



January 14, 2015

Chairman Tom Wheeler  
Commissioner Mignon Clyburn  
Commissioner Jessica Rosenworcel  
Commissioner Ajit Pai  
Commissioner Michael O'Rielly  
c/o Marlene H. Dortch, Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Address  
P.O. Box 12039  
La Jolla, CA 92039

Administration  
858.550.1070

Fax  
858.550.1075

Box Office  
858.550.1010

Email  
information@ljp.org

Online  
LaJollaPlayhouse.org

**Re: Comments in ET Docket No. 14-165 and GN Docket Nos. 12-268 and 14-166 Via Electronic Filing**

Dear Chairman Wheeler, Commissioner Clyburn, Commissioner Rosenworcel, Commissioner Pai, Commissioner O'Rielly and Ms. Dortch,

On behalf of La Jolla Playhouse, located in La Jolla, CA, that provides approximately 250 performances a year to 100,000 audience members and education programs to 35,000 students [our mission is to *advance theatre as an art form and as a vital social, moral and political platform by providing unfettered creative opportunities for the leading artists of today and tomorrow*], I write with concern about protection for our wireless microphones and backstage communications devices.

I understand the Commission has ruled that performing arts entities that regularly use 50 or more wireless devices will be eligible to apply for a Part 74 license. I've also learned that the FCC is seeking Comment on a proposed rule that would prevent performing arts entities using fewer than 50 wireless devices from participating in the database. This would leave my organization without any interference protection mechanism from the many TV Band Devices that may soon flood the market. Frequency coordination with other known wireless microphone users has become common practice, but there is no way to coordinate with TVBD's if you don't know about them.

Thousands of performances are held by professional performing arts organizations each year and the use of wireless microphones is both essential to producing high-quality performances and also mitigates against significant public safety concerns. Professional wireless capability, with successful interference protection, is essential to our sector.

La Jolla Playhouse uses the following wireless devices in our spaces – which include four theatres seating between 100 and 500 people: microphones, in-ear communications (IFBs), cue and control devices and equipment controlling devices (not transmitting sound).

The Playhouse typically uses 10-30 wireless units in a presentation or performance. As a year-round theatre (and one in a unique position to share facilities with the University of California, San Diego Department of Theatre and Dance), we use wireless devices multiple times per week for the majority of the year.

The bands and channels that we use are:

- Low UHF (channels 14-36, 470 to 608 MHz)
- High UHF (channels 38-51, the 600 MHz band, 614 MHz to 698 MHz)

The microphones in our theatres are able to tune to more than one frequency. Their tuning ability is 470 – 512 MHz. All of our devices are capable of using TV bands; we simply avoid those particular frequencies. All of the Playhouse's wireless devices are analog, except some wireless control gear which is in the 2.4GHz range. This equipment is both owned and rented. Owned equipment has a reasonable life expectancy of 5 years.

In 2010, La Jolla Playhouse had to move out of the 700 MHz band, which required us to purchase all new wireless mics (14 channels) at a cost of approximately \$35,000. It then took multiple staff members in the Sound Department about a month to replace and retune all of the devices.

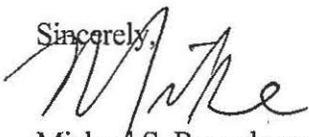
To ensure that wireless microphone users like the Playhouse transition to new, more efficient devices to the full extent possible, we suggest that the FCC fund replacements in full, out of the profits from sales of spectrum, including ancillary gear that would need to be replaced and/or upgraded for performance quality and compatibility. Ancillary equipment includes antennas, monitoring software and systems, mic belts, etc. Organizations required to make this change will also need to dedicate staff resources (labor and time), and a reimbursement to cover all or part of these costs would be extremely appreciated. The FCC should also guarantee that there will be no further adjustments needed for at least ten years, as these adjustments are a huge burden on thousands of nonprofit performing arts organizations nationwide.

As above, what would persuade us, and other arts organizations, to move out of the TV band, is the gift of equipment that is in the spectrum desired by others, contingent on our approval of the quality and usability of the gear; as well as a full or partial reimbursement for the staff labor and time necessary to make this large-scale transition. Additionally, the FCC's commitment to this for at least ten years would greatly reassure the organizations who need to make this change. Otherwise, we have no motivation to accommodate TV; it is our single biggest competitor. Asking us to spend funds to support their needs was and is unfair and monopolistic.

I appreciate that the Commission has sought Public Comment on these very important issues. Professional performing arts organizations should all have some sort of interference protection. While some entities will be protected by access to the geo-location database, many professional performing arts organizations will not under this plan. Further, I would request that the Commission consider the burden already borne by the performing arts community in vacating the 700 MHz band. I am concerned about the cost of once again replacing my theatre's sound equipment.

Performing arts organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; and in providing education, enlightenment, entertainment. They also contribute to local economies in every community across this country. I respectfully request that the Commission maintain access to interference protection and establish a mechanism to reimburse performing arts organizations for the cost of new equipment. Thank you for your consideration.

Sincerely,



Michael S. Rosenberg,  
Managing Director