

MGM MIRAGE™

February 23, 2010

Chairman Julius Genachowski
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Further Notice of Proposed Rulemaking
WT Docket No. 08-166, WT Docket No. 08-167, ET Docket No. 10-24

Dear Chairman Genachowski:

MGM MIRAGE, one of the world's leading and most respected companies with significant holdings in gaming, hospitality and entertainment, is writing to express its concerns about some of the proposals affecting wireless microphone users contained in the Further Notice of Proposed Rulemaking released by the Federal Communications Commission on January 15, 2010, in the above-captioned dockets.

As detailed below, offering live entertainment and hosting large business conferences and conventions all play an important part in MGM MIRAGE's very successful hotel and resort businesses. These lines of business require the deployment of hundreds of wireless microphones (including wireless microphones, intercoms, and in-ear personal monitors) for each and every performance, conference and convention.

It is critical that the Commission's amended rules enable MGM MIRAGE to protect its extensive wireless audio operations from interference, and therefore MGM MIRAGE urges the FCC to expand the classes of parties and activities eligible for Part 74 licensing to include hotel, resort and convention center operators that use wireless microphones for live entertainment, trade conventions and business conferences.

Background. MGM MIRAGE has over 66,000 employees and owns and operates 16 properties located in Nevada, Mississippi and Michigan, and has 50% investments in three other properties in Nevada, New Jersey, and Illinois. MGM MIRAGE is the largest private employer in Nevada, and is most recognizable through our well-known hotel-casino resorts in Las Vegas and events and convention centers.

While casino gaming is still an important draw for our resorts, these enterprises have successfully evolved over the past several years to include an equally important emphasis on live entertainment, and a variety of business conferences and conventions. In fact, MGM MIRAGE and other hotels with successful live entertainment productions and conference facilities have helped lead the transformation of Las Vegas from a gambling hub to a world-class business and

cultural resort. Today, Las Vegas is an immensely popular destination for millions of tourists who visit each year. The live entertainment at MGM MIRAGE is a principal draw including well-known Cirque shows, or theater shows such as the Lion King.

Importance of Wireless Microphones. In total, MGM MIRAGE relies on the deployment of hundreds of wireless microphones, personal monitors, intercoms and related equipment operating in the television spectrum in order to successfully operate its businesses. The performer delivering the line or singing the song on stage is just one application for a wireless microphone in a typical Vegas performance. The band and supporting cast require dozens of in-ear monitors. Guitars and other instruments require their own wireless microphones. Stage crews rely on wireless gear to implement elaborate set and performer changes. Wireless communications play a critical safety role, and are considered show critical systems. Many of the stage elements, including the movement of both large set pieces and the artists tethered to them, rely 100% on the coordination afforded by wireless devices, and any interference with these systems would compromise the life safety standards set by our productions, and would necessitate the immediate stopping of a show in progress until clear communications could be re-established. Due to the mobility needed by technicians, in many cases wired communications are not a viable option.

These professional productions are sophisticated and complex. In addition to music and communications applications, wireless technology is widely used by these productions in the control and monitoring of systems such as pyrotechnics, atmospheric and special effects, lighting, and theatrical rigging winches with performers attached to them; again, life safety applications. All of the live entertainment shows at MGM MIRAGE are recorded. Some are broadcast over network television and/or cable television or distributed via satellite TV or streamed live over the Internet. MGM MIRAGE productions, along with other entertainment productions on the Las Vegas “strip,” are known as some of the most innovative and acclaimed productions in American live entertainment today. We are proud to say that these are some of the American productions that set the standard for the rest of the world and are a significant draw to international visitors.

Wireless microphones, personal monitors and communications devices also play a critical role in the business conferences and trade conventions hosted by MGM MIRAGE at its various facilities. Speakers in large conference rooms often require the mobility of a wireless microphone as they present their messages on stage and interact with the audience. On the convention floor, wireless microphones are used by many of the exhibitors as they make presentations about their products or services. Many business meetings today rival entertainment shows in terms of production values. Accordingly they employ the same audio, video, and special effects technology and techniques as entertainment shows, and are held to the same quality standards by attendees.

It is important to note that today’s wireless microphone use has developed in direct response to the demand of American audiences for superior quality audio in entertainment, at business conferences and conventions, as well as in news, sports, religious facilities, and schools.

