

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

JOINT MOTION FOR EXTENSION OF TIME TO FILE COMMENTS

Pursuant to Section 1.46 of the Commission’s Rules, 47 C.F.R. § 1.46, Shure Incorporated (“Shure”), Audio-Technica U.S., Inc. (“Audio-Technica”), ESPN, Inc. (“ESPN”), Lectrosonics, Inc. (“Lectrosonics”), Robert Bosch LLC (“Bosch”), Sennheiser Electronic Corporation (“Sennheiser”), The Society of Broadcast Engineers, Inc. (“SBE”), and The National Football League (“NFL”) (together, the “Parties”), hereby respectfully request an extension of the deadline set by the Commission for filing comments in this proceeding in the November 2, 2012 Public Notice.¹ For the reasons set forth herein, the Parties request that the comment periods in this proceeding be modified so as to coincide with the comment cycle

¹ See FCC Public Notice, *The Wireless Microphones Proceeding, Comment Deadlines Established*, DA 12-1763 (rel. Nov. 2, 2012). See also 77 Fed. Reg. 64446 (Oct. 22, 2012) (“Public Notice”). Currently, comments related to the Public Notice are due on November 21, 2012, and reply comments are due on December 12, 2012. See *id.*

established by the Commission in the *Incentive Auctions NPRM*²: December 21, 2012 and February 19, 2013.³ There is good cause for the Commission to modify the Public Notice’s comment deadlines, and providing the requested extension of time will not cause prejudice or hardship to any interested parties or to the Commission. The Parties recognize that although the Commission does not routinely grant filing extensions,⁴ the Commission has done so when necessary to give parties a meaningful opportunity to develop a complete record for the Commission’s consideration, including situations where separate proceedings raise similar issues best addressed in a coordinated manner.⁵

I. Many of the Issues Raised in the Public Notice Are Entwined with Issues Under Consideration in the *Incentive Auctions NPRM* and Their Comment Cycles Should Therefore Be Coordinated

In the recently released *Incentive Auctions NPRM*, the Commission recognized that the proposal to auction and reorganize the UHF TV bands may reduce the spectrum available in the TV bands for secondary use by licensed and unlicensed wireless microphones as well as for

² See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking, GN Docket No. 12-268 (rel. Oct. 2, 2012) (“*Incentive Auctions NPRM*”).

³ The Parties make clear that they are not requesting that the Commission consolidate the two proceedings together and that they intend to respond to the issues raised by each proceeding separately. However, modifying the Public Notice deadlines to correspond with the *Incentive Auctions NPRM* deadlines will allow interested parties to coordinate their analyses of the various intertwined issues raised in these separate proceedings, which will benefit both the Commission and the interested parties.

⁴ See 47 C.F.R. § 1.46(a).

⁵ See, e.g., *Applications of Verizon Wireless and Leap Wireless for Commission Consent to the Exchange of 700 MHz Band A Block, AWS-1, and Personal Communications Service Licenses*, Order, ULS File No. 0004942973 et al., DA 11-2096 (WTB rel. Dec. 30, 2011) (modifying filing deadlines in a proceeding so as to “consolidate consideration of the subject applications” that involve similar issues); *Service Rules for the 698-746, 747-762 and 777-792 MHz Bands, et al.*, Order, WT Docket No. 06-150 et al., DA 06-1880 (rel. Sept. 15, 2006) (modifying comment filing deadlines so as to ensure that separate related proceedings coincide with one another); *Petition of WorldCom, Inc. Pursuant to Section 252(e)(5) of the Communications Act for Preemption of the Jurisdiction of the Virginia State Corporation Commission Regarding Interconnection Disputes with Verizon Virginia Inc., and for Expedited Arbitration, et al.*, Order, CC Docket No. 00-218 et al., DA 03-3029 (WCB rel. Oct. 3, 2003) (granting a motion for extension of time to allow parties to file comments on two related proceedings on the same day).

unlicensed white space devices.⁶ The Commission seeks comment on, among other things, a number of issues aimed at promoting the efficient and effective operation of wireless microphones in the TV broadcast spectrum.⁷ Correspondingly, the Public Notice seeks to “refresh the record” on two primary topics related to wireless microphones: 1) whether license eligibility should be expanded for certain Part 74 wireless microphones, and 2) what steps the Commission should take to promote more efficient use of spectrum by wireless microphones. Without restating the myriad specific overlapping topics the Commission seeks information on under these broad headings, the information requested by the Commission in the Public Notice is clearly intertwined with the issues raised in the *Incentive Auctions NPRM*. In fact, the Public Notice and *Incentive Auctions NPRM* both explicitly tie themselves to each other: “We ask that these comments take into consideration recent industry developments, including advances in wireless microphone technologies, *as well as related Commission proceedings that affect use of wireless microphones, including the TV White Spaces proceeding and the Incentive Auctions proceeding proposing auction of spectrum currently allocated to television broadcasting.*”⁸ Likewise, in the *Incentive Auctions NPRM*, the Commission noted that it intends to issue a public notice to refresh the record on expanding eligibility for licensed operations to specified classes of users, and on improved efficiency standards.⁹

Parties interested in wireless microphone issues will surely need to consider the issues raised in both the Public Notice and the *Incentive Auctions NPRM* concurrently. For example, interested parties looking to respond to the Public Notice’s request for comment on whether to

⁶ *Incentive Auctions NPRM*, at ¶¶ 221-239.

⁷ *Incentive Auctions NPRM*, at ¶¶ 215-26.

⁸ Public Notice, at 64,446-47 (emphasis added).

