

# AFTRA

American Federation of Television and Radio Artists, AFL-CIO

March 1, 2010

**VIA ELECTRONIC FILING**

Chairman Julius Genachowski  
Commissioner Meredith Attwell Baker  
Commissioner Mignon Clyburn  
Commissioner Michael J. Copps  
Commissioner Robert M. McDowell  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: Comments of the American Federation of Television and Radio Artists, AFL-CIO (AFTRA)**

**Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones WT Docket Nos. 08-166, 08-167, ET Docket No. 10-24**

Dear Chairman Genachowski and Commissioners Baker, Clyburn, Copps, and McDowell:

The **American Federation of Television and Radio Artists, AFL-CIO (AFTRA)** is a national labor organization representing over 70,000 actors, recording artists, broadcast journalists, disc jockeys, comedians, and other professional performers who work across the media and entertainment industry in television, radio, cable, sound recordings, music videos, commercials, audiobooks, interactive games and all formats of digital media. In order to deliver consistently high quality performances and adhere to standards of professionalism in their work it is essential that AFTRA members are able to rely upon interference-free wireless microphone systems. It is critical that the Commission's amended rules enable AFTRA's members to protect their extensive wireless audio operations from interference. Accordingly, AFTRA strongly urges the Commission to expand eligibility for Part 74, Subpart H licenses in the TV bands to include broadcast journalists who deliver major news and emergency broadcasts, news gatherers in the field, performers and artists who use wireless microphones for live performing arts and entertainment events, as well as owners and operators of venues where such events take place.

Under the Commission's proposed amended wireless microphone rules, it will be necessary to expand the Part 74 license eligibility criteria to protect wireless microphones as they are currently used. Live productions of professional arts and entertainment events, and broadcast news reports that require multiple vacant TV channels to accommodate complex audio operations are established, legitimate wireless microphone uses, and are sufficiently analogous to the uses now permitted under Part 74 so as to be a reasonable basis for expanding licensee eligibility. Many of our members' performances are recorded and distributed through live-streaming over the Internet, satellite radio and TV, private or closed-circuit video as well as through conventional broadcast radio and television. AFTRA members require high-quality, interference-free wireless microphone audio technology in their professional performances warranting the full interference protections that can only be assured under a Part 74 license.

AFTRA recording artists, actors, journalists and other performers often require sophisticated, innovative and complex professional audio technology to create high quality entertainment and news content. Increasingly, recording artists and singers are on tour for a greater part of the year, and rely

on dozens of wireless microphones and in-ear monitors for their onstage performances and live concerts. Because wireless microphones include cue and control devices, they are instrumental in preventing accidents and creating a safe work environment for performers. Wireless microphones provide the freedom to move about safely and quickly through stage environments and other settings. Stage crews stand ready with wireless gear to help effect complex and potentially dangerous set changes and staff coordination where even slight mistakes can lead to serious injuries.<sup>1</sup> For safety purposes, engineers are even controlling stage and set changes, including, for example, pyrotechnics, wirelessly in numerous modern performances. To put on successful live concerts and on stage productions with novel special effects, performers and production crew must have the ability to use wireless microphone systems without disruption from other spectrum users. Similarly, AFTRA broadcast journalists require interference-free use of wireless microphones for disseminating important news stories and emergency broadcasts to Americans through live reporting from the scene or event. Without the proper safeguards, the ability of AFTRA broadcast journalists to effectively inform Americans of critical stories which heavily rely on wireless microphone usage is seriously impacted.

We are deeply troubled over the prospect of new unlicensed devices operating on the same spectrum with less than adequate assurance that such devices will not interfere with the equipment our industry has utilized for decades.<sup>2</sup> It is vital to the professional careers of AFTRA members to be able to obtain interference protection as well as the ability to operate wireless microphone systems at power levels beyond 50 mW up to those specified in Part 74 as may be appropriate for the particular event and venue.<sup>3</sup> While many of the microphones used by AFTRA members are relatively low-power, the restrictions imposed by unprotected Part 15 operation limited to 50 mW simply will not support many extensive professional performances and productions that are crucially important to AFTRA members.

If AFTRA members' performances are not accorded license eligibility status, the Commission's amended rules will not protect their wireless audio systems from catastrophic interference and many performances will need to be significantly scaled back into far more limited productions. Some may even become unworkable in their current format.

Using innovative technology and careful and extensive frequency coordination, AFTRA members and other wireless microphone users have acted responsibly over the years to avoid interference with each other and with public safety in sharing the core TV bands during virtually every live performance by AFTRA members. This painstaking and complex coordination is an important foundation for all such live performances and events. AFTRA members have the incentive and demonstrated commitment to coordinate with other users as well as to comply with any new rules the Commission may establish that would require professional performers to reserve frequencies in a database based on time and location of expected use. In that regard, AFTRA strongly recommends that the Commission reform the licensing process for Part 74 licenses by eliminating out-dated, confusing, and unnecessary complexities in the FCC's application materials and process that serve only to deter users from seeking Part 74 licenses.

For these reasons, AFTRA strongly supports the proposal to expand the class of entities that will be eligible to obtain a Part 74 wireless microphone license. The Commission should reject calls to restrict this expansion<sup>4</sup> and instead should amend the rules to reflect that wireless microphones are an

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<sup>1</sup> See also The Coalition of Wireless Microphone Users ("CWMU") Opposition to Petition for Reconsideration, ET Docket No. 01-186, at 2 (filed May 8, 2009).

<sup>2</sup> See Amendment of Parts 15, 74 and 90 of the Commission's Rules Regarding Low Power Auxiliary Stations, Including Wireless Microphones, *Further Notice of Proposed Rulemaking*, FCC 10-16 at ¶ 109 (rel. Jan. 15, 2010) ("[S]everal commenters have proposed either that currently unauthorized wireless microphone users operate in the TV bands on a "co-equal" basis with unlicensed TV Band Devices or on an unlicensed basis under Part 15.")

<sup>3</sup> See 47 C.F.R. § 74.861(e).

<sup>4</sup> See, e.g., Adaptrum, Inc. ("Adaptrum") Petition, ET Docket No. 04-186, at 2 (filed March 18, 2009); Public Interest Spectrum Coalition ("PISC") Petition, ET Docket No. 04-186, at 8 (filed March 19, 2009); see also *ex-parte* presentation of Google Inc. in ET Docket No. 04-186 and WT Dockets Nos. 08-166 and 08-167 (filed April 24, 2009).

essential and legitimate audio technology used in virtually all professional and professional-quality performance and entertainment productions today. The requested expansion of Part 74 license eligibility is not proposed to inhibit development and deployment of new white space devices, but is necessary for the uninterrupted continuation of the established services provided to the public by wireless microphone users.

AFTRA members are eager to continue serving the public with their performances and productions, and their operations warrant effective protection from interference from new unlicensed devices. AFTRA therefore urges the Commission to act in the public interest by modifying its rules to permit AFTRA members to obtain Part 74 licenses.

Respectfully Submitted,

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Associate General Counsel

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American Federation of Television and Radio Artists, AFL-CIO