

VIA ELECTRONIC FILING

The Honorable Kevin Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Ex Parte Comments of the Performing Arts Alliance: Association of Performing Arts Presenters, Dance/USA, League of American Orchestras, OPERA America, Theatre Communications Group, Chorus America and National Alliance for Musical Theatre

Informal Complaint and Petition of The Public Interest Spectrum Coalition
WT Docket No. 08-167

Dear Mr. Chairman:

On behalf of the members of the Performing Arts Alliance (formerly known as the American Arts Alliance), we are writing to express our continued concern about maintaining interference-free and affordable use of the wireless microphones and related audio equipment used by communities, performers, and audiences.

The Performing Arts Alliance is a national network of more than 4,000 members comprising the professional, not-for-profit performing arts and presenting fields. For 30 years, the Performing Arts Alliance has been the premiere advocate for America's professional not-for-profit arts organizations, artists and their publics before the U.S. Congress and key policy makers. Through legislative and grassroots action, the Performing Arts Alliance advocates for national policies that recognize, enhance and foster the contributions the performing arts make to America. Our member organizations include the Association of Performing Arts Presenters, Dance/USA, League of American Orchestras, OPERA America, Theatre Communications Group, Chorus America and the National Alliance for Musical Theatre.

Professional **wireless** sound equipment is used to provide high-quality audio to our audiences, and to record and present these artistic performances to people all over the world through broadcast on television, cable, satellite or over the Internet. Wireless microphones and related wireless audio equipment are used extensively and play a critical role in the production of dance, music, opera, orchestra, and theatre performances. Such productions and their recordings provide an infinite opportunity to expand the audience and availability of these performances to individuals who are unable to attend live performances. Many performances require as many as 45 frequencies for each production.

Wireless microphones and equipment are utilized to facilitate communication between backstage staff members and performers. Directors, managers, crew members and many others rely upon such equipment to communicate performance and lighting cues, staging movement and other vital directions. Wireless microphones are also used in conjunction with infra-red technology to provide listening systems for hearing impaired performing arts patrons. Without these microphones, the infra-red system would pick up music only, not dialogue or lyrics. There is no practical or feasible alternative to the current wireless audio systems used by performing arts organizations. Wireless microphones and audio equipment provide the freedom to move safely and quickly through the stage environment while providing high-quality and reliable audio transmissions. The use of wired audio equipment would not only be impractical, but would create an unsafe and dangerous work area for performers and staff.

We strongly urge the Commission to guarantee that the use of wireless microphones and wireless audio equipment remains unencumbered and interference-free. In particular, we ask that the Commission craft rules which would require that new portable devices, intended to operate in this spectrum, not be

permitted until they are tested and verified that they will not disrupt wireless equipment. We further request that the Commission designate certain “clean” spectrum that can be used by these audio systems without the threat of interference from the new devices and to adopt appropriate protections. Without the high-quality and interference-free operation of wireless microphones, the audio quality of performing arts performances and recordings would be greatly diminished, impairing thousands of productions and reducing the availability and opportunity for millions of Americans to enjoy these art forms.

The performing arts sector is hopeful that whatever the technical solution, that it prevents interference and also acknowledges the sector’s legitimate use. Further, the not-for-profit performing arts sector cannot shoulder the financial burden of this transition alone. Our members operate under tight financial constraints and the purchase of new equipment, all at once, would be impossible, even for our larger members.

The Performing Arts Alliance respectfully asks the Commission to ensure that any changes in the use of the broadest spectrum will not disrupt dance, music, opera, orchestra, and theatre performances enjoyed by millions of Americans. Preventing interference with the wireless microphone systems and audio equipment in use by hundreds of performing arts organizations across the country is essential. Absent tested and proven interference protection measures, the operation of personal/portable devices within a performance space could wreak havoc with wireless microphone systems and audio equipment. Not only would this disrupt the audience’s enjoyment of the performance and impair the recording and broadcast of the performance, but it would also hinder the ability of stage crews to communicate effectively and the artists to perform safely. The FCC should carefully conduct testing and craft policies that will ensure that changes in use of the broadcast spectrum not interfere with the wireless microphone and audio equipment that is essential to bringing live performances to millions.

Sincerely,



Andrea Snyder, Chair
Performing Arts Alliance
Executive Director
Dance/USA



Jesse Rosen, President and CEO
League of American Orchestras



Sandra Gibson, President and CEO
Association of Performing Arts Presenters



Kathy Evans, Executive Director
National Alliance for Musical Theatre



Ann Meier Baker, President and CEO
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Teresa Eyring, Executive Director
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