Licensing Eligibility Must be Expanded. MGM MIRAGE requires multiple channels to support high-quality, interference free wireless microphone audio technology required by all of

these productions and events as much as conventional TV broadcasters, cable television providers, or filmmakers do. MGM MIRAGE, and other similarly situated resort/hotel/conference properties, use and depend on wireless audio in ways similar to eligible entities explicitly named in the Commission's Part 74 rules. As a practical matter, the FCC's rules have not kept pace with the widespread and varied use of wireless audio and MGM MIRAGE supports the Commission's efforts to update the rules to reflect the current reality of the important role that this wireless technology plays in American productions and business.

MGM Mirage believes it imperative that the Commission's new microphone rules established in this proceeding incorporate protections for the type of live entertainment, business conferences, and conventions that are offered by MGM MIRAGE and similar operators in the American hotel/resort and conference industry. Specifically, of the two types of wireless microphone operations proposed in the Further Notice (lower power unlicensed users subject to interference and licensed users with the option to operate at higher powers and receiving protection from interference through the geolocation database and otherwise), MGM MIRAGE strongly urges the Commission to ensure that it, and other operators like it, will be eligible to obtain the required Part 74 license.

In almost all of the occasions mentioned above, MGM MIRAGE requires the use of multiple wireless microphone channels simultaneously that could not be supported by the channels that may be available under Channel 21 (or in certain cities, two channels above channel 21) that the FCC assumes will be available for low power non-licensed use. Today, as in the past, MGM MIRAGE's professional productions and other large events avoid interference with television (and, where relevant, public safety), through careful and extensive frequency coordination. Our production staff diligently selects and coordinates their operating frequencies so as to avoid interfering with each other or television. Indeed, all of these "white space" frequencies in the core TV band are in use every night in virtually every hotel up and down the Vegas Strip. The coordination is difficult and challenging in today's spectrum environment but absolutely essential to preserve the value of the live entertainment production for paying visitors and even the life safety of the performers.

According to the interpretation by some parties, in channels other than the open channels below Channel 21 (and in certain cities two channels above 21), the Commission's proposed rules would accord interference protection only to licensees. Under this interpretation, non-licensees would be subject to interference from new white space devices entering this spectrum, leading to potentially devastating disruptions to productions such as MGM MIRAGE's live entertainment productions. Under this scenario, it will be important for MGM MIRAGE and similar enterprises to be able to obtain the secure frequency protection afforded by Part 74 licenses.

Additionally, these productions and other events would suddenly be subject to uncoordinated chaos if the Commission adopts rules that designate wireless microphones used in this context as Part 15 operations subject to interference from new unlicensed white space devices operating in the same frequencies, and both our productions, along with the WSD's attempting to operate in the same range, will be severely impaired. If Las Vegas' live entertainment productions are not accorded status under the Commission's amended rules to protect their wireless audio from interference, live entertainment will be forced back to the production values of the late 1960s. Producers will be forced to physically restrict the performers in their acts, rendering their shows

less “fan friendly” with less audience interaction. Tourist interest in our shows will dissipate -- an end result which would clearly impact MGM MIRAGE, but also negatively impacts the public interest in promoting the arts and culture mediums with the use of modern, cutting edge production techniques.

Finally, MGM MIRAGE and other wireless microphone users with needs for professional or professional quality audio production also require the flexibility to use equipment that radiates above the 50 mW power limit proposed for Part 15 Wireless Audio Devices. While much of MGM MIRAGE’s microphones are operated at relatively low power, it is not uncommon for a production to in some cases require the use of microphone, monitoring, or communications equipment radiating above 50 mW. Unprotected Part 15 operation limited to 50 mW simply will not support the extensive professional productions that are so important to the American hotel and resort industry.

Accordingly, MGM MIRAGE strongly supports the proposal to expand the class of parties that will be eligible to obtain a Part 74 wireless microphone license. The public interest requires that the Commission’s rules be updated to reflect the current reality of wireless microphone use and protect these uses.

Further, we suggest that in considering changes to the FCC’s wireless microphone rules that it adopt a simpler and streamlined licensing process that would facilitate a greater level of compliance with the FCC licensing process. The licensing process should also accommodate large users such as MGM MIRAGE, with multiple facilities and venues, and allow them to receive authorization to use wireless microphones in multiple venues with a single application.

MGM MIRAGE appreciates this opportunity to share with the Commission how wireless microphones play a major role in the hotel and resorts, business conference and conventions business. MGM MIRAGE cannot stress enough, though, how important it is that the Commission get it right in how it treats businesses like ours, and gives us the opportunity to be licensed under Part 74 and receive frequency protection.

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Feldman', with a long horizontal flourish extending to the right.

Alan M. Feldman
Senior Vice President, Public Affairs
MGM MIRAGE