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November 17, 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 November 17, 2010, the undersigned, along with Thomas S. Ferrugia, Director of Government Relations for the Broadway League; Henry Cohen, President of Production Radio Rentals, Inc.; T. Richard Fitzgerald, CEO of Sound Associates, Inc.; and Laurie Baskin, Director of Government & Education Programs of Theatre Communications Group, on behalf of the Coalition of Wireless Microphone Users ("CWMU"),¹ met with Chief Julius Knapp and Associate Chief Bruce Romano of the Office of Engineering and Technology.

CWMU members are making efforts to determine what is necessary to comply with the rules adopted in the *Second Memorandum and Order* in this proceeding without sacrificing the services that they provide to the public through the use of wireless microphones, intercoms, and cue and control devices. We

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.

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discussed the requirements and restrictions that will apply to the registration of wireless microphones in the TV Bands Database and presented a list of questions (*see* the attached document), the answers to which would help us understand future operations under the Commission's rules and policies.

Sincerely,

A handwritten signature in black ink, appearing to read "D. H. Pawlik". The signature is fluid and cursive, with a large initial "D" and "P".

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

cc: Julius Knapp
Bruce Romano

enclosure

Wireless Microphone Database Issues

1) Interference-Free TV Channels for Wireless Microphones

- a) To qualify for database registration, unlicensed users of wireless microphones (“WMs,” including intercom and cue-and-control devices) must certify that they are using all TV channels not available to TVBDs.
 - i) If a channel first-adjacent to a TV station can be used by a fixed TVBD communicating with another fixed TVBD or by a 40 milliwatt TVBD, is that channel “available to TVBDs”?
 - ii) What mechanism will be available to WM users to positively, accurately, and efficiently identify all TV channels not available to TVBDs in a location, and when will that mechanism be in place?
- b) WM users must certify that they use all TV channels not available to TVBDs that can “practicably” be used.
 - i) If audio engineers determine that no high-quality equipment is manufactured for use in VHF channels, must those channels still be used before database registration is possible?
 - ii) Can the cost of acquiring new WM equipment make the use of certain channels impracticable?
 - iii) In some cases of congestion, it may not be technically possible to meet the “benchmark” of 6-8 channels. How will this affect the certification?

2) Database Registration

- a) Will WM users need to provide any documentation regarding the use of available channels at the time of registration, or will it require only a certification?
- b) If details of a WM use are provided to the FCC 30 days in advance, how will changes after that be handled?
- c) The 30-day period will be used for public comment or objections.
 - i) What are the appropriate issues on which to base an objection?
 - ii) What opportunity will be given to the registrant to reply to comments and objections?
 - iii) Will unresolved objections prevent the WM user from registering in the database?

- d) The information registered in the database includes the name of the “owner” of the WM equipment. Can the procedures permit the substitution of a frequency coordinator, who may be more important to identify than the owner of the equipment?

3) Database Registration Propagation

- a) What kind of time limit will be placed on the sharing of registration information among multiple TV Band databases? To avoid potential “warehousing,” can this be done on a real-time basis?

4) Database Introduction and Treatment of Preexisting Productions

- a) There are a number of long-term ongoing productions, such as TV shows and theatricals, that would require database registration.
 - i) How much of an advance notice will be available to permit the registration process to take place before the inception of TV Band Device use?
 - ii) If existing productions do not meet all of the requirements for database registration (*e.g.*, a production does not fully use all TV channels not available to TV Bands), will there be an opportunity for waivers to (1) permit productions to meet requirements; (2) finish off the remainder of a scheduled run without meeting the requirements; or (3) order and install new equipment that permits compliance?
 - iii) Will the cost of new equipment or financial hardship be a factor in requesting a waiver of the registration requirements?

5) Interference with Registered WM Uses

- a) If a production has been registered in the database and it encounters interference to WMs apparently caused by a TVBD, what steps can the registrant take to clear the interference in real time?