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June 25, 2009

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 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 June 24, 2009, the undersigned of this Firm, accompanied by Laurie Baskin of the Theatre Communications Group, Henry Cohen of Production Radio Rentals, Thomas Ferrugia of The Broadway League, Richard Fitzgerald of Sound Associates, Ginny Louloudes of A.R.T./New York, Heidi Mathis of The Shubert Organization, Kevin McCollum of The Producing Office/The Broadway League, James Palmarini of Educational Theatre Association, Rev. Kimberly Barnes, Associate Pastor of the Metropolitan AME Church, Paul Jackson of News Corporation, on behalf of the Sports Video Group, Kevin Kayes of Quinn Gillespie & Associates LLC, and Joshua Gruenspecht of Skadden, Arps, Slate, Meagher & Flom, LLP, on behalf of the Coalition of Microphone Users ("CWMU"),¹ had

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

meetings with: (1) Rick Chessen and Paul Murray of Acting Chairman Copps' office, (2) Commissioner Adelstein and Renée Crittendon,* and (3) Julius Knapp, Geraldine Matisse, Alan Stillwell and Ira Keltz of the Office of Engineering and Technology** to discuss the above-captioned proceedings.

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. We discussed narrowing the CWMU proposal by limiting the proposed language in Section 74.831 to "*professional* performances, events, religious, cultural or educational presentations." We suggested the addition of language clarifying that licenses should not be available for users that are not serving groups and/or can use a wired microphone.

CWMU also 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 issue additional authorizations by waiver to ensure that only those entities that need Wireless Microphones using Part 74 spectrum are licensed, while reserving spectrum resources for use by TVBDs.

In response to the May 15, 2009 ex parte submitted by Microsoft³ in the above-captioned proceeding, CWMU noted that Broadway Theatres do not use

Theatres/New York, Inc.; The Educational Theatre Association; League of Off-Broadway Theaters and Producers, Inc.; League of Resident Theatres; the African Methodist Episcopal Church; Sports Video Group, LLC; National Basketball Association; National Football League, National Hockey League, Major League Baseball; ESPN, Inc.; and News Corporation.

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

³ See Ex Parte Presentation in ET Docket Nos. 04-186 & 02-380 filed on May 15, 2009 by Edmond Thomas of Harris, Wiltshire & Grannis, LLP.

* Joshua Gruenspecht did not attend the meeting with Commissioner Adelstein.

** Paul Jackson and Kevin Kayes did not attend the meeting with OET.

Wireless Microphones 24 hours a day 7 days a week; rather, they are only in use for rehearsals and actual performances. The CWMU coalition also 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. In fact, some theatre organizations and education institutions only use Wireless Microphones 2-3 times per year. Larger theatre productions that travel often take their Wireless Microphones with them. To minimize possible problems and reduce preparation time in new cities, the Wireless Microphones might be sewn into the costumes. We also discussed the importance of Wireless Microphones to the safe operation of productions. Large theatre sets often have many moving parts and the crew communicate with performers and other crewmembers using Wireless Microphones. Interference during a production could result in serious accidents.

In response to questions from the FCC, the CWMU also stated that the theatre groups carefully coordinate with one another and other Wireless Microphone users to avoid interference. They believe that licensed Wireless Microphone users should be required to participate in the Database and coordinate their frequency usage.

We also discussed proposals put forth in these proceedings by Verizon Wireless and the Public Interest Spectrum Coalition ("PISC").⁴ Specifically, CWMU's members' reiterated their commitment to vacate the 700 MHz band, and explained that CWMU members already have incurred, and are continuing to incur, substantial expense in eliminating operation in that band. CWMU members appreciate the importance of clearing the 700 MHz band of Wireless Microphone use, and have purchased new equipment to do so. Given this commitment and expense, it would be manifestly unfair for the Commission to adopt Verizon Wireless' or PISC's proposals to reduce interference protection by rendering Wireless Microphones only co-equal with TV Band devices ("TVBDs") or else relegating them to operation under Part 15 of the Commission's Rules.

