



## Protecting Wireless Technology for the Arts & Media Federal Communications Commission

### ACTION NEEDED

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We urge Congress to:

- Sign the letter being circulated in the House by Reps. Leonard Lance (R-NJ) and Louise Slaughter (D-NY) to the Federal Communications Commission regarding protecting wireless microphones used in the performing arts.
- Urge the FCC to preserve access to a reliable geo-location database for professional performing arts and educational entities.
- Urge the FCC to help defray the costs of purchasing new equipment, if a move in the broadcast spectrum is again mandated.

### BACKGROUND

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Performances by opera and dance companies, symphony orchestras, community theaters, and regional theaters reach a combined audience of 190 million Americans annually and collectively represent an annual \$7.8 billion industry. There are more than 26,000 school theater programs in the United States impacting approximately 600,000 students. Given the thousands of performances held by arts organizations each year, the use of wireless microphones is both essential to producing high-quality performances and also mitigates against significant public safety concerns. Professional wireless capability with successful interference protection is essential to the performing arts and community media sector.

For 35 years, wireless microphone technology has allowed users unrestricted on-stage movement and helped to create sophisticated sound. Nonprofit performing arts organizations, commercial theaters, schools, and performers have all relied on this equipment that operates within the “white space,” radio frequencies in portions of the broadcast spectrum between television bands. Wireless systems are also integral to backstage communications used by stagehands; interference to these systems could compromise the safety of performers, technicians, and audiences. Community media studios also use wireless microphone technology, removing the hazards of cords.

The FCC ruled on September 23, 2010 that portions of the broadcast spectrum would be shared by wireless microphones used in the performing arts and new white space devices (aka TV band devices), such as PDAs, cordless phones, and wireless laptops. To implement the rule, the FCC ordered the establishment of a geo-location database which would allow the new devices and wireless microphones to share spectrum without interference. The database became operational in December 2012 and new white space devices began operating as of March 2013. The FCC also set aside two safe-haven channels for use by wireless microphones. As the FCC monitors the effectiveness of these interference protection mechanisms, we encourage the Commission to ensure it protects existing services, including wireless microphones used in the performing arts and educational facilities.

Further, the FCC issued a Notice of Proposed Rulemaking in October 2012 while implementing the Middle Class Tax Relief and Job Creation Act of 2012. The Act requires the FCC to transition spectrum from TV broadcasting to wireless broadband through incentive auctions. The FCC will ‘repack’ or reorganize the broadcast spectrum following the auctions which will result in another relocation for wireless microphones and likely the costly replacement of sound equipment. The FCC is currently considering revised rules about the operation of wireless microphones under Part 15 or Part 74 rules. It is also considering a long-term home in the spectrum for wireless microphones.

Performers, performing arts organizations and venues, educational facilities, religious institutions, and community media centers will benefit from interference protection mechanisms. School theater programs and performing arts organizations need protection by access to the geo-location database with a goal of preserving interference-free cultural and educational programs and protection from new commercial electronic devices.

The Wireless Microphone Users Interference Protection Act of 2013 (H.R. 2911), introduced by Rep. Bobby L. Rush (D-IL), had five cosponsors: Reps. Kathy Castor (D-FL), Steve Cohen (D-TN), Gene Green (D-TX), Ben Ray Lujan (D-NM), and Carolyn Maloney (D-NY).

A bipartisan letter of support was sent to the FCC in October 2013 in support of wireless microphones signed by 11 members of the House Energy and Commerce Committee: Reps. Eliot Engel (D-NY), Gene Green (D-TX), Ben Ray Lujan (D-NM), Joe Pitts (R-PA), Leonard Lance (R-NJ), Pete Olson (R-TX), Gus Bilirakis (R-FL), Billy Long (R-MO), Mike Pompeo (R-KS), Marsha Blackburn (R-TN), and Bobby Rush (D-IL).

## TALKING POINTS

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- **Preserve access to a reliable geo-location database** to avoid interference between wireless microphones and TV band devices. Interference protection is critical for professional performing arts, school and community theater, and media productions. The FCC should be urged to maintain access to the geo-location database for these entities whether or not they operate under Part 15 or Part 74 rules. Since the FCC eliminated the two safe-haven channels it had designated for wireless microphones, the database is the only mechanism to protect against interference.
- **The FCC recently expanded eligibility for Part 74 licenses to performing arts entities regularly using 50 or more wireless devices. This *excludes* most regional theaters, symphony orchestras, opera companies, educational theater, and presenting organizations.** It is essential that the FCC offer some form of interference protection to these entities which provide valuable public services.
- **Wireless microphone users were mandated to move operations** in the broadcast spectrum as a result of an FCC rule that required cessation of operations in the 700 MHz band by June 12, 2010. For many performing arts and community media organizations, that migration caused unanticipated expenses of \$25,000–\$100,000 for the purchase of sound equipment that would operate in a different area of the broadcast spectrum.
- **Preserve nonprofit performing arts, education, and media organizations' financial investments in their technical equipment.** This includes wireless microphones and communications devices used for backstage communications. Performing arts, education, and community media organizations provide demonstrable service to the public in improving quality of life; preserving our cultural heritage; in providing jobs, education, enlightenment, entertainment; and of course, contributing to local economies. K–16 schools committed to the performing arts and media literacy have also expended considerable funding to ensure that their students can learn and train on the most up-to-date audio equipment.
- **We urge Congress to consider the financial burden already borne by organizations in the performing arts, education, and media community.** The *Middle Class Tax Relief and Job Creation Act of 2012*, intended in part to help close our nation's budget deficit and create jobs, included spectrum auctions as a means of raising federal revenue. The valuable public benefits produced by the performing arts sector should be considered in any future plan to reallocate or 'repack' the broadcast spectrum. These benefits should also be considered in light of the FCC's September 2014 proceeding to promote spectrum access for wireless microphones. If the FCC requires wireless microphones to operate in a different part of the broadcast spectrum, users will have to purchase very costly new sound equipment. It has been conservatively estimated that the performing arts community would have to spend at least \$17.5 million to replace equipment.