

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Promoting Spectrum Access for Wireless Microphone Operations)	GN Docket No. 14-166
)	
Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions)	GN Docket No. 12-268
)	

**COMMENTS OF THE
NATIONAL ASSOCIATION OF BROADCASTERS**

The National Association of Broadcasters (“NAB”)¹ submits these comments in response to the Commission’s Notice of Proposed Rulemaking in the above proceedings.² NAB appreciates the FCC’s inquiry and its efforts to find new spectrum opportunities for wireless microphones. Given the scope of displacement that has already occurred, and the additional displacement that the FCC’s decisions concerning the incentive auction will create, it is critical for the FCC to immediately identify new bands on which wireless microphones may operate. We urge the Commission to conclude this proceeding as quickly as possible and, in particular, to authorize new bands for wireless

¹ The National Association of Broadcasters is a nonprofit trade association that advocates on behalf of free local radio and television stations and broadcast networks before Congress, the Federal Communications Commission and other federal agencies, and the courts.

² *Promoting Spectrum Access for Wireless Microphone Operations, Expanding the Economic Opportunities of Spectrum Through Incentive Auctions*, Notice of Proposed Rulemaking, GN Docket No. 14-166, GN Docket No. 12-268, FCC 14-145 (rel. Sept. 30, 2014) (“Wireless Microphone NPRM”).

microphone operations before the commencement of the incentive auction to ensure that wireless microphone users are able to transition their operations.

DISCUSSION

Wireless microphones are currently permitted to operate on two reserved channels, amounting to 12 megahertz of exclusive spectrum. These two channels were reserved as part of a compromise during the TV white spaces proceeding, as broadcasters lost exclusive access to between 10 and 20 channels in most major markets, and the Commission recognized that the TV white spaces database could not adequately protect newsgathering operations.³

As NAB previously explained, the Commission's decision to eliminate these two reserved channels following the incentive auction and repacking will significantly harm broadcasters' newsgathering operations and the viewing public.⁴ This loss is compounded by the FCC's unfortunate decision to allow both wireless microphone and unlicensed operations in the duplex gap, which severely diminishes the utility of this spectrum for wireless microphone operations.⁵ Further, the FCC's current proposal to relocate some television stations to the duplex gap during