

June 7, 2013

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

RE: Notice of *Ex Parte* Communication
GN Docket No. 12-268

Dear Ms. Dortch:

On June 5, 2013, the below-identified representatives of FOX, CBS, Univision, and the Radio Television Digital News Association (RTDNA) (together, the “News Representatives”) attended separate meetings to discuss the critically important role that wireless microphones play in newsgathering with: (i) Commissioner Pai and Courtney Reinhard of Commissioner Pai’s office; (ii) Sarah Whitesell of Chairwoman Clyburn’s office; (iii) Alex Hoehn-Saric and David Goldman of Commissioner Rosenworcel’s office; and (iv) Commission staff from the Spectrum Auction Task Force, the Media Bureau, the Wireless Telecommunications Bureau, and the Office of Engineering & Technology (OET), as detailed below. The News Representatives indicated that they also were speaking on behalf of ABC, ESPN and CNN.

During each of the meetings, the News Representatives explained that broadcasters and cable networks, both locally and nationally, rely every day and at all hours of the day on wireless microphones to keep viewers informed. We emphasized that these microphones serve a vital role in news organizations’ ability to disseminate emergency information during times of crisis, often helping to save lives or guide citizens through difficult times. For these reasons, we urged the Commission to ensure that, even after the conclusion of the voluntary broadcast incentive auctions contemplated by this proceeding, electronic news gatherers maintain the same ability they have today to use wireless microphones without risk of interference. To that end, we asked that the Commission retain in each market the two channels reserved for wireless microphone use.

On any given day, broadcast and cable news organizations utilize hundreds of wireless microphones across hundreds of wireless channels in markets across the country. Local broadcast stations, in particular, can cover 30-50 events or more, at disparate locations throughout their communities, in a single day. As the day progresses, and more crews are out reporting, usage can quickly accelerate from approximately 50 wireless channels being used at once in early morning to about 350 by the afternoon (when most crews are out reporting stories). Even as the day winds down, it still is typical for 150 channels to be used at once well into the evening, as stations and networks air their nightly newscasts. Thus, all spectrum available for wireless microphones is utilized over the course of the day. We shared with the staff from the Bureaus and OET the chart attached hereto as Attachment A, which illustrates this usage pattern.

When major stories break, wireless microphone usage skyrockets. We discussed several real-world examples of major breaking news stories in which news journalists relied on wireless

microphones to promote public safety and keep viewers informed: the recent devastating tornados in Oklahoma, the Boston Marathon bombings, last year's Superstorm Sandy, the Washington, D.C.-area sniper shootings, and the Snowmageddon and Derecho storms that also wracked the D.C. area. Each was a fast-developing news story during which viewers depended on broadcast and cable news outlets for critical public safety information. And in each case, millions of Americans were glued to their televisions to follow the latest updates and receive potentially life-saving information. Indeed, as news outlets provided wall-to-wall coverage of the manhunt for the Boston Marathon bombers, nearly 70% of all local households were watching a local broadcast or local cable news station on television. An additional 11% of households watched a national cable channel's coverage. These are numbers that out-pace viewership for the most-watched events on television, including even the Super Bowl.

Importantly, none of these events could have been covered without interference-free use of wireless microphones. And without the two reserved channels for wireless microphones, it would be virtually impossible to guarantee an interference-free experience for newsgatherers in large markets, given the multitude of unlicensed broadband devices that are (or may be) permitted to operate on the same frequencies. The News Representatives explained that, when it comes to breaking news, it simply is not possible to rely on pre-registering wireless microphone use in a database.

A database by design is intended for events at times and locations that are scheduled or known in advance and can be registered. Breaking news happens with no notice, and the story takes reporters to multiple locations in a community – locations that typically are not precisely known until a news crew arrives. It is therefore often infeasible to enter these events into a database in advance. In addition, there would be significant problems with trying to register on-site after news crews arrive on location. Once on-site, a news crew attempting to register its location would have to rely on mobile devices, using a broadband data network, to communicate with the database. But during emergencies, overloaded cell networks frequently shut down, as was the case in Boston. Even if crews could get through to the registry, the multitude of mobile devices that need to receive updates on available spectrum might not receive them, which means that devices would not know to vacate the needed channels. And even if the cell networks at the site of an emergency could handle both registration and informing devices, there is always going to be a delay between registration and when the devices receive instructions to vacate used channels. This delay – which could be 20 minutes or more – could impact the ability of news crews to report during the critical first minutes of an emergency event, including when viewers need to be informed to seek shelter, as was the case in Oklahoma.

In response to a question from OET staff, the News Representatives also explained that transitioning to all-digital technology for wireless microphones would not lead to materially more efficient use of spectrum. Existing analog microphones already are extremely efficient, and if digital microphones operate at the same modest power levels (0.05W) needed for reliable service, there would be no material difference in terms of the amount of spectrum needed. In an environment where news organizations have to serve viewers with near-100% reliability, using lower power digital microphones to try to boost efficiency would not be an acceptable trade-off for viewers.

In sum, we urged the Commission to continue to reserve two channels per market for interference-free wireless microphone use. The current two-channel safe harbor has allowed wireless microphones to serve as an absolutely essential link in the emergency response chain for many Americans. We also suggested that the FCC allow operation and protection of licensed wireless microphones in the guard bands that will be established between television and new wireless broadband operations. The Commission should not take lightly the risk of interference depriving viewers of audio from breaking news and emergency events.

This letter is being submitted electronically in the above-referenced docket, which has been granted permit-but-disclose status, pursuant to Section 1.1206(b) of the Commission’s Rules. Should you have any questions concerning this submission, kindly contact the undersigned.

Respectfully submitted,

/s/
 Maureen A. O’Connell
 Senior Vice President
 Regulatory and Government Affairs
 Jared S. Sher
 Vice President
 Associate General Counsel
 News Corporation
 (parent of FOX station WTTG(TV))

| News Representative Attendees | Commission Staff Attendees |
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| Anne Lucey, Senior Vice President for Regulatory Policy, CBS Robert Seidel, Vice President, Engineering & Advanced Technology, CBS Maureen O’Connell, Senior Vice President, Regulatory & Government Affairs, News Corporation Jared Sher, Vice President & Associate General Counsel, News Corporation Phil Metlin, Vice President and News Director, WTTG(TV) Sue Palka, Weather Anchor, WTTG(TV) Sandra Thomas, Senior Director Affiliate News, Univision Television Group Kathy Kirby, General Counsel to RTDNA Sean McGarvy, Board Member, RTDNA | Gary Epstein William Lake Ruth Milkman Rebecca Hanson Paul Murray Matthew Hussey Paul D’Ari Bill Stafford Serey Thia Ira Keltz Robert Weller Alan Stillwell Jessica Almond Edward Smith |

cc: Commissioner Pai
Courtney Reinhard
Sarah Whitesell
Alex Hoehn-Saric
David Goldman
Gary Epstein
William Lake
Ruth Milkman
Rebecca Hanson
Paul Murray
Matthew Hussey
Paul D'Ari
Bill Stafford
Serey Thia
Ira Keltz
Robert Weller
Alan Stillwell
Jessica Almond
Edward Smith

ATTACHMENT A

NYC Wireless Microphone Utilization

