

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHZ Band)	WT Docket No. 08-166
)	
)	
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition)	WT Docket No. 08-167
)	
)	
Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones)	ET Docket No. 10-24
)	

COMMENTS OF THE ASSOCIATION OF PERFORMING ARTS PRESENTERS

The Association of Performing Arts Presenters, a nonprofit association of nearly 2,000 performing arts groups throughout the United States ("Arts Presenters"), supports the steps the Commission already has taken in its Report and Order and Further Notice of Proposed Rulemaking (FCC 10-16), in the above-captioned proceeding, to provide for the continuity of wireless microphone operations for the performing arts and to propose a path forward for such operations after June 12, 2010 using spectrum capacity in the TV Core. Art Presenters has implemented outreach efforts to its members, including messages to members alerting them to the Commission's initiatives in this area, sponsoring conference call opportunities to promote dialogue and to furnish answers to questions about the Commission's compliance requirements,

and creating a fact sheet and other resources posted on our website which address frequently asked questions.¹

Our membership strongly supports adoption by the Commission of expanded eligibility for the licensing of wireless microphones under Part 74, Subpart H, for performing arts organizations providing for their wireless microphone, intercom, in-ear monitor, certain walkie-talkies, and or cueing/IFB (collectively "Wireless Microphone") operations. Arts Presenters supports such expanded licensing based upon appropriate technical and service rules and with interference protections for Wireless Microphone operations from co-channel and adjacent channel unlicensed fixed and mobile white space device operations.

INTRODUCTION

Arts Presenters is comprised of almost 2,000 members representing the nation's leading performing arts centers, including civic and university performance facilities, as well as artist agencies, managers, touring companies, national consulting practices that serve the field, and a growing roster of self-presenting artists. Arts Presenters members operate in all 50 states and include large performing arts centers in major urban cities, outdoor festivals and rural community-focused organizations to academic institutions, artists and artist managers. Arts Presenters members bring performances to more than 2 million audience-goers each week and spend in excess of \$2.5 billion dollars annually to serve these audiences.

Major university performance facilities and arts presenters, such as the Krannert Center for the Performing Arts at the University of Illinois at Urbana-Champaign and the University of North Carolina at Chapel Hill, to leading national concert venues such as the Kennedy Center and the Wolf Trap Center for the Performing Arts, all use wireless microphones for live

¹ See, e.g., www.artspresenters.org.

performing arts performances across all performing arts disciplines. Our members are renowned for the performances they produce and perform, but in addition, for the many important contributions they make in every community they serve through extensive outreach programs in schools and by affording underserved and underprivileged populations opportunities to enrich their lives through the performing arts.

Arts Presenters encourages the Commission to:

- Recognize the legitimate use of wireless microphones used in the performing arts;
- Establish a broad definition of who should be protected as the most reliable way of ensuring there won't be inadvertent interference to performing arts events in venues or locations of any size; and
- Allow performing arts venues to be afforded protection from harmful interference caused by unlicensed "white space" devices.

DISCUSSION

1. Interference Protection Rights Under Part 74, Subpart H Licensing are Needed by Performing Arts Organizations to Support the First-Class Sound Environment Which is a Unique and Irreplaceable Component of the Performance "Experience."

Wireless microphone technology is used commonly in performing arts productions and educational institutions across the country. This equipment has been used on stages for more than three decades and has been refined continually to deliver a first-class sound environment. In the 2007-2008 performance season, our members, on average, used from five to 25 wireless microphone channels and a significant number of members used 26-50 channels. Their investments in high functioning wireless audio equipment, including operations in the 700 MHz band range from \$3,000 to \$850,000. These arts institutions, many of them nonprofit, made these significant purchases in the good faith belief that they could rely on essential wireless microphone equipment for many years. These substantial investments in wireless audio

equipment represent commitments to the quality of performances which sets this class of users apart from many others.

Wireless microphone equipment used by Arts Presenters members is essential to providing top-quality performances. Modern shows are designed with wireless equipment as part of the necessary facilities. Without such equipment, or if wireless operations were interrupted by interference, the quality of performances would suffer severely, and potentially, performers' safety put in jeopardy.

In addition, wireless microphone systems are integral to making performances accessible to the hearing impaired. Loss of wireless microphone service, or interference to it, would disrupt the systems needed by hearing impaired persons taking advantage of performance-provided assistance.

2. Performing Arts Organizations also Need the Flexibility Available Under Part 74, Subpart H Licensing to Permit Two-Way Transmissions Involving Performers, Backstage Personnel and Other Participants.

As noted above, the wireless devices commonly operated by performing arts organizations include: microphones, intercoms, in-ear monitors, certain walkie-talkies, or cueing/IFB systems. Since the early days of wireless microphones, this technology has freed performers from cumbersome microphone stands, tethers and other stationary mikes, allowing unrestricted movement and sophisticated sound. Wireless systems also are used heavily backstage for two-way communications by stagehands to communicate and execute complex technical activity.

