

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Promoting Spectrum Access for Wireless)	GN Docket No. 14-166
Microphone Operations)	
)	
Amendment of Part 15 of the Commission's)	
Rules for Unlicensed Operations in the)	
Television Bands, Repurposed 600 MHz Band,)	
600 MHz Guard Bands and Duplex Gap, and)	ET Docket No. 14-165
Channel 37)	
)	
Amendment of Part 74 of the Commission's)	
Rules for Low Power Auxiliary Stations in the)	
Repurposed 600 MHz Band and 600 MHz)	
Duplex Gap)	
)	
Expanding the Economic and Innovation)	GN Docket No. 12-268
Opportunities of Spectrum Through)	
Incentive Auctions)	

REPLY COMMENTS OF CP COMMUNICATIONS, LLC

CP Communications, LLC (“CP Communications”), hereby replies to comments filed in response to the *Further Notice of Proposed Rulemaking* (“FNPRM”) issued in the above captioned proceedings.¹ The majority of commenters, with good reason, support the Commission’s attempts to provide professional entertainment and productions organizations with interference protection, as does CP Communications, because these organizations have a significant need for interference-

¹ *Promoting Spectrum Access for Wireless Microphone Operations; Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 60 MHz Guard Bands and Duplex Gap, and Channel 37; Amendment of Part 74 of the Commission’s Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 60 MHz Duplex Gap; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Order on Reconsideration and Further Notice of Proposed Rulemaking, 32 FCC Rcd. 2077 (2017) (“FNPRM”).

free spectrum, and they provide important services that are enjoyed by most members of the American public.

One commenter in particular does not support the Commission's proposal.² Microsoft Corporation ("Microsoft") takes the position that wireless microphones have access to sufficient spectrum and points to 150 MHz of new spectrum that the Commission has made available.³ However, wireless microphones have lost nearly 300 MHz of spectrum due to the 700 MHz reallocation and 600 MHz spectrum auctions.⁴ This loss is exacerbated by the increasing demand for wireless microphone services and the delay in availability of the 1435-1525 MHz band and 941-944 and 952-960 MHz bands due to technical and regulatory issues. Moreover, much of the available spectrum either does not offer propagation characteristics that are viable for wireless microphone operations or is in bands that cannot be coordinated effectively, rendering those bands unreliable for live event wireless microphone operations.

Microsoft's sweeping aside of the needs of wireless microphones is a transparent self-serving attempt to promote its hope of gaining free access to spectrum for its own broadband plans. It does not recognize how difficult, if not impossible, it will be for microphones to use of some of the bands to which it refers, suggesting lack of knowledge of the design of the products it is

² Comments of Microsoft Corporation, Docket Nos. 14-166, 14-165 and 12-268 (filed October 2, 2017)("Microsoft Comments").

³ See Microsoft Comments at p. 1.

⁴ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567 (2014); *Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*; *Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition*; *Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones*, Order, 25 FCC Rcd 367 (2010).

addressing; nor does Microsoft seem to understand that its own internal needs for large wireless microphone deployments in support of conferences and other activities would be difficult or impossible to meet with the spectrum that Microsoft claims is sufficient.⁵

Microsoft contends that granting Part 74 eligibility rights is so extraordinary that additional responsibilities are required.⁶ However, Part 74 rights are no more extraordinary than rights under Part 90 (Private Land Mobile Service), Part 95 (Personal Radio Service) or Part 97 (Amateur Radio Service), all of which are services in which licenses are granted to individuals and entities without an auction process. In fact, spectrum grants by auction remain in the minority when all spectrum assignments are considered. However, CP Communications does agree that there should be an established, definable metric by which expanded Part 74 eligibility can be applied to worthwhile public and private, for-profit and non-profit organizations and welcomes further discussion on how to ensure the integrity of the licensing process.

Microsoft's argument for increasing the availability of spectrum for white space operations for Internet access seems to imply that overall Internet access is at risk if its proposals are not adopted.⁷ However, if rural broadband is the concern, geographically disparate operations re-using the same spectrum would seem to be a satisfactory solution unless Microsoft has some other purpose not articulated in its comments.

⁵ Microsoft also persists in arguing that its proposal will advance the deployment of rural broadband; but it does not offer to exclude from its large urban areas, where microphone spectrum needs are most intense, from its plans or to say that it will deploy in rural areas first. Since there is no evidence of a shortage of spectrum in rural areas, Microsoft's proposals seem like not only a solution in search of a problem but also a pathway toward making an existing situation worse.

⁶ See Microsoft Comments at p. 12.

⁷ See Microsoft Comments at p. 14.

For these reasons, CP Communications agrees with the other commenters who support a process through which such organizations with a clear need can become licensees with interference protection along with providing access to other spectrum bands to eligible licensees.

Respectfully submitted,



Peter Tannenwald
Michelle A. McClure
Counsel for CP Communications, LLC

Fletcher, Heald & Hildreth, P.L.C.
1300 N. 17th St., 11th Floor
Arlington, VA 22209-3801
Tel. 703-812-0404/0478
Fax 703-812-0486
tannenwald@fhhlaw.com
mcclure@fhhlaw.com

October 16, 2017