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January 14, 2010

VIA ELECTRONIC FILING

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

Re: ***EX PARTE NOTICE***

Revision to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band, WT Docket Nos. 08-166 and 08-167

Dear Ms. Dortch:

This letter is to advise the Commission of ex parte communications occurring between Catherine Wang of Bingham McCutchen LLP, outside counsel to Shure Incorporated, and various Commission staff as described below. These communications were related to matters being considered in the above-referenced dockets, and occurred prior to the release of the Commission's Meeting Agenda for the January 20, 2010 Meeting, which notice commenced a Sunshine Period for these dockets.

On January 11 and 12, 2010, I spoke with Paul Murray, Paul d'Ari, and Jeff Tignor in the Wireless Telecommunications Bureau regarding potential information and labeling obligations related to wireless microphones being contemplated in the above referenced dockets. I summarized these concerns in an e-mail I sent on January 12, 2010 to Ruth Milkman, Chief of the Wireless Telecommunications Bureau. I also sent copies of the substance of this e-mail to Bruce Gottlieb and David Goldman, Legal Advisors to Chairman Genachowski; John Giusti, Legal Advisor to Commissioner Copps; Angela Giancarlo, Legal Advisor to Commissioner McDowell; Louis Peraertz, Legal Advisor to Commissioner Clyburn; Charles Mathias, Legal Advisor to Commissioner Baker; and Julius Knapp, Chief, Office of Engineering and Technology. Attached is a copy of the substance of the e-mails sent to Ms. Milkman and the above individuals.

If you have any questions regarding these communications, please do not hesitate to contact the undersigned.

Very truly yours,

/s/

Catherine Wang

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Substance of Electronic Communication
Sent to Ruth Milkman, Chief, Wireless Telecommunications Bureau
on January 12, 2010

Dear Ms. Milkman:

As the Commission contemplates imposing new information and labeling obligations on the wireless microphone industry (including, potentially manufacturers, distributors, rental houses, retailers and users), Shure Incorporated (“Shure”) asks the Commission to consider certain practical issues. On January 11 and 12, 2010, I spoke with Paul Murray, Paul d'Ari, and Jeff Tignor in the Wireless Telecommunications Bureau regarding potential information and labeling obligations and the impact on wireless microphone manufacturers such as Shure and those that participate in the Professional Audio Manufacturers Alliance (PAMA). This note summarizes and expands on the issues we discussed. At that time, we did not address, nor will this note address, the Commission’s authority, ancillary, or otherwise, to impose such requirements or Administrative Procedures Act issues that may be raised by such new proposed obligations.

At the outset, there is strong concern that imposing a 50 mW requirement on some uses (unlicensed) of wireless microphones should not be part of any consumer notice. This new requirement would be extremely confusing to consumers. Moreover, there are significant classes of wireless microphone equipment used by professionals (who may or may not be licensed) that such a requirement would disrupt. All wireless microphone equipment is certified under Part 74 which permits equipment to be designed to operate with up to 250 mW of output. Some equipment is rated at 100 mW or adjustable to 100 mW but may in fact radiate at lower powers due to body absorption. Body packs and in-ear monitor equipment are examples. Some equipment is preset to operate at 100 mW. While Shure strongly believes that the consumer language intended to cover this interim period should not impose a power limit at all (that is a more appropriate matter to consider in the Notice of Proposed Rulemaking if this is a Commission preference), certainly 50 mW is not an appropriate level. A power limit of 100 mW, while still problematic, would be strongly preferred.

To the extent that the FCC is considering mandating compliance with its new requirement within 30 days of the Federal Register publication of the consumer language, such a rapid implementation is not realistic. There has not been sufficient time or disclosure of the new requirements to say specifically how long it would take to implement and what would be involved. However, adding a new labeling or similar requirements from the manufacturers' view is no simple task and will involve significant changes of procedures and commitment of time and resources. If the Commission is committed to establishing a deadline, Shure recommends that a minimum 90-day period be considered, although it will be a logistical challenge even to meet this deadline.

There is also concern about the specific nature of the point of sale information requirements that will be imposed. Manufacturers communicate with their customers via websites and Distributor Advisories and Bulletins. There is a strong interest that new requirements not attempt to mandate that manufacturers attach external packaging labels or the like which is extremely burdensome and outside the ordinary business method of customer communications of a manufacturer. Point of sale requirements that pertain to a retailer would be different, of course, based on the way they interact with their customers.

Wireless microphone manufacturers also have practical concerns regarding actual labeling obligations. Shure, alone, has hundreds of affected SKUs. Product is already packaged and bundled and crated at various points in the distribution process. The process would need to be reworked in order to, among other things, designate product for U.S. (labeled) or overseas delivery (not labeled) at a different point in the process. There is also significant concern about how the Commission will treat product in the distribution pipeline. Significant delays and expenses, will be incurred by forcing new requirements -- especially packaging requirements -- on product in the pipeline (or product in the field.)

If the FCC attempts to mandate that distributors or retailers are to affix a label under new requirements, manufacturers are concerned about imposing size and other specific label requirements that impair the product packaging. If the Commission is inclined to impose size and specific label requirements, Shure would appreciate an opportunity to elaborate on the specific concerns we have regarding such obligations.

The above are specific practical concerns Shure wanted to bring to the Commission's attention. We hope staff finds this helpful. We would be happy to discuss any of these issues or other issues at your convenience.

Sincerely,

Catherine Wang

Counsel to Shure Incorporated