

**David H. Pawlik**  
*attorney at law*

1513 Defoe Street  
Rockville, MD 20850

Phone: 301-340-3329  
email: Dave@dhpawlik.com



March 9, 2018

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

Re: Ex Parte Presentation of  
The Performing Arts Wireless Microphone Working Group  
In GN Dockets No. 14-166 and 12-268 and ET Docket No. 14-165

Dear Ms. Dortch:

On March 8, 2018, representatives of The Performing Arts Wireless Microphone Working Group (the “Performing Arts Group”) met with Will Adams, Legal Advisor to Commissioner Carr, to discuss the Further Notice of Proposed Rulemaking in the above-cited dockets (the “FNPRM”).<sup>1</sup> The Performing Arts Group representatives were Laurie Baskin, Director of Research, Policy & Collective Action for Theatre Communications Group (“TCG”); Najean Lee, Director of Government Affairs & Education Advocacy of the League of American Orchestras; Michael Lewan, Director of Government Relations for the Recording Academy; and the undersigned, *pro bono* counsel to TCG and the Alliance of Resident Theatres / New York (“ART/NY”).

The Performing Arts Group expressed its appreciation for the proposal to expand eligibility for Part 74 Low Power Auxiliary Station (“LPAS”) licenses contained in the FNPRM. The Group’s respective members have a demonstrable need for high-quality audio, both delivered directly to audiences and through hearing assistance systems in compliance with the Americans with Disabilities Act, and reliable intercom, cue, and control devices to prevent accidents and injuries to backstage personnel, actors, and audience members. The current licensing threshold of 50 wireless microphones in regular use is an ineffective proxy for actual need, which should be based on uses that cannot reasonably be replaced with wired devices or other technology. We noted that no new threshold based on the number of wireless devices or the type of applicant organization would be practical.

The Performing Arts Group recommended that instead of expanding unit numbers or the

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<sup>1</sup> *Promoting Spectrum Access for Wireless Microphone Operations*, 32 FCC Rcd. 6077, FCC 17-95 (released July 14, 2017).

types of organizations that would qualify for Part 74 licenses, the Commission should examine demonstrated need and specific operational criteria. First among these criteria is competent professional audio engineering expertise to handle frequency coordination, database registration, and compliance with Part 74 rules. Other factors that could be used to determine eligibility include a history of professional-quality wireless audio presentations to the public without causing any interference; a commitment to register for protection only the frequencies, times, and locations actually needed; and a practice of keeping logs of all wireless microphone uses, including frequencies.

The Performing Arts Group provided Mr. Adams with copies of its Comments and Reply Comments in this proceeding which elaborate on the group's recommendations and provide additional suggestions.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. H. Pawlik', with a stylized, flowing script.

David H. Pawlik  
*Pro Bono Counsel to TCG and ART/NY*

cc: Will Adams  
Najean Lee  
Michael Lewan  
Laurie Baskin