

Before the
Federal Communications Commission
Washington DC 20554

In the Matter of)	
)	
Promoting Spectrum Access for Wireless)	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)	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)	Docket No. 12-268
Opportunities of Spectrum Through)	
Incentive Auctions)	

**REPLY COMMENTS OF
SENNHEISER ELECTRONIC CORPORATION**

Sennheiser Electronic Corporation ("Sennheiser") hereby replies to comments filed in response to the Further Notice of Proposed Rulemaking ("FNPRM") issued in the above captioned proceedings.¹

Commenters are almost uniformly supportive of the Federal Communications Commission's ("FCC" or "Commission") proposal to modify Part 74 to allow for additional professional performing arts groups to obtain a license for wireless microphone operations. The major wireless microphone

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, 600 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 600 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. 6077 (2017) ("FNPRM").

manufacturers, Sennheiser and Shure, as well as the Recording Academy, CP Communications and the Performing Arts Wireless Microphone Working Group, all support the Commission's proposed two-part test to expand the class of qualified Part 74 licensees to include certain professional users that do not routinely use 50 or more wireless microphones.² These supporters detail the need for the FCC to provide for interference protection for certain wireless microphone users that otherwise do not qualify.³

In addition to these filings, dozens of other performing arts groups have filed in support of the proposed rule change.⁴ Like the dozens of theaters, orchestras, and other professional performers that previously filed in these dockets,⁵ these parties represent a class of professional users that would not otherwise receive interference protection absent a rule change.

Shure suggests several refinements to the Commission's proposal, chiefly that applicants supply a narrative justification of their need to provide professional grade audio, and that applications contain an electronic certification to affirm that an applicant has sufficient knowledge and training to operate as a licensed user of the spectrum.⁶ Sennheiser supports both proposals, as they are a sensible means for the Commission's staff to ensure that an applicant meets the qualifications. The proposals also are in line with what the FCC traditionally requires of license applicants in other services.

² CP Communications Comments at 3; Ex Parte Presentations of the Performing Arts Wireless Microphone Working Group; Recording Academy Comments at 5; and Shure Comments at 7.

³ See Recording Academy Comments at 3-4 and Shure Comments at 8-9.

⁴ See, e.g., Comments of the Mercury Theater Chicago (filed Oct. 11, 2017); Comments of Oregon Cabaret Theatre (filed Oct. 10, 2017); Comments of the Paper Mill Playhouse (filed Oct. 11, 2017); Comments of the Pittsburgh Public Theater (filed Oct. 11, 2017); Comments of Theatre Sound at Purdue University (filed Oct. 10, 2017); and Comments of the Theatrical Sound Designers and Composers Association (filed Oct. 11, 2017).

⁵ See detailed list of parties filing in 2015, Sennheiser Comments at n. 7.

⁶ See Shure Comments at 9 and 10.

The lone opposition to the Commission’s proposal is Microsoft, which seeks to maximize use of unlicensed TV band spectrum for white space devices.⁷ In Microsoft’s view, the Commission has done enough for wireless microphone users, and professional performing arts groups not currently eligible for a Part 74 license should use unlicensed frequencies or other frequency bands that are poor substitutes for UHF.⁸ Acceptance of Microsoft’s position would require the Commission to reverse course on numerous findings, such as that: spectrum available in the TV bands for wireless microphones will be “substantially reduced” after the repacking;⁹ certain unlicensed wireless microphones users “have identical or similar needs for interference protection” as those that currently qualify for Part 74 licenses;¹⁰ and the “50 or more” microphones requirement served only as a proxy for users with professional needs and did not account for all such users.¹¹ There’s no justification in the record for the Commission to withdraw these findings.

Finally, Microsoft claims that expanding Part 74 license eligibility will impede the provision of “internet access” to the public.¹² Of course, not expanding Part 74 eligibility will impede the creation of content, something which has made U.S. internet businesses so successful. More importantly, it is readily obvious that Microsoft does not need access to white space spectrum to provide internet service in rural areas, where the TV bands will not be densely used, but rather needs the spectrum to provide service in urban areas. This underscores the need for the Commission to make a fact-based decision in this proceeding, rather than relying on unsupported assertions by just one party.

⁷ Comments of Microsoft Corporation, Docket Nos. 14-166, 14-165 and 12-268 (filed Oct. 2, 2017) (“Microsoft Comments”).

⁸ See Microsoft Comments at 7-9.

⁹ NPRM at ¶ 83.

¹⁰ NPRM at ¶ 84.

¹¹ NPRM at ¶ 85-86.

¹² Microsoft Comments at 13.

Given the nearly wholesale support in the record for the Commission's proposed rule change, the Commission should move forward and adopt its proposals based on the suggestions of the supportive parties.

Respectfully submitted,

/s/

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