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April 22, 2015

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

RE: **Notice of Ex Parte Presentation**

ET Docket No. 14-165, Amendment of Part 15 of the  
Commission's Rules for Unlicensed Operations in the  
Television Bands

Dear Ms. Dortch:

On April 20, 2015, representatives of the American theatre met with Gary M. Epstein of the Incentive Auction Task Force, Julius P. Knapp, Chief of the Office of Engineering and Technology (“OET”), and these OET leaders: Ira Keltz, Geraldine Matise, Allan Stillwell, and Paul Murray. The theatre representatives were Rocco Landesman, President Emeritus of Jujamcyn Theaters (formerly Chairman of the National Endowment for the Arts); Tom Viertel, Broadway producer and President of Scorpio Entertainment; Tom Ferrugia of the Broadway League; and the undersigned, *pro bono* counsel for the Alliance of Resident Theatres / New York, relaying the interests of non-profit theatres across America.

The theatre representatives expressed their appreciation for the consideration the Commission has provided to live theatre in the process of injecting new, unlicensed TV White Space (“TVWS”) devices into the television broadcast spectrum. Most notably, Broadway theatres will benefit from the expanded eligibility for Part 74 licenses, now including entities that routinely use 50 or more wireless microphones (and other communications devices operating wirelessly in the TV spectrum).

The representatives explained the importance of the hundreds of non-profit theatres across the country, including educational theatres, and other performing arts organizations that enrich the American experience by entertaining, inspiring, and educating millions of audience members on a regular basis. Some of

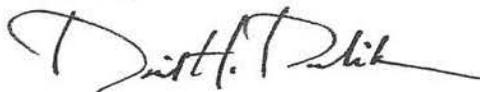
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these organizations that do not qualify for Part 74 licenses include major regional theatre companies, symphony orchestras, world-renowned dance and opera companies, non-profit theatres that perform in venues with fewer than 500 seats, and premier educational institutions. Many of these venues offer opportunities for developing talent that will become the next wave of artistic leadership in the entertainment industry. Their presentations are no less important because they routinely use fewer than 50 wireless microphones.

Under the Commission's current rules, unlicensed wireless microphone users can protect their performances from devastating interference by registering in the white spaces database. As the Commission prepares for operations in a smaller television band following the incentive auction, it is increasing the frequencies in which wireless microphones and TVWS devices must coexist. This makes coordination vital; but there can be no coordination without information. The Commission's existing rules take advantage of the nature and technology of TVWS devices by requiring them to search the database for open frequencies. Wireless microphone users currently consult the database to find frequencies that are not available to TVWS devices. When there are not enough, wireless microphone users may register their performances (dates, times, and locations) so they will not be interrupted by TVWS users. Wireless microphone users expect to continue consulting the database, but consultation to find open frequencies would be futile if there is no way to preserve those frequencies for the duration of the performances. Accordingly, the Commission should not adopt the proposed rule change that would eliminate database registration for unlicensed wireless microphones.

Commission staff shared their hope of finding new spectrum homes for wireless microphones and "back stage" intercoms and cue and control devices. The theatre representatives look to wireless microphone manufacturers to develop equipment for these new spectrum bands that will provide the sound quality American audiences have come to expect. The non-profit theatres, still reeling from the costs of transitioning out of the 700 MHz band, note that a move to all new equipment will be a severe financial strain, but both segments are hopeful that the Commission will be able to craft solutions that will preserve the vitality of the performing arts. They are willing to work with Commission staff to achieve that goal.

Sincerely,



David H. Pawlik  
*Pro bono counsel for*  
Alliance of Resident Theatres / New York

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cc: Gary M. Epstein  
Julius P. Knapp  
Geraldine Matisé  
Ira Keltz  
Alan Stillwell  
Paul Murray  
Chairman Wheeler  
Commissioner Clyburn  
Commissioner Rosenworcel  
Commissioner Pai  
Commissioner O'Rielly  
Renee Gregory  
Louis Peraertz  
Priscilla Argeris  
Brendan Carr  
Erin McGrath