Providing quality performances to audiences requires, not only the use of wireless microphones so that performers may reach their audiences, but additional two-way communications devices for directions among performers and technicians on and off the stage.

3. Performing Arts Organizations Also Need the Technical Flexibility Under Part 74, Subpart H Licensing to Use Equipment Which is Permitted to Operate With Maximum Power Levels Exceeding 50 Milliwatts.

We also agree with the comments filed by MGM MIRAGE² that wireless microphone users with needs for professional quality audio production need flexibility under Part 74, Subpart H licensing, to use equipment that radiates above the 50 mW power limit which the Commission has proposed for Part 15 Wireless Audio Devices. Our members indicate that operations with power levels below 50 milliwatts are anticipated to be adequate for most performances but there could be circumstances where higher power levels might be required for certain types of production related microphone, monitoring, or communications uses.

4. The Commission Should Expand Eligibility for Part 74, Subpart H Licensing to Include a Broad Range of Performing Arts Venues, Performing Groups and Contractors Who Provide Professional Sound Systems for the Performing Arts.

Performing arts centers, universities, theaters, concert series, festivals, museums and every type of facility, program or event that presents the performing arts for professional and educational purposes often use wireless microphones. Our members need to use multiple channels to support high-quality wireless microphone audio technology clear of interference for productions, events, educational needs and public safety needs.

Arts Presenters strongly supports the proposal to expand the class of parties that will be eligible to obtain a Part 74 wireless microphone license by including the following:

- a) Owners or technical operators of venues that present the performing arts. Typically, this category of users maintain anywhere between 5 and over 50 channels on the broadcast

² Letter of Alan M. Feldman, Senior Vice President, Public Affairs, MGM MIRAGE dated February 23, 2010.

spectrum. Venues such as the Kennedy Center, the Orange County Performing Arts Center, The Nancy Lee and Perry R. Bass Performance Hall and The Performing Arts Center at Purchase College and thousands of other performing arts presenters would be included in this category;

b) Producers, presenters and performing groups which need to use multiple communications devices licensed under Part 74, Subpart H of the FCC's rules (wireless microphones, cue and control devices, etc.) to produce and/or present performances or educational outreach. Touring organizations and individual artists and producers would be included in this category. Dance and opera companies, theatrical productions, orchestras and other performance disciplines may require the use of their own wireless equipment at an indoor or outdoor venue for performances and educational outreach; and

c) Suppliers of professional production systems requiring the use of operating wireless equipment at venues hired to meet the communications needs of presenters, producers for individual events and performances at indoor or outdoor venues. Users may have to maintain up to 75 or more channels for large scale productions as determined by number of performers and technical complexity.

The Commission's current considerations for unlicensed wireless microphone users to operate under Channel 21 or in some markets, two channels above Channel 21 does not support the frequency needs of the performing arts, especially with respect to serving people with disabilities.

If the Commission adopts rules that fail to prevent interference to performing arts users, the value of our live productions, service to the hearing impaired and educational outreach will be severely compromised by this proposed ruling. Limiting the mobility of artists on stage and the two-way capabilities of stage crew to communicate because of the threat of interference

would hamstring productions across all performing arts disciplines. The high production value of a performance is closely tied to the full range of wireless communications available to technicians, performers and production crew. Many times, a “cultural district” will be able to attract visitors because of its “entertainment” offerings which includes these performances. The consideration to expand the class of parties eligible for licensing under Part 74 not only has immediate frequency and logistical implications for wireless microphone users, but an ability to strengthen local economies in communities across the country.

5. We Also Recommend that the Commission Develop Streamlined Licensing Procedures So that Users With Multiple Facilities and Venues can be Licensed for Multiple Performance Locations Under the Terms of a Single License.

Arts Presenters recommend that the Commission consider implementing a licensing process that allows users with multiple facilities and venues, such as an academic institution with several campuses or a performing arts center with indoor and outdoor performances, to apply in a single application for multiple operating locations. This process would ensure greater compliance with the FCC licensing process by streamlining the paperwork and facilitation of the application, and thus, conserve the resources of the FCC and performing arts organizations.

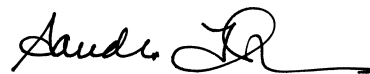
CONCLUSION

Arts Presenters appreciate this opportunity to share with the Commission how the use of wireless equipment in the performing arts is critical to the delivery of quality performances and how these performances connect with an audience. The performing arts play an important role in building communities and engaging high levels of civic and social participation that is crucial to local economies.

We hope the Commission will make every effort to address the needs of our industry in the context of public service and accessibility. Expansion of the class of parties eligible for licensing under Part 74 not only has as immediate frequency and logistical implications for wireless microphone users, but an ability to strengthen local economies in communities across the country.

Respectfully submitted,

Association of Performing Arts Presenters

A handwritten signature in black ink, appearing to read "Sandra Gibson", with a long horizontal flourish extending to the right.

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