Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

REPLY-COMMENTS OF
THE PERFORMING ARTS ALLIANCE

Members:
American Music Center
Association of Performing Arts Presenters
Chorus America
Dance/USA
Fractured Atlas
League of American Orchestras
National Alliance for Musical Theatre
National Performance Network
OPERA America
Theatre Communications Group

March 22, 2010

REPLY-COMMENTS OF THE PERFORMING ARTS ALLIANCE

The Performing Arts Alliance is a national network of more than 6,000 organizational members comprising the professional, nonprofit performing arts and presenting fields. For more than 30 years, the Performing Arts Alliance has been the premiere advocate for America's professional nonprofit arts organizations, artists, and their publics before the U.S. Congress and key policymakers. Through legislative and grassroots action, the Performing Arts Alliance advocates for national policies that recognize, enhance, and foster the contributions the performing arts make to America. The Members of the Performing Arts Alliance are: American Music Center, Association of Performing Arts Presenters, Chorus America, Dance/USA, Fractured Atlas, League of American Orchestras, National Alliance for Musical Theatre, National Performance Network, OPERA America, and Theatre Communications Group.

Performances by opera and dance companies, choruses, symphony orchestras, contemporary music, and regional theatres reach a combined live audience of 104 million Americans annually and collectively represent an annual $6.8 billion dollar industry.

As good citizens of the spectrum, the Performing Arts Alliance and its Member organizations have encouraged all users in the performing arts industry to be compliant with the Commission's ruling to cease operations of wireless microphones in the 700 MHz band by the June 12, 2010 deadline. For example, member organization the Association of Performing Arts Presenters held a conference call with its members and created a technical fact sheet for vacating the 700 MHz band; Theatre Communications Group, upon request from the FCC, provided a list of trade groups, publications, and service organizations that the Commission could contact in its own outreach efforts. All of these service organizations have posted information on their respective websites and have included notices and articles in newsletters, listserves, and various publications to reach the broadest group of users in our industry.

We recognize and appreciate that the FCC is working to reorganize the broadcast spectrum and understand that new devices will soon be sharing the spectrum. We look forward to continued cooperation with the FCC in working toward a smooth transition in the shared use of the spectrum.

Toward that end, the Performing Arts Alliance wishes to followup on our previous filings and meetings with the FCC, and we continue to advocate for the legitimacy and protection of wireless microphones used in the performing arts.

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Expansion of Part 74, Subpart H Licensing Should Include the Performing Arts
We strongly urge the Commission to expand eligibility for Part 74, Subpart H licensing to include performing arts organizations. Both the Association of Performing Arts Presenters and the Coalition of Wireless Microphone Users (CWMU) recommend Part 74 Licenses be eligible to: 1) owners or operators of venues that present the performing arts; 2) producers of the performing arts such as dance, opera, theatre companies and orchestras; and 3) professional audio service contractors/suppliers of professional production systems used in the performing arts.

In filing these Reply-Comments, the Performing Arts Alliance would like to call the FCC's attention to Comments filed in this proceeding by the Association of Performing Arts Presenters and by the Coalition of Wireless Microphone Users, both filed on March 1, 2010. Theatre Communications Group, one of the Members of the Performing Arts Alliance, is also a member of the CWMU. Of the hundreds of filings in this docket, the Performing Arts Alliance believes these two warrant serious review by the Commission.

Performing Arts Investment in Wireless Technology
Performing arts organizations in the United States have made substantial financial investments in their technical equipment, including wireless microphones and communications devices used for backstage communications, in order to produce and present performances of the highest caliber, which our audiences have come to expect. It is this investment in sophisticated sound equipment that helps illustrate professionalism in our sector.

Interference Protection for the Performing Arts
These performing arts institutions made these investments expecting this equipment would last for many years. As a result of the Commission's recent Order, many of our members have had to invest in new equipment that can operate outside the 700 MHz band. Once this transition has taken place, these performing arts institutions would like assurance that their performances will not suffer interference. Therefore, the Performing Arts Alliance urges the Commission to allow performing arts organizations to be eligible for the protections offered by Part 74 licensing. When a geo-location database is finalized, it would be important for performing arts organizations to be included in the database, which will not only offer protection to arts organizations, but to TV band devices, as well.

Public Service by the Performing Arts
Performing arts organizations provide demonstrable service to the public in improving quality of life, preserving our cultural heritage, and in providing education, enlightenment, entertainment and, of course, contributing to local economies in every community across this country.

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The Performing Arts are Vital

In closing, the Performing Arts Alliance hopes that the FCC will rule in such a way as to allow new devices into the spectrum, but will also protect a vital sector in American society – the performing arts sector. The proposals put forth in this docket by the Association of Performing Arts Presenters and the Coalition of Wireless Microphone Users both advance viable options to the Commission, and we urge your serious review.

Respectfully submitted,

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