Amy Fitterer
Executive Director
Dance/USA

/s/
Julie Woffington
Executive Director
Educational Theatre Association

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

/s/
Marc Scorca
President and CEO
OPERA America

/s/
Todd Dupler
Director of Government Relations
Advocacy & Industry Relations
The Recording Academy

/s/
Jeff Bennett, Chief Deputy General Counsel,
Legal and Government Affairs
SAG-AFTRA

/s/
Teresa Eyring
Executive Director
Theatre Communications Group
520 Eighth Avenue, 24 Floor
New York, NY 10018