



THE RECORDING ACADEMY®

GRAMMYS® ON THE HILL

ADVOCACY & GOVERNMENT RELATIONS

March 1, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Further Notice of Proposed Rulemaking: The Protection of
Wireless Microphone Systems
WT Docket Nos. 08-166, 08-167; ET Docket No. 10-24

Dear Chairman Genachowski:

On behalf of its 20,000 members, The Recording Academy submits this letter in response to the Commission's Further Notice of Proposed Rulemaking addressing the use of wireless microphones. Wireless microphone systems have become an indispensable tool for recording artists and live entertainers and are a fundamental and essential audio technology used to create high-quality, professional productions. We strongly urge the Commission to expand the classes currently eligible for Part 74 licenses as necessary to include professional musicians, producers, recording professionals and touring sound companies.

The Recording Academy is one of the largest organizations of musicians, producers, engineers and other recording professionals and is known internationally for its GRAMMY Awards. We are also responsible for expanding and encouraging professional development, cultural enrichment, education and advocacy on behalf of our members. Our membership includes musicians and other entertainers who depend upon wireless microphones and professional quality audio equipment to deliver superior concert experiences to the American public. In addition, our membership also includes the Producers & Engineers Wing, which is comprised of producers, engineers, remixers and other technical professionals operating in the recording community.

Both sides of the music industry, from the performers in front of the microphone to the technicians behind the mixing board, depend upon wireless technology and would be adversely impacted if they were reduced to depending upon Part 15 wireless microphones that operate at a low power level and are subject to unpredictable and uncontrollable interference. Our annual GRAMMY awards show, for example, uses an average of 50 wireless microphone systems along with numerous in-ear monitoring systems, headphones and wireless communications links for stage and behind-the-scenes personnel and sound engineers. While the GRAMMY performance is broadcast live by a major television network each year, and therefore is covered under existing Part 74 rules, most of our other year-round programs are not televised, and numerous other live performances such as major concert events, musical festivals, and other live music events, which rely upon as many or more wireless microphones and which are often recorded and

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distributed through a variety of media, may not be currently eligible and would be significantly harmed if the wireless microphones they rely upon are not protected from interference.

As demonstrated by the record in the “white space” proceeding, wireless microphones are sensitive precision instruments that could be rendered unusable if they are subject to unpredictable interference. Live entertainment production engineers spend significant time and expertise to coordinate the frequencies used for wireless microphones so as to carefully avoid interference with other spectrum users. It is expected that “white space” devices will begin to extensively expand and the potential for interference will increase at an exponential rate. Such unpredictable interference will severely handicap the ability of sound engineers to carefully coordinate the frequencies used for live performances, which are essential to protect the value of live productions, the audience and safety of the performers.

Wireless microphones cannot be replaced with wired audio systems and many groundbreaking live performances would not be possible without them. For example, this year’s live award show included a performance by GRAMMY-winner Pink in which she completed circus-like aerobic twists while singing live. Such an artistic performance could not have been done with a wired microphone. Such physically intensive and intricate performance are not solely confined to televised award shows but are used by musicians and artists in performances all over the country to entertain audiences. Without the use of interference-free and distortion-free wireless microphones for both the performer and crew, similar performances during concerts and other live entertainment would be impossible.

The Commission appears ready to create two classes of wireless microphone users. If the Commission proceeds forward with its proposal, it will create one class comprised of lower power unlicensed users who must suffer from interference from white space devices and a limitation on power usage and another class of licensed users that will be accorded interference protection and which may operate at power levels up to 250 mW.

If a two-class system is implemented, and the FCC does not expand the classifications of eligible licensees, it will be impossible for musicians and live entertainers to continue to provide top-notch, high quality and innovative performances. While many of the wireless microphones used by recording artists do not exceed the proposed 50 mW power limitation for unlicensed use, unprotected and lower power operations are simply not sufficient to provide the high-quality audio necessary for many live musical performances. American audiences have come to expect and enjoy concert level audio from our members’ shows. Reduced reliability, poor quality and on-and-off interference caused by the use of wireless microphones limited to low power levels and no interference protection would significantly reduce the ability to provide the type of entertainment expected by live audiences. Without interference protection and sufficient power levels, American productions of live performances will be severely hampered. The Commission must allow our members, including professional musicians, live entertainers and sound engineers, to join with other licensed users for which the Commission has already recognized the invaluable and essential need for this protection.

The expansion of eligible licensees is supported by Commission precedent which noted as far back as 1977 that live entertainment producers may need to utilize licensed wireless microphones. When the FCC expanded its rules to include additional eligible licensees for wireless microphones, it added motion picture and television producers and found that “live entertainment program producers” could be eligible on a case-by-case basis since they often had needs similar to that of broadcasters. The Commission found that “groups other than broadcast licensees can use these frequencies responsibly, obtaining the benefits of such use while being aware of the interference possibilities associated with it.” As demonstrated repeatedly in this proceeding, the members of the Recording Academy have the same needs as broadcasters and have demonstrated their expertise and responsible use of wireless microphones and must have the assurance of interference protection afforded by a license.

Finally, if the FCC creates extended eligibility for wireless microphones users, we urge the Commission to modify and revise the licensing application process. The current application form is overly complex,

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requires extensive technical information that is not relevant or necessary for wireless microphone licenses. While the current application process may be necessary for other Part 74 equipment used by broadcasters, a streamline process should be developed for those entities applying only to license and use wireless microphones. A simple and more straight-forward form and process would encourage eligible entities to apply for the necessary licenses and help eligible entities to comply with the Commission's rules.

Live music performance is an integral and valuable part of the American experience. It also relies heavily upon wireless microphones to provide professional and high-quality audio experience for both members of the live audience and the audience watching and listening at home. The Recording Academy strongly urges the Commission to expand wireless microphone licensing eligibility to live music and entertainment performers and technicians.

Sincerely,



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