

STATEMENT OF CONCERN

SAFEGUARDING PERFORMING ARTS WIRELESS MICROPHONE TECHNOLOGY

BACKGROUND

As the Federal Communications Commission (FCC) develops the technical and operational rules regarding a geolocation database, we encourage them to protect existing services, including wireless microphones, for performers, performing arts organizations, venues, and educational facilities by expanding Part 74 licensing eligibility to include the performing arts.

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.

FCC WHITE SPACE RULING

The FCC adopted an order on September 23, 2010 making certain interference protections available to wireless microphone users, including:

- Two national "safe harbor" channels set aside for entities using wireless microphones.
- Additional channels in most markets available for wireless microphone use.
- If a wireless microphone user needs more than these interference-free channels, it will be permitted to register its uses in a planned geolocation database which would provide an interference protection mechanism.

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Currently, performing arts organizations, venues, and educational facilities are not eligible to apply for a Part 74 license to operate their wireless microphones. The FCC has not yet ruled on licensing for performing arts organizations. Therefore, these systems continue to operate as Part 15 users. The requirements for Part 15 users include 30-day advance registration in the database, subject to public comment, and do not allow for the flexibility that is inherent in the rehearsal-production process. This creates obstacles to performing arts organizations' ability to access the database and its interference protections. Part 74 users are allowed immediate access to the database.

To assure equal access to this geolocation database, performing arts organizations, venues, and educational facilities must be eligible to apply for a Part 74 license in order to operate their wireless microphones in a safe and secure manner.

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. Professional wireless capability, with equal access to interference protection, is essential to the performing arts sector. Therefore, we urge the FCC to expand Part 74 eligibility for licensing of wireless microphones to include performing arts organizations and venues and educational facilities.