

February 13, 2009

Charlotte St. Martin  
Executive Director

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

***Ex Parte Presentation  
of the Coalition of Wireless Microphone Users  
in WT Docket Nos. 08-166 and 08-167***

Dear Ms. Dortch:

The Coalition of Wireless Microphone Users ("CWMU") takes this opportunity to provide its suggestions on the proposed rulemaking in the above-cited dockets in response to the petition filed by the Public Interest Spectrum Coalition ("PISC"). CWMU is an informal organization of entities which use wireless microphones, interruptible fold-back ("IFB"), and other wireless cue and control systems operating on frequencies assigned to Low Power Auxiliary Stations under Part 74, Subpart H of the Commission's rules (collectively, herein, our equipment will be referred to as "Wireless Microphones").

We entertain the nation with dramatic and musical performances on Broadway and in professional, repertory, and amateur theatres and stages across America. We provide thrills and happiness in theme parks from Orlando to Tennessee to California and numerous locations in between. We educate and inspire students in classrooms and lecture halls. We provide messages of faith, hope, and charity from pulpits and lecterns in churches, synagogues, and meeting halls. We excite fans with our professional and collegiate competitions in arenas and stadiums.

We stimulate the development of commerce at conventions and trade shows. We accomplish all this and more through our use of Wireless Microphones.

Our operation of Wireless Microphones has been open and public. We coordinate our uses with each other, with broadcasters, and with other users of the spectrum. Without effective coordination, Wireless Microphones would not be viable. Consequently, we provide no interference to broadcasters or other users of the Subpart H spectrum. Some of us are eligible for Part 74 licenses because of our involvement with television or motion picture production, but the majority of our Wireless Microphone uses do not qualify for licensing under current Commission rules. PISC refers to us as "pirates" and "scofflaws," and calls our uses "illegal," yet, as Nady Systems, Inc. detailed in its comments in this proceeding, early in the development of high-quality wireless microphones, suggestions to FCC staff about licensing Subpart H frequencies for our use were dismissed as unnecessary and cumbersome.

However the current status of the industry developed, this much is clear: every day, in thousands of locations across the nation, unlicensed Wireless Microphones provide clear and tangible benefits to the public.<sup>1</sup> It is not necessary, as PISC urges, to fix blame for a system that has resulted in so many benefits. But, going forward into a future where the available spectrum has been reduced by the dedication of the 700 Mhz band to public safety and threatened by widespread interference from unlicensed "TV Band Devices," we believe there is a need to clearly establish the legitimacy of our use of the Subpart H frequencies in the public interest.

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<sup>1</sup> In addition to the benefits provided to the public, Wireless Microphones are instrumental in creating a far safer work environment for performers and presenters by providing the freedom to move about safely and quickly through stage environments and other settings. They prevent tripping and electric shock in certain circumstances.

We do not, however, see a need for the new General Wireless Microphone Service proposed by PISC. This truly would result in a cumbersome effort, which can be avoided by merely extending the scope of authorized users of the Subpart H frequencies.

Accordingly, CWMU proposes adding a new subsection (a)(7) to Section 74.832 of the Commission's rules, which would expand the list of entities that are eligible for Subpart H licenses to:

Producers of live performing arts, cultural presentations (including religious presentations), professional or amateur sporting events, conventions or trade shows, or the owners or operators of venues where such events take place; or government or educational entities.

Paragraph (e) of Section 74.832 should be edited to conform, as follows (new language in bold and underlined; deleted language shown as a strike-through):

(e) An application for low power auxiliary stations or for a change in an existing authorization **shall specify the manner in which the eligibility requirements given in paragraph (a) of this section are met and, if applicable,** shall specify the broadcast station, or the network with which the low power broadcast auxiliary facilities are to be principally used as given in paragraph (h) of this section; ~~or it shall specify the motion picture or television production company or the cable television operator with which the low power broadcast auxiliary facilities are to be solely used.~~ A single application, filed on FCC Form 601 may be used in applying for the authority to operate one or more low power auxiliary units. The application must specify the frequency bands which will be used. ~~Motion picture producers, television program producers, and cable television~~

~~operators are required to attach a single sheet to their application form explaining in detail the manner in which the eligibility requirements given in paragraph (a) of this section are met.~~

CWMU further proposes the amendment of Section 74.831, which describes the scope of service and permissible use for Wireless Microphones:

The license for a low power auxiliary station authorizes the transmission of cues and orders to production personnel and participants in **performances, events, religious, cultural or educational presentations,** broadcast programs, and motion pictures and in the preparation therefor, the transmission of program material by means of a wireless microphone worn by a performer and other participants in a **performance, event, presentation,** program or motion picture during rehearsal and during the actual **performance, event, presentation,** broadcast, filming, or recording, or the transmission of comments, interviews, and reports from the scene of a remote broadcast. Low power auxiliary stations operating in the 944-952 MHz band may, in addition, transmit synchronizing signals and various control signals to portable or hand-carried TV cameras which employ low power radio signals in lieu of cable to deliver picture signals to the control point at the scene of a remote broadcast.

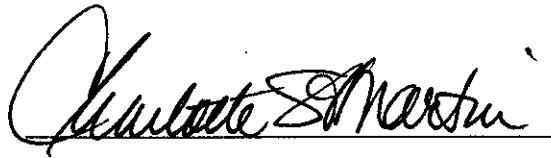
CWMU also believes that there should be a limited period of "amnesty," perhaps a 60-day window, during which Wireless Microphone users who qualify under the revised eligibility rules would be able to submit applications for Subpart H licenses without any possible enforcement action based on current or past unlicensed uses. Thereafter, all Wireless Microphones would be subject to full regulation under Subpart H.

These rule changes would recognize the significant economic and public benefits derived from the existing uses of Wireless Microphones by CWMU members and other similarly situated parties. Subpart H uses would continue to be secondary to broadcast use of the spectrum, but would clearly be protected against interference from unlicensed devices.

CWMU appreciates this opportunity to provide these suggestions, which, if accepted, would aid us in our continued operations in the public interest.

If you have any questions regarding this matter, please direct them to our counsel, Antoinette Cook Bush, at Skadden, Arps, Slate, Meagher & Flom LLP, phone: 202-371-7230.

Sincerely,

A handwritten signature in black ink, appearing to read "Charlotte St Martin", written over a horizontal line.

Charlotte St Martin

Executive Director

The Broadway League