



PROTECTING WIRELESS TECHNOLOGY FOR THE ARTS & MEDIA STATEMENT OF CONCERN

BACKGROUND

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 operating within the “white space” radio frequencies between broadcast channels of the television band. Wireless systems are also integral to backstage communications used by stagehands to execute complex technical activity. Interference to these backstage communications could compromise the safety of performers, technicians, and audiences. Community media studios also use wireless microphone technology, removing the hazards of cords.

On June 12, 2010, the FCC ruled that wireless microphones cease operations in the 700 MHz band and move elsewhere in the broadcast spectrum. 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.

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. In order to implement the rule, the FCC ordered several protection measures including the establishment of a geo-location database which would allow the new devices and wireless microphones to share spectrum without interference. In addition, the FCC set aside two safe-haven channels for use by wireless microphones. The FCC allowed the geo-location database to become operational nationwide in December 2012 and allowed new white space devices to operate nationally as of March 2013.

In October 2012, the FCC issued a Notice of Proposed Rulemaking as it worked to implement the *Middle Class Tax Relief and Job Creation Act of 2012*. This legislation required the FCC to transition spectrum from TV broadcasting to wireless broadband through spectrum auctions. The FCC will ‘repack’ or reorganize the broadcast spectrum following the incentive auctions—resulting in another relocation for wireless microphones and likely the costly replacement of sound equipment.

On August 6, 2015, the FCC ruled on several proceedings that affect wireless microphones. The Commission eliminated the ability of unlicensed wireless microphones to access the database for interference protection from white space devices. The Commission also began laying out the process by which wireless microphones will be moved to new spectrum following the spectrum auction in 2016. The two safe-haven channels that had previously been set aside for wireless microphones have been eliminated.

A bipartisan letter signed by 11 members of Congress was sent to the FCC in May 2015 in support of wireless microphones. Signatures included: Reps. Leonard Lance (R-NJ), Louise Slaughter (D-NY), Marsha Blackburn (R-TN), Eliot Engel (D-NY), Kevin Cramer (R-ND), Jerrold Nadler (D-NY), Don Young (R-AK), Chellie Pingree (D-ME), Peter DeFazio (D-OR), John Lewis (D-GA), and Steve Cohen (D-TN).

Previously, in October 2013, a bipartisan letter of support for wireless microphones was signed by these 11 members of the House Energy and Commerce Committee and sent to the FCC: 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).

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).

TALKING POINTS

It is essential that the FCC offer interference protection to performing arts entities since they provide valuable public services. Congress should urge the FCC to restore access to a reliable geo-location database and preserve nonprofit performing arts, education, and media organizations' financial investments in technical equipment.

- **Provide professional wireless capability, with interference protection that works successfully, to the performing arts and community media sector.** 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 which impact approximately 600,000 enrolled 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.
- **Restore access to a reliable geo-location database** which will avoid interference between wireless microphones and TV band devices. 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. Interference protection is critical for performances and TV band devices: the database is the only interference protection mechanism available since the safe-haven channels for wireless microphones have been eliminated.
- **Offer some form of interference protection to performing arts entities.** Interference protection is critical for professional performances and for school theaters, community theaters, and media productions across the country. The FCC recently expanded eligibility for Part 74 licensing to performing arts entities regularly using 50 or more wireless devices, allowing them access to a geo-location database for interference protection. The requirement of a minimum of 50 devices *excludes* almost all regional theaters, symphony orchestras, opera companies, educational theater, and presenting organizations from this kind of protection.
- **We urge Congress to recognize the investment that organizations in the performing arts, education, and media community have made in wireless microphones** and communications devices used for backstage communications in order to produce and present performances of the highest caliber. 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 contributing to local economies in every community across this country. K–16 schools committed to the performing arts and media literacy as part of their core curriculum have also expended considerable funding to ensure that their students have the opportunity to learn and train on up-to-date audio equipment.
- **We urge Congress to consider the financial burden already borne by performing arts, education, and media organizations, and allow these wireless microphone users the ability to use current equipment as long as possible.** 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. In September 2014, the FCC introduced a proceeding concerning the long-term needs of wireless microphone users in the broadcast spectrum, and the agency is expected to require that wireless microphones operate in a different part of the broadcast spectrum. This will most likely demand the purchase of new sound equipment—a challenge to the limited budgets of nonprofit performing arts organizations, educational institutions, and community media centers. The valuable public benefits produced by our nation's performing arts sector should be considered in the FCC's plans to reallocate or 'repack' the broadcast spectrum after the auctions. It has been conservatively estimated that \$17.5 million would be needed to defray equipment replacement costs for the performing arts community; this is a fraction of the actual cost.