BINGHAM

Catherine Wang
Direct Phone: 202.373.6037
Direct Fax: 202.373.6001
catherine.wang@bingham.com

August 2, 2013

VIA ELECTRONIC FILING

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

Re: ***EX PARTE* NOTICE**
Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, GN Docket No. 12-268

Dear Ms. Dortch:

On July 31, 2013, Mark Brunner, Senior Director, Global Brand Management, Ahren Hartman, Director, Axient Wireless Engineering and Edgar Reihl, P.E., Director, Spectrum Strategy with Shure Incorporated ("Shure"), Amy Klein, Associate Principal Counsel and Jeff Willis, Coordinating Technical Director with ESPN Inc. ("ESPN"), and Catherine Wang and Tim Bransford of Bingham McCutchen LLP met separately with David Grimaldi and Louis Peraertz, Office of Acting Chairwoman Clyburn, Courtney Reinhard, Office of Commissioner Pai, and David Goldman, Office of Commissioner Rosenworcel. The aforementioned individuals then met with the personnel identified in Exhibit 1.0 to this ex parte presentation notice from the Incentive Auctions Task Force, Office of Engineering and Technology and Wireless Telecommunications Bureau: In all of these meetings, ESPN and Shure discussed issues raised in the above-referenced Incentive Auction proceeding potentially affecting the future regulation and operation of wireless microphones and complementary systems. Specifically:

- ESPN and Shure discussed the critical importance of wireless microphones and complementary systems to the production of televised sporting events, and the extensive use of radiofrequency spectrum for wireless microphones made by ESPN.

- We discussed the growing need for additional radiofrequency spectrum for wireless microphones to support increasingly more complex productions and sophisticated sound effects.

- We explained why UHF spectrum remains irreplaceable, in particular to demanding professional wireless microphone users such as ESPN. We explained that the UHF band is allocated worldwide for wireless microphones, and further elaborated that the band has unique propagation characteristics that enable the use of small handheld or body-worn devices operating at low power levels while also accommodating significant transmission range.

- We described how the two (2) reserve channels dedicated to wireless microphones in each market provide known, clean spectrum, and are used by television producers

Boston
Hartford
Hong Kong
London
Los Angeles
New York
Orange County
San Francisco
Santa Monica
Silicon Valley
Tokyo
Walnut Creek
Washington

Bingham McCutchen LLP
2020 K Street NW
Washington, DC
20006-1806

T 202.373.6000
F 202.373.6001
bingham.com

and other professional wireless microphone users such as ESPN as a preferred location for high-priority wireless microphones. We discussed the importance of ensuring that any post-incentive auction band plan preserve two (2) reserve channels in UHF spectrum exclusively for wireless microphone use.

- We discussed options for improving wireless microphone regulations, including the need to align VHF wireless microphone rules with service rules applicable to UHF microphones.

- We described the extensive research and development efforts at Shure to improve UHF wireless microphone technology and described how this R&D effort has resulted in significant recent advancements. We explained that technology advancements promoting efficiency and frequency reuse require clean spectrum, and that future advancements are also contingent on known, interference-free spectrum.

Attached please find copies of written presentation materials circulated to staff by ESPN. If you have any questions regarding this ex parte notice, please do not hesitate to contact the undersigned.

Very truly yours,

/s/

Catherine Wang
Tim Bransford

cc: Julius Knapp
Gary Epstein
David Grimaldi
David Goldman
Courtney Reinhard
Louis Peraertz
Paul Murray
Bob Weller
Alan Stillwell
Paul D'Ari
Bill Stafford

Exhibit 1 - OET/WTB/Auction Task Force Meeting Attendees

Julius Knapp
Gary Epstein
Paul Murray
Bob Weller
Alan Stillwell
Paul D'Ari
Bill Stafford

ESPN: Wireless Microphones
FCC WT Docket Nos. 08-166, 08-167, 10-24
July 2013

It is imperative that the FCC preserve spectrum for wireless microphones

- Wireless microphones are essential to production of programming and coverage of sports events, as well as breaking news and other events of interest to the public
    - ESPN's use of UHF spectrum is significant, and it varies by location and event, as illustrated in the attached Week in the Life of ESPN. For example:
        - ESPN's broadcast of a Monday Night Football game can use 40 UHF frequencies, over 12 TV channels, for a total spectrum usage of 4.248 MHz
        - ESPN covers a large number of events in a single day. As an example:
            - On November 10, 2012, ESPN covered 21 college football games and used 525 UHF frequencies, over 189 total TV channels, for a total spectrum usage of 54.684 MHz
            - On November 12, 2012, ESPN covered 9 college basketball games and used 54 UHF frequencies, over 27 total TV channels, for a total spectrum usage of 6.120 MHz
        - Wired microphones can jeopardize safety at sporting events. For example, individuals can trip over cables, and it is dangerous to lay cable, for instance, in pits at motorsports events given cars racing in and out of the pit and the number of people in the area.
    - ABC television stations and ABC News also use wireless microphones extensively, e.g., KABC in Los Angeles operates between 25 and 100 wireless microphones each day.

