

June 22, 2010

Senator John Kerry
218 Russell Bldg., 2nd Fl.
Washington D.C. 20510

Charlotte St. Martin
Executive Director

Senator Olympia Snowe
154 Russell Senate Office Building
Washington, DC 20510

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Dear Senators Kerry & Snowe,

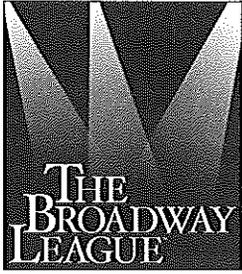
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On behalf of our audiences, performers, and employees, The Broadway League is very concerned about the immediate future of wireless microphones and cue control devices. The Broadway League has been the principal trade association for the commercial Broadway theatre industry for the past 80 years and represents over 700 members nationwide, including theatre owners, show producers, general managers and road presenters. Our members include the Citi Performing Arts Center and Massachusetts chapter of Broadway Across America. Live theatre has spent the past three decades building on the dynamic staging and vibrant performances afforded by wireless microphones and our sound engineers have consistently taken extraordinary measures to coordinate frequencies and ensure Broadway's low-powered wireless devices do not interfere with neighboring broadcasters. We have had an opportunity to review your June 14 letter to Federal Communications Commission Chairman Genachowski and, while we respect your tireless efforts to improve this country's technological environment, we are extremely concerned with some of your points.

As one of the few original American art forms, live theatre is an integral component to our nation's cultural and economic landscape. In 2009, Broadway contributed almost ten billion dollars (\$9.8) to the economy of New York City, directly and indirectly supporting over 84,000 full-time equivalent jobs. On a national level (exclusively outside New York), touring Broadway shows contribute over \$3.25 billion of additional spending into the nation's economy annually. The yearly attendance figures for people seeing a Broadway show in New York and across the country surpasses 27 million.

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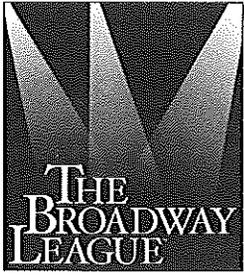


Live-theatre relies heavily on wireless microphones for its day-to-day operations. While your letter recognized the importance of wireless systems as an audio tool, it overlooked a myriad of other indispensable uses for the technology. Audiences understand that actors wear transmitters to dance and sing without cumbersome wires, but few realize musicians, technicians, stagehands and stage managers also use wireless devices. And while we skillfully create the illusion of magic nightly, each on-stage event – from pyrotechnic explosions, to set pieces elegantly gliding across the stage – is performed utilizing wireless control systems. One single Broadway production may easily require upwards of fifty individual wireless frequencies and without continued access to clear, interference-free wireless channels, live-theatre as we know it would cease to exist.

The Broadway League represents a vibrant, relevant and important national industry and one of our ongoing missions is to encourage young audiences to share in the world we create. To that end, we are continually expanding our internet presence. Consequently, we certainly recognize the importance of widespread broadband access at affordable rates. However, we strongly disagree with your conclusion regarding the level of protection incumbent wireless microphone users should receive.

Your letter suggests that licensing under Part 15 of the FCC's rules would be suitable for live theatre's needs. *Part 15, however, provides absolutely no protection from interference, even for a limited duration.* Part 15 licenses are commonly granted for non-commercial uses that can endure some level of disruption, such as citizen-band ('CB') radio equipment. Our wireless users, in contrast, operate under conditions that cannot withstand any interference whatsoever. Our audiences will not tolerate substandard sound quality or audio that cuts-out intermittently throughout the performance, while our actors' physical safety cannot be jeopardized by an inability to trust cues and the timing of back-stage engineers. We believe placing national theatre into the same licensing category as CB radios and garage-door openers is shortsighted at best.

Further, while our productions have never been eligible for FCC licenses (indeed, the vast majority of wireless microphones used in public performances of all types have not historically been eligible for licenses), our wireless equipment has always been FCC certified and has met all mandated criteria for system output and range of operation. And, as noted, our engineers spend countless hours fine-tuning the wireless systems of every show to make sure our performances do not interfere with local



broadcasters. Our engineers even began moving shows out of the 700 MHz portion of the wireless bandwidth shortly after the FCC announced its intention to assign that spectrum to other uses. In some cases, we took those steps a year before the FCC ordered the move.

We believe the only way to ensure theatre can continue operating without constant threat of disruption and our audiences can continue enjoying the experience they have come to expect is by expanding Part 74 licensing eligibility (which provides protection from outside interference). While we agree the FCC should move forward on its Broadband Action Agenda, we do not agree it should be done hastily and at the cost of indispensable institutions – such as houses of worship, schools and the performing arts – that cannot operate without wholly reliable wireless systems.

Sincerely,

Paul Libin,
Chairman

Charlotte St. Martin,
Executive Director

Tom Viertel,
Chair of the Government
Relations Committee

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