Moreover, CWMU explained that failure to protect Wireless Microphones would be a reversal of the FCC's position in the White Spaces order, which made clear that Wireless Microphones could be included in the database and

⁴ Notification of Ex Parte Presentation in WT Docket Nos. 08-166 & 08-167; ET Docket Nos. 02-380 & 04-186 filed on May 28, 2009 by Adam D. Krinsky of Wilkinson, Barker, Knauer LLP on behalf of Verizon Wireless.

protected against interference from TVBDs.⁵ This reversal would be very troubling because many users of Wireless Microphones believe that the FCC's White Spaces order guaranteed Wireless Microphones protection from interference by TVBDs. To illustrate this point, the CWMU provided copies of the attached article from "Christianity Today," which discussed the need for Wireless Microphone users to vacate the 700 MHz band. It then goes on to state:

The FCC addressed concerns about these devices in November by issuing a 130-page report. In short, Margraves says the report is "great news for wireless mic users!" "The FCC made a very clear and distinct priority to wireless microphones over TVBDs," Margraves says. "Specific channels in the UHF range have been set aside for wireless microphone users. There are also strict rules on exactly how TVBDs will operate, once on the market, and what they must do if they are in proximity of wireless mics."

Treating Wireless Microphones as co-equal to TVBDs would essentially provide no protection at all from the technology most likely to interfere with Wireless Microphone performance. Parties with equal status must negotiate interference with one another. Because temporary interference would not have the same devastating on TVBDs that it would have on Wireless Microphones, TVBD operators would begin any interference negotiation with much less to lose and thus a significant advantage. Likewise, the Part 15 regime would make Wireless Microphones co-equal with everything from garage door openers to home-built radio-controlled airplanes. Parties operating Part 15 devices have no vested or recognizable right to the continued use of any frequency, cannot cause interference to any authorized frequency use, and must accept interference from any authorized radio station or other Part 15 device. In short, we explained that placing Wireless Microphones on equal footing with TVBDs or Part 15 devices would make it impossible to secure investor backing for high-quality Broadway productions while simultaneously subjecting communications at major sporting events, churches and college classrooms to untenable interference.

Wireless Microphones must be protected from TVBDs to avoid disruption to theatrical productions, sporting events, and other presentations.

⁵ See *In re Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3GHz Band*, ET Docket Nos. 04-186 and 02-380, FCC 08-260 (rel. Nov. 14, 2008), at ¶¶ 89, 151 (noting that the FCC "will allow the operators of event and production facilities where low power auxiliary devices such as wireless microphones are regularly used to register those sites in the database" and that "it is in the public interest to preserve spectrum in the TV bands that is available for [Wireless Microphones'] use").

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CWMU believes that 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 members also stressed that they are not opposed to the introduction of TVBDs into White Spaces so long as Wireless Microphones are protected. 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,

/s/

Antoinette Cook Bush
Counsel to
The Coalition of Wireless Microphone Users

cc: Paul Murray
Rick Chesson
Renée Crittendon
Julius Knapp
Geraldine Matise
Alan Stillwell
Ira Keltz

The following article is located at:

<http://www.christianitytoday.com/yc/2009/mayjun/understandingnewwirelessmics.html>

your church

Understanding New Wireless Microphone Restrictions

Why your church likely needs to replace its wireless systems—and soon.

Tyler Charles

Monday, May 18, 2009

It's true. Regardless of how well your wireless devices work now, if they operate in the 700 MHz band (as many do), it's time to replace them.

When the government decided to transition from analog to digital television, this freed up the space in the 700 MHz band (698-806 MHz) used by broadcasters (and wireless microphones). In 2008, the Federal Communications Commission auctioned off slices of this spectrum—for billions of dollars—to Verizon, AT&T, and others. When the digital TV transition happens (now slated for June 12, 2009), these companies will start using their respective slices of the spectrum.

What does this mean for churches using 700 MHz wireless devices (including mics, in-ear monitors, and wireless intercom systems)?

"The 700 MHz band has been reallocated and the bottom line is that *any* wireless mic that operates in the 700 MHz band—and that's a lot of them—needs to be replaced," says Chris Lyons, manager of technical and educational communications for Shure Inc., a microphone and audio systems provider.

The FCC hasn't set an official date for when current users must stop using the 700 MHz band, meaning churches aren't required by law to make a change—yet. But that doesn't mean churches won't encounter problems with the way their equipment works in the near future.

"We don't know when the FCC will tell users to get out of the 700 MHz band," says Lyons, "but whether you can or can't [legally populate the 700 MHz band], by the end of 2009, you'll be experiencing interference."

Lyons says it won't happen instantly—acknowledging, for example, that churches in Chicago will notice interference before a church in Wyoming—but it's just a matter of time.

If churches are hoping this problem will be avoided, they're going to be disappointed.

"Sooner or later, Verizon, AT&T, and others who invested billions of dollars in the 700

MHz spectrum are going to want the FCC to clear [unlawful users] out," says Lyons. "There is zero possibility that this will go away completely."

"It's best to assume you'll need to replace equipment by the end of the year."