⁹ *See Incentive Auctions NPRM*, ¶ 224 n.354.

expand wireless microphone license eligibility requirements¹⁰ will need to consider their response to the *Incentive Auctions NPRM* query on how the Commission should accommodate wireless microphone operations in the context of an overall reduction of available UHF spectrum and the creation of proposed guard bands for unlicensed use.¹¹ These issues cannot be considered independently, as one issue necessarily affects the other.¹²

The Commission should not require parties to address the issues raised by the Public Notice in a vacuum, which would be costly and inconvenient to all of the parties concerned, and would be an unnecessary barrier to the development of a comprehensive record in both proceedings.¹³ Rather, the Commission should allow interested parties to respond to the issues raised concurrently.

II. An Extension is Warranted Because the Public Notice Involves Complex Technical and Operational Issues and Comes in the Midst of the Audio Community’s Implementation of the Recent Regulatory Regime Established in the White Spaces Proceeding

The Public Notice and the *Incentive Auctions NPRM* come on the heels of recent significant regulatory transformation(s) affecting the wireless microphone community. The wireless microphone community is in the midst of adapting to the dramatic change in operations

¹⁰ Public Notice, at 64,448.

¹¹ *Incentive Auctions NPRM*, ¶ 224.

¹² Similarly, the information requested in the Public Notice on “wireless microphone technologies that are enabling more efficient use of spectrum,” Public Notice, at 64,449, clearly dovetails with the request for information in the *Incentive Auction NPRM* concerning the extent that wireless microphone technology advances may enable operations in the guard bands, including with respect to co-existence with other operations in that band. *Incentive Auctions NPRM*, ¶ 226.

¹³ Congress, through Section 4(j) of the Communications Act of 1934, as amended, granted the Commission broad discretion to “conduct its proceedings in such a manner as will best conduce to the proper dispatch of business and to the ends of justice.” 47 U.S.C. § 154(j). The Courts have, in turn, found that this procedural discretion delegates to the Commission the “power to resolve ‘subordinate questions of procedure . . . [such as] the scope of the inquiry, whether applications should be heard contemporaneously or successively, whether parties should be allowed to intervene in one another’s proceedings, and similar questions.’” *FCC v. Schreiber*, 381 U.S. 279, 289 (1965) (internal citations omitted).

called for by the Commission's White Spaces proceeding.¹⁴ Among other things, that proceeding created newly identified "reserved" TV channels (which vary by market) for general daily operation and a new geolocation database registration scheme for operations that exceed the spectrum available through the reserved channels. The wireless microphone user community will have to make significant changes to their operations to ensure that their use of wireless microphones can continue without interference from white space devices.

The Public Notice announcing final implementation of the database was only recently released on March 26, 2012,¹⁵ and the Notice regarding special, more complex procedural rules for use by unlicensed parties was released on September 19, 2012. To date, no geolocation database has been authorized to operate on a nationwide basis. The wireless microphone manufacturers are currently devoting all available business change resources to educating users on the daily operating changes brought about by the White Spaces proceeding with regard to the database and reserve channels. As the total impact of license ineligibility is still yet to be fully felt, more time is needed to redirect these scarce resources to helping users (who come from a vast cross section of industries) analyze and provide constructive input to the Commission on the questions and proposals raised in the Public Notice *and Incentive Auctions NPRM*. This is a complex task as the Commission is requesting input on theoretical changes to a not-yet-realized future situation.

¹⁴ *Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, *Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band*, ET Docket No. 02-380, Second Memorandum Opinion and Order, 25 FCC Rcd 18661 (2010). *See also Unlicensed Operation in the TV Broadcast Bands*, ET Docket No. 04-186, Third Memorandum Opinion and Order, 27 FCC Rcd 3692 (2012).

¹⁵ FCC Public Notice, *Office of Engineering and Technology Announces the Approval of Telcordia Technologies, Inc.'s TV Bands Database System for Operation*, DA 12-466 (rel. Mar. 26, 2012).

Consideration of the current licensing regime within a narrow 30 day window, while the wireless microphone community continues to implement the FCC's most recent changes stemming from the White Spaces proceeding, will be extraordinarily burdensome. As such, the Parties request an extension of the deadlines in the Public Notice proceeding to provide the wireless microphone community sufficient time to fully consider the issues raised by the Public Notice as well as yet another potential significant redirection of Commission policy that may affect wireless microphone users set forth in the *Incentive Auctions NPRM*. Standing alone, the Public Notice raises a broad range of complex issues and requests detailed analysis on a host of technical and operational matters, which will have far-reaching ramifications for the entire wireless audio community. Providing additional time to interested parties to review these issues, especially in light of the multiple related issues raised in the *Incentive Auctions NPRM*, will enable commenters to provide more thoughtful analysis on these topics, which in turn will streamline the Commission's review of both the wireless microphone issues raised in the Public Notice and those related issues raised in the *Incentive Auctions NPRM*.

III. Conclusion

It is clear that information collected in the comments received on the Public Notice will dovetail with the rulemaking in the *Incentive Auction NPRM*. Given their substantial overlap, the Commission would be best served by allowing parties to respond to the Public Notice and *Incentive Auctions NPRM* in a coordinated and consolidated manner. Doing so will streamline the Commission's review of filings in these proceedings, and will provide parties sufficient time to analyze the complex technical issues raised in the Public Notice. The extension requested will not unduly delay resolution of the issues raised in this proceeding or cause prejudice or hardship to any party. Accordingly, for good cause having been shown, the Parties urge the Commission to grant the foregoing request for an extension of the deadline for filing comments to coincide

with those established for the *Incentive Auctions NPRM*: December 21, 2012 and February 19, 2013.

Respectfully Submitted,

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