SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

1440 NEW YORK AVENUE, N.W.
WASHINGTON, D.C. 20005-2111

TEL: (202) 371-7000
FAX: (202) 393-5760
www.skadden.com

DIRECT DIAL
202-371-7044
DIRECT FAX
202-661-9022
EMAIL ADDRESS
OPAWLIK@SKADDEN.COM

FIRM/AFFILIATE OFFICES
BOSTON
CHICAGO
HOUSTON
LOS ANGELES
NEW YORK
PALO ALTO
SAN FRANCISCO
WILMINGTON
BEIJING
BRUSSELS
FRANKFURT
HONG KONG
LONDON
MOSCOW
MUNICH
PARIS
SÃO PAULO
SHANGHAI
SINGAPORE
SYDNEY
TOKYO
TORONTO
VIENNA

September 15, 2010

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20554

RE: Ex Parte Presentation of
The Coalition of Wireless Microphone Users
in WT Dockets Nos. 08-166 and 08-167 and
in ET Dockets Nos. 04-186 and 02-380

Dear Ms. Dortch:

On September 15, 2010, the undersigned, along with Thomas S. Ferrugia, Director of Government Relations for the Broadway League, and Antoinette Cook Bush of this firm, on behalf of the Coalition of Wireless Microphone Users ("CWMU"),[1] spoke with John Giusti, chief of staff and legal advisor to Commissioner Michael Copps.

We discussed the Office of Engineering and Technology's proposal to set aside certain TV Band frequencies specifically for wireless microphones and the availability of other TV channels that would not be usable by new "White Space Devices." We discussed further the ability of wireless microphone users to register future uses in the TV Band database to be developed and operated under the Commission's supervision. CWMU members continue to have concerns that as long as their equipment is unlicensed and regulated under Part 15 of the Commission's rules, they would potentially be subject to interference from other radio frequency devices.[2] Interference with wireless microphones would be devastating to the

---

[1] CWMU is an informal organization of entities that use wireless microphones and communications devices (including, e.g., IFBs and IEMs) in the provision of services to the public (including theatrical productions, church services, and sporting events). Members of CWMU include The Broadway League; The Shubert Organization; Theatre Communications Group, Inc.; The Alliance of Resident Theatres/New York, Inc.; The Educational Theatre Association; League of Off-Broadway Theaters and Producers, Inc.; League of Resident Theatres; the John F. Kennedy Center for the Performing Arts, the African Methodist Episcopal Church; Sports Video Group, LLC; National Football League, National Hockey League, Major League Baseball; ESPN, Inc.; and News Corporation.

[2] *See, e.g.*, 47 C.F.R. § 15.5.

audience's appreciation of a theatrical presentation, a sports event, or a religious service. Interference with cue and control devices during a production with moving set elements could easily endanger life and property. Accordingly, CWMU members continue to seek eligibility for licenses under Part 74 of the Commission's rules. CWMU believes that the Commission should take an active role in establishing rules for the operation of the TV Band database so that important decisions regarding registration are not left to the database operators.

CWMU expressed concerns about the process by which White Space Devices would check with the database to confirm the availability of free channels for their use. It was initially planned that these check-ins would be performed only once every twenty four hours and would only account for uses of the frequencies at the time of the check-in, thus missing database entries for scheduled uses later in the same day. This problem could be corrected by a requirement that White Spaces Devices check-in more frequently, such as every few minutes. We understand that this issue is receiving Commission attention.

CWMU is not opposed to the proposed separation requirement of 400 meters between low-power White Space Devices and database-registered wireless microphones. We understand that portable devices will need to check-in any time they move more than 100 meters, yet, under the current rules, geolocation and reported coordinates of the devices need to be accurate only to plus or minus 50 meters. Current consumer technology enables much more accuracy than this and, given the reduced separation radius, the accuracy of White Space Devices should be increased.

CWMU members appreciate the efforts of the Commission to develop rules and procedures that will protect incumbent wireless microphone users in their provision of services to the public.

Sincerely,

David H. Pawlik
Counsel to
The Coalition of Wireless Microphone Users

cc: John Giusti