

**Before the Federal Communications Commission  
Washington, DC**

In the Matter of

Revisions to Rules Authorizing the Operation of Low Power Auxiliary Stations in the 698-806 MHz Band	) ) )	WT Docket No. 08-166
Public Interest Spectrum Coalition, Petition for Rulemaking Regarding Low Power Auxiliary Stations, Including Wireless Microphones, and the Digital Television Transition	) ) ) )	WT Docket No. 08-167
Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones	) ) ) )	ET Docket No. 10-24

**Additional Comments of Josephson Engineering, Inc.**

In our initial comments filed in this proceeding, we addressed the Commission's request for comment on expanded eligibility for Part 74 low power auxiliary station licenses with the suggestion that making these licenses available to non-broadcast users was unnecessary. This position was based on an essential assumption that may not be valid in the future, and on further consideration, we hope to discuss the underlying issue in a little more detail.

Non-broadcast users of wireless mics need interference protection to serve their audiences just as broadcasters need it. It is immaterial whether the served audience is watching TV, attending a theater or in a church. The Commission should consider this a basic tenet of this proceeding, and find it in the public interest to provide such protection. Wireless microphones are one of the most ubiquitously deployed radio communication devices, and are important for a wide variety of public and private events that benefit many classes of American society. From a policy standpoint, the Commission should continue to affirm this position, as it has begun to do in the R&O.

The TVBD rules today provide interference protection for licensed and unlicensed wireless audio devices alike through spectrum sensing and database registration mechanisms. All rules are subject to change, and in the event that these mechanisms are removed for non-broadcast wireless microphone users, there must be a facility for critical

wireless audio device users to remain protected from interference sources that might be authorized in the core TV spectrum.

While the TVBD rules now provide protection to wireless audio devices by design, there's no assurance that interference from these or other devices will continue to be avoided, given that Part 15 operation inherently provides no protection. Such protection is required for successful use of wireless audio devices in many public and private venues.

We suggest considering two options to resolve this requirement. One is to revise the definition of the Broadcast Auxiliary Service to include all types of public presentation, in which program content is delivered to an audience, regardless of the means by which it is delivered. In this way public wireless audio device users would appropriately be covered under Part 74, and eligibility should then be extended to such users. The other would be to revise Part 90 to permit licensed operation for wireless audio devices in the core TV spectrum at the 50 mW level. Such operation would have otherwise identical requirements to Part 15 wireless operation, but be co-secondary with other licensed users of the core TV spectrum and protected from interference from unlicensed users.

Respectfully submitted,

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