

**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
)	

**REPLY-COMMENTS OF
THE ASSOCIATION OF PERFORMING ARTS PRESENTERS
(Supplement)**

The Association of Performing Arts Presenters, a nonprofit association of nearly 2,000 performing arts groups throughout the United States ("Arts Presenters"), hereby submits its reply to comments filed in the above-captioned docket in response to the Report and Order and Further Notice of Proposed Rulemaking released by the Commission on January 5, 2010. In our previous comments, we strongly urged the Commission to expand eligibility for Part 74, Subpart H licensing to include performing arts organizations and in doing so, providing for their wireless microphone, intercom, in-ear monitor, certain walkietalkies, 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.

Based on its review of comments discussing expanded eligibility for licensing wireless microphones under Part 74, Subpart H, Arts Presenters is concerned that the proposal submitted by the Coalition of Wireless Microphone Users ("CWMU") on March 1, 2010 to limit such eligibility based on number of units and size of the audience will not support the artistic value and quality of performances and educational activities our industry presents.

1. Eligibility Based on Number of Units.

We agree with CWMU that the number of microphones and two-way communication devices that an entity uses frequently or on a regular basis can be an indicator of the complexity of its productions and presentations, which could be used as a determining factor for license eligibility.

However we disagree with CWMU's proposal for an eligibility threshold to be set at ten devices. Based on our survey of member utilization of wireless devices, a threshold of ten wireless units does not sufficiently meet the needs of an average performing arts production and severely impacts the performing arts industry's ability to produce high quality performances.

Arts Presenters surveyed our membership to find that 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.

2. Eligibility Based on Size of the Audience.

We also disagree with CWMU that Part 74 licensing should not be available for events at a venue limited to a capacity of fewer than 99 audience members.

Amplification of voice and music is never determined by the size of an audience, it is determined by the acoustics and logistics of the venue and the work being performed. In many cases, amplification is needed for lectures, presentations and announcements that are part of a performance offering or educational outreach activity in venues that seat less than 99 people. Organizations such as the Horse Trade Theater Group, The Kraine Theater, the Ontological-Hysteric Theater, and HERE Arts Center in New York have either one or multiple theaters with less than 99 seats. Academic institutions and performing arts organizations such as the Open Circle Theatre in Maryland, Performance Space 122 in New York, Lake-Sumter Community College in Florida, the Santa Clarita Performing Arts Center, the Eli & Edythe Broad Stage and Saddleback College in California, Northeast Texas Community College in Texas, Centenary Stage Company in New Jersey, the Sun Valley Company in Idaho and Midland Center for the Arts in Michigan all have multiple venues that include seating with less than 99 people. These are just a few examples of institutions, organizations and venues from among the more than the 7,000 presenting/producing organizations that produce performances and/or lectures and presentations in the U.S. using high quality wireless performance capabilities. These organizations should not be excluded from qualifying for interference protection under Part 74 licensing in the proposed classification.

Respectfully submitted,
Association of Performing Arts Presenters



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Your submission has been accepted

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Proceedings

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