

# STATEMENT OF CONCERN

## FEDERAL COMMUNICATIONS COMMISSION

### PROTECTING PERFORMING ARTS TECHNOLOGY

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#### BACKGROUND

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The FCC ruled on September 23, 2010 that portions of the broadcast spectrum called White Space would be shared by wireless microphones used in the performing arts and new White Space devices (aka TV Band Devices). In order to implement the Rule, the FCC ordered several protection measures including the establishment of a geo-location database (or multiple databases) which would allow the new devices and wireless microphones to share spectrum without interference. The FCC began the rollout of the geo-location database in January, 2012, with the first approved database and new TV Band Device. As the FCC monitors the operational effectiveness of this geo-location database, we encourage the Commission to ensure that it protects existing services, including wireless microphones for performers, performing arts organizations, venues, and educational facilities.

Performers, performing arts organizations and venues, and educational facilities will benefit from participation in the database, with a goal of preserving interference-free cultural and educational programs as well as protections for new commercial electronic devices. There are more than 21,000 school theater programs in the United States; which impact approximately 500,000 enrolled students. Performances by opera and dance companies, symphony orchestras, community theaters, and regional theaters reach a combined audience of 190 million Americans annually and collectively represent an annual \$7.8 billion dollar industry. Given the thousands of performances held by arts organizations each year, 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 interference protection that works successfully, is essential to the performing arts sector.

For 35 years, wireless microphone technology has allowed users unrestricted on-stage movement and helped to create sophisticated sound. Nonprofit performing arts organizations, commercial theaters, schools, and performers have all relied on this equipment operating within the “white space” radio frequencies between broadcast channels of the television band. Wireless systems are also integral to backstage communications used by stagehands to execute complex technical activity. Interference to these backstage communications could compromise the safety of performers, technicians, and audiences.

#### TALKING POINTS

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- Performing arts organizations provide demonstrable service to the public in improving quality of life, preserving our cultural heritage, and in providing jobs, education, enlightenment, entertainment, and of course, contributing to local economies in every community across this country. Nonprofit 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. K-16 schools committed to the performing arts as part of their core curriculum have also expended considerable funding to ensure that their students have the opportunity to learn and train on the most up-to-date audio equipment.
- A reliable geo-location database will avoid interference between wireless microphones and TV Band Devices. We urge the FCC to closely supervise the implementation of the geo-location database and be responsive to any concerns raised by the wireless microphone community.
- As the administration and Congress work to close our nation’s budget deficit and create jobs, various pieces of legislation have proposed spectrum auctions as a viable means of raising federal revenues, including the Temporary Payroll Tax Cut Continuation Act passed in February 2012. The valuable public benefits produced by our nation’s performing arts sector should be considered in any future plan to reallocate or ‘repack’ the broadcast spectrum as a result of these auctions. If the approved auction requires that wireless microphones operate in a different part of the broadcast spectrum, it will most likely demand the purchase of new sound equipment—an unbearable cost to nonprofit performing arts organizations and educational institutions.

## TALKING POINTS (CONT.)

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- 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 urge Congress to 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.
- The performing arts sector has already made a costly adjustment and we continue to await guidance as to how our members will coexist in the two safe haven channels the FCC has designated for unlicensed wireless microphone users.