

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000

FAX: (202) 393-5760

www.skadden.com

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DIRECT DIAL
202-371-7044
DIRECT FAX
202-661-9022
EMAIL ADDRESS
DPAWLK@SKADDEN.COM

May 12, 2009

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

RE: Ex Parte Presentation of
The Coalition of Wireless Microphone Users
in WT Dockets Nos. 08-166 and 08-167 and
in ET Dockets Nos. 04-186 and 02-380

Dear Ms. Dortch:

On behalf of the Coalition of Wireless Microphone Users ("CWMU"),¹ Antoinette C. Bush and I met on May 12, 2009 with the following personnel from the Commission's Office of Engineering and Technology: Chief Julius Knapp, Deputy Chief Ira Keltz, Deputy Chief Alan Stillwell, Associate Chief Bruce Romano, Chief of the Policy and Rules Division, Geraldine Matise, and (by teleconference) Chief of the Laboratory Division, Rashmi Doshi.

¹ CWMU is an informal organization of entities that use wireless microphones and other equipment operating on frequencies assigned to Low Power Auxiliary Stations under Part 74, Subpart H of the Commission's rules. Members of CWMU include The Broadway League; The Shubert Organization; Theatre Communications Group, Inc.; The Alliance of Resident Theatres/New York, Inc.; The Educational Theatre Association; League of Off-Broadway Theaters and Producers, Inc.; League of Resident Theatres; Sports Video Group, LLC; National Basketball Association; National Football League, National Hockey League, Major League Baseball; ESPN, Inc.; and News Corporation.

We discussed various issues related to the television "White Spaces" proceeding currently before the Commission, including license eligibility, the protection of existing Wireless Microphone users,² and relevant definitions. As it has expressed to the Commission before, CWMU believes that eligibility for Part 74 Subpart H licenses should be extended to include producers of live performing arts, cultural presentations (including religious presentations), professional or amateur sporting events, conventions or trade shows, or the owners or operators of venues where such events take place; or government or educational entities.

CWMU has proposed a limited 60-day amnesty period during which existing Wireless Microphone users could apply for licenses to cover their grandfathered uses of the television broadcasting spectrum. Following the termination of the amnesty period, the Commission could implement an eligibility standard to include those entities that need Wireless Microphones to further their goals of providing service to the public, while preserving spectrum resources for use by TV Band Devices ("TVBDs"). The Commission would, of course, be able to issue additional authorizations by waiver to entities that do not specifically fit the eligibility requirements.

We also noted that the concentration of theatres in the Broadway area of New York is a unique and important economic and cultural aspect of this country. In addition, we discussed the use of Wireless Microphones by religious and educational institutions in American cities. Although there are many religious and educational institutions in this country, not all of them use Wireless Microphones, those that do may not use them every day, and they don't use as many as large theatre productions or major sporting events. Wireless Microphones must be protected from TVBDs to avoid disruption to theatrical productions, sporting events, and other presentations. CWMU believes the best way to provide this protection is through a database, with attributes such as those described in CWMU's "Opposition" of May 8, 2009, in ET Dockets 04-186 and 02-380. CWMU believes that spectrum sensing would only be useful as a back-up to an effective database and the requirement for sensing in all TVBDs could be dropped without significant detriment.

CWMU members have been working toward eliminating any of their Wireless Microphones in the 700 MHz band and are preparing to comply with a date to be set by the Commission for completely abandoning that spectrum block. Meanwhile, CWMU is prepared to discuss times and locations for testing with new licensees in the 700 MHz band to ensure there are no disruptions to existing

² CWMU defines "Wireless Microphones" to include IFB systems and other wireless cue and control systems.

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operations pending an FCC decision specifying the date on which Wireless Microphones must cease operations in that band.

CWMU remains eager to discuss the White Spaces issues with any party and to assist the Commission in developing rules and procedures that will protect existing Wireless Microphone users in their provision of services to the public.

Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Pawlik", written in a cursive style.

David H. Pawlik
Counsel to
The Coalition of Wireless Microphone Users

cc: Julius Knapp
Ira Keltz
Alan Stillwell
Bruce Romano
Geraldine Matisse
Rashmi Doshi
Antoinette C. Bush