- As part of the incentive auction rulemaking, the FCC should preserve the two dedicated channels currently reserved for wireless microphone use and authorize other spectrum for interference-free wireless microphone usage
    - Just a few years ago, the FCC concluded in the white spaces proceeding that the two-channel set-aside was necessary. There is no reason for the FCC to abandon that conclusion.
    - The FCC also should permit wireless microphones to continue to operate on used UHF spectrum. However, because the amount of available UHF spectrum will decrease significantly after the incentive auction, the FCC also should permit wireless microphones to operate in any guard bands, and in any bands authorized for WiFi or other unlicensed usage.

WEEK IN THE LIFE OF ESPN

In 2012, ESPN televised approximately 3,200 events, of which 1,784 utilized wireless microphones, communications and talk back to talent.

The following is a conservative representation of one week of wireless utilization across all of the ESPN networks, nationwide.

The TV channel totals listed below are indicative of the available frequencies/channels coordinated in a given market.

Tuesday 11/06/2012:

1-College Football Game: ***25*** UHF Frequencies @ ***2.604*** MHz Total Bandwidth over ***9*** TV Channels.

Wednesday 11/07/2012:

1-College Football Game: ***25*** UHF Frequencies @ ***2.604*** MHz Total Bandwidth over ***9*** TV Channels.

2-NBA Games: ***24*** UHF Frequencies @ ***2.352*** MHz Total Bandwidth over ***8*** TV Channels.

Thursday 11/08/2012:

2-Studio Shows Veterans Day: ***20*** UHF Frequencies @ ***2.160*** MHz Total Bandwidth over ***8*** TV Channels.

2-College Football Games: ***50*** UHF Frequencies @ ***5.208*** MHz Total Bandwidth over ***18*** TV Channels.

1-Soccer Game: ***7*** UHF Frequencies @ ***720*** KHz Total Bandwidth over ***3*** TV Channels.

Friday 11/09/2012:

6-College Basketball Games: ***36*** UHF Frequencies@ ***3.888*** MHz Total Bandwidth over ***18*** TV Channels.

1-College Football Game: ***25*** UHF Frequencies@ ***2.604*** MHz Total Bandwidth over ***9*** TV Channels.

1-NBA Game: ***12*** UHF Frequencies @ ***1.176*** MHz Total Bandwidth over ***4*** TV Channels.

Saturday 11/10/2012

1-Studio Show Game Day: ***20*** UHF Frequencies @ ***2.160*** MHz Total Bandwidth over ***8*** Channels.

21-College Football Games: ***525*** UHF Frequencies @ ***54.684*** MHz Total Bandwidth over ***189*** TV Channels.

1-NASCAR Event: ESPN utilizes ***one***, 6 MHz TV channel for communications. Due to the crowded spectrum in the UHF TV channels, ESPN, pursuant to an STA, utilizes frequencies in the 1.4 and 2.3 GHz bands to accommodate wireless microphone use.

Sunday 11/11/2012:

4-College Basketball Games: ***100*** UHF Frequencies @ ***2.592*** MHz Total Bandwidth over ***36*** TV Channels.

1-NASCAR Event: ESPN utilizes ***one***, 6 MHz TV channel for communications. Due to the crowded spectrum in the UHF TV channels, ESPN, pursuant to an STA, utilizes frequencies in the 1.4 and 2.3 GHz bands to accommodate wireless microphone use.

1-NHRA Event: ESPN utilizes ***one***, 6 MHz TV channel for communications. Due to the crowded spectrum in the UHF TV channels, ESPN, pursuant to an STA, utilizes frequencies in the 1.4 and 2.3 GHz bands to accommodate wireless microphone use.

1-Soccer Game: ***7*** UHF Frequencies @ ***720*** KHz Total Bandwidth over ***3*** TV Channels.

Monday 11/12/2012:

9-College Basketball Games: ***54*** UHF Frequencies @ ***6.120*** MHz Total Bandwidth across ***27*** TV Channels.

1-Studio Show NFL Game Day: ***20*** UHF Frequencies @ ***2.160*** MHz Total Bandwidth over ***8*** Channels.

1-Monday Night NFL: ***40*** UHF Frequencies @ ***4.248*** MHz Total Bandwidth over ***12*** TV Channels.

ESPN Studio Operations:

Bristol, CT:

245 UHF Frequencies @ ***24.2*** MHz Total Bandwidth over ***31*** TV Channels.

Los Angeles Studio Operations:

42 UHF Frequencies @ ***3.320*** MHz Total Bandwidth over ***8*** TV Channels.

Longhorn Studio Operations:

34 UHF Frequencies @ ***3.384*** MHz Total Bandwidth over ***13*** TV Channels.

Charlotte Studio Operations:

31 UHF Frequencies @ ***3.072*** MHz Total Bandwidth over ***10*** TV Channels.