Confusion for Churches

Tim Beverly, music director for Twin Lakes Church in Aptos, California, says, "I've heard rumblings about this, but at this point have not worried about it. I have a hard time believing that they would pass a law that would obsolete everything that's been out there, but who knows? I guess I'm sort of treating this like the Y2K scare; I didn't believe that either."

Matt Patman, technical arts director at Friendswood Community Church, also expressed doubts about this restriction. In the past two years, Friendswood—located south of Houston—was hit by Hurricane Ike and the recession. They have four units operating in the 700 MHz range, but because of financial limitations, Patman says, "We are not planning on replacing them at this time—hoping that we can keep them until next year."

Patman also thought his church might be protected by a license, but that's not the case.

Kent Margraves, national applications manager for Sennheiser Electronic Corporation, says that out of the millions of wireless microphones in use, less than 1,000 are licensed.

"Even if they are licensed, it doesn't matter," Margraves says. "They will still have to vacate when the time comes. An official ban has not yet been ruled, but when it is, it will include them."

As for the churches choosing to do nothing, Margraves says the results will vary.

"Their wireless systems will *not* suddenly fail or shut down. They will, however, be at an increased risk of interference," he says. "As the new users of the 700 MHz band come online, wireless channels in that range may experience interference from cell phone and data services, emergency first responders, or other new services."

"My biggest concern for churches on this topic is reliable performance. If a church is operating between 698-806 MHz, it is not unlikely that they will experience some sort of new interference in the coming weeks, months, or years."

The Dollars and Sense

For churches with multiple wireless devices, replacing everything may be expensive. Wheaton Bible Church in Wheaton, Illinois, recently spent about \$36,000 replacing its wireless devices. It was able to purchase 16 channels of new wireless microphones (Shure's top of the line UHF-R series) thanks, in part, to a \$6,000 rebate it will receive from Shure.

"If it weren't for the rebates, I would not have been able to get the UHF-R series mics," says Shelton Thompson, technical director at Wheaton Bible. "So it's a great deal for us."

As churches explore replacement options, their first step should be to contact the

manufacturer of their current wireless devices. Most manufacturers (including Shure, Sennheiser, and Sony) offer rebates. The rebates offered by Sennheiser and Shure are available through the end of 2009.

Margraves references one megachurch that chose to purchase three high-end wireless systems in conjunction with more wired microphones instead of replacing dozens of wireless systems.

"All users should review their wireless needs," says Margraves. "There is nothing wrong with plugging in wired microphones in some cases."

The best option for most churches is to purchase systems in the 500 MHz band. Although other, more expensive, options do exist, such as 900 MHz or even 2.4 GHz systems, moving down to the 500 MHz range is the most efficient (and cost-effective) option.

Churches that don't trade in their soon-to-be-defunct systems as part of a rebate offer can follow the example set by Watermark Community Church in Dallas.

Watermark had six channels operating in the 700 MHz band, but it was able to replace that equipment with older equipment it stopped using after its move to a permanent campus less than two years ago. Watermark then donated its 700 MHz devices to missions groups in countries unaffected by the new restrictions.

Ryan Howell, technical director at Watermark, thinks this is a viable option for other U.S. churches forced to transition out of the 700 MHz band.

"The sad truth is, the gear is perfectly fine, but we are no longer allowed to populate the 700 MHz band," he says. "Other countries don't have those restrictions, and with a perspective that the investment was for ministry purposes, why not give the equipment to another organization that can use it to reach others for Christ?"

The Future for Wireless Mics?

For churches concerned that future spectrum auctions could force them out of the 500 MHz band, Lyons and Margraves both say this is unlikely. But some wireless mic users have expressed concerns about another current issue: the inception of white space devices.

These devices, also called TV Band Devices (TVBDs), aren't fully developed yet. But when these devices are available to consumers (probably in 2010), they'll provide wireless access by detecting existing signals and operating in unused frequencies (or "white spaces").

The FCC addressed concerns about these devices in November by issuing a 130-page report. In short, Margraves says the report is "great news for wireless mic users!"

"The FCC made a very clear and distinct priority to wireless microphones *over* TVBDs," Margraves says. "Specific channels in the UHF range have been set aside for wireless microphone users. There are also strict rules on exactly how TVBDs will operate, once on the market, and what they must do if they are in proximity of wireless mics."

While the FCC's decision to reallocate the 700 MHz spectrum has been—and continues to

be—costly for churches, the silver lining is that churches can feel confident about the future of their wireless microphones operating in the 500 MHz band.

Tyler Charles is a freelance writer and assistant editor for PreachingToday's FaithVisuals.

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