

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

April 11, 2014

## **VIA ELECTRONIC FILING**

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

### **Re: *EX PARTE* NOTICE**

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

Dear Ms. Dortch:

On April 9, 2014, Mark Brunner, Senior Director, Global Brand Management, and Edgar C. Reihl, P.E., Director, Spectrum Strategy with Shure Incorporated ("Shure") via teleconference, and Catherine Wang and Timothy Bransford of Bingham McCutchen LLP in person met with the FCC staff from the Wireless Telecommunications Bureau, Office of Engineering Technology, and the Incentive Auctions Task Force on the attached list to discuss the need to expand Part 74 wireless microphone eligibility for professional users.

We confirmed that expanding Part 74 license eligibility and database registration will be critical to professional users as the amount of UHF spectrum available to wireless microphone operations is sharply reduced due to implementation of the incentive auctions and spectrum rebanding. Shure recommended that license eligibility be defined to include, at a minimum, the entity closest to the actual equipment operation and therefore best positioned to control and be responsible for the wireless microphone operation and database registrations. The Commission should avoid definitions that rely on narrow, inflexible categories such as building dimensions, number of microphones used, etc. Given that identical equipment is deployed across diverse user categories, we also suggested that the Commission avoid rule

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

definitions that would identify or exclude productions that would be eligible or not be eligible for a license based on the *type* of event, such as limitations on non-broadcast, entertainment, religious, corporate, civic and government events. This approach would lead to inappropriate content-based regulation that would discriminate against professional users on the basis of the type entity or transmission and would do little to address the principal concern for responsible radiofrequency management.

We recommended that the Commission adopt expanded license eligibility rules that would include not only **venue owners and venue operators**, but also **event producers, responsible engineers (e.g., sound engineers), performers and professional sound equipment providers (e.g., audio rental houses)**. These entities -- especially the last four of the listed entities -- have sophisticated knowledge and professional experience and are present during events that involve complex use of wireless microphone radiofrequency technology.

If you have any questions regarding this ex parte notice, please do not hesitate to contact the undersigned.

Very truly yours,

/s/

Catherine Wang  
Timothy Bransford

ATTACHMENT 1  
MEETING ATTENDEES

Paul D'Ari, WTB  
Ira Keltz, OET  
Geraldine Matise, OET  
Sue McNeil, WTB  
Paul Murray, WTB  
Sade Oshinubi, WTB  
Bill Stafford, WTB  
Hugh Van Tuyl, OET