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September 8, 2010

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, SW  
12th Street Lobby, TW-A325  
Washington, DC 20554

RE: Ex Parte Presentation of  
The Coalition of Wireless Microphone Users  
in WT Dockets Nos. 08-166 and 08-167 and  
in ET Dockets Nos. 04-186 and 02-380

Dear Ms. Dortch:

On September 7, 2010, the undersigned, along with Thomas S. Ferrugia, Director of Government Relations for the Broadway League; Laurie Baskin, Director of Government and Education Programs for Theatre Communications Group; Henry Cohen of Production Radio Rentals; J. David Hoppe, President of Quinn Gillespie and Associates; and Antoinette Cook Bush of this firm, on behalf of the Coalition of Wireless Microphone Users ("CWMU"),<sup>1</sup> met with Chief Julius Knapp and Alan Stillwell of the Office of Engineering and Technology ("OET"), and Ruth Milkman, Chief of the Wireless Telecommunications Bureau.

We discussed the availability to CWMU members of TV Band frequencies set aside specifically for wireless microphones and of other TV channels that would not be usable by new "White Space Devices." We discussed further the

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<sup>1</sup> CWMU is an informal organization of entities that use wireless microphones and communications devices (including, e.g., IFBs and IEMs) in the provision of services to the public (including theatrical productions, church services, and sporting events). Members of CWMU include The Broadway League; The Shubert Organization; Theatre Communications Group, Inc.; The Alliance of Resident Theatres/New York, Inc.; The Educational Theatre Association; League of Off-Broadway Theaters and Producers, Inc.; League of Resident Theatres; the John F. Kennedy Center for the Performing Arts, the African Methodist Episcopal Church; Sports Video Group, LLC; National Football League, National Hockey League, Major League Baseball; ESPN, Inc.; and News Corporation.

ability of wireless microphone users to register uses in the TV Band database to be developed and operated under the Commission's supervision. CWMU representatives expressed their continuing concerns that as long as their equipment is unlicensed and regulated under Part 15 of the Commission's rules, they would potentially be subject to interference from other radio frequency devices.<sup>2</sup> Interference with wireless microphones would be devastating to the audience's appreciation of a theatrical presentation, a sports event, or a religious service. Interference with cue and control devices during a production with moving set elements could easily endanger life and property. Accordingly, CWMU members continue to seek eligibility for licenses under Part 74 of the Commission's rules.

CWMU representatives cautioned about the process by which White Space Devices would check with the database to confirm the availability of free channels for their use. These check-ins would apparently be performed only once every twenty four hours and would only account for uses of the frequencies at the time of the check-in, thus missing database entries for scheduled uses later in the same day. Certain White Space Devices may also be able to operate for as long as 48 hours without successful database check-ins. These problems could be corrected by a requirement that White Spaces Devices have memories that would store database entries for 48 hours in the future or for a requirement that they check-in more frequently, such as every few minutes.

In a call to Mr. Stillwell this afternoon, I added an additional concern: while CWMU is not opposed to a separation requirement of 400 meters between low-power White Space Devices and database-registered wireless microphones, we understand that portable devices will need to check-in any time they move more than 100 meters, yet under the current rules, geolocation and reported coordinates of the devices need to be accurate only to plus or minus 50 meters. Current consumer technology enables much more accuracy than this and, given the reduced separation radius, the accuracy of White Space Devices should be increased.<sup>3</sup>

CWMU members appreciate the efforts of the Commission to develop rules and procedures that will protect incumbent wireless microphone users in their provision of services to the public.

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<sup>2</sup> See, e.g., 47 C.F.R. § 15.5.

<sup>3</sup> See, e.g. U.S. Department of Defense, "Global Positioning System Standard Positioning Service Performance Standard," 4<sup>th</sup> Edition, September 2008, available at <http://pnt.gov/public/docs/2008/spsps2008.pdf>.

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Sincerely,

A handwritten signature in black ink, appearing to read "D.H. Pawlik". The signature is fluid and cursive, with a large initial "D" and "P".

David H. Pawlik  
Counsel to  
The Coalition of Wireless Microphone Users

cc: Julius Knapp  
Ruth Milkman  
Alan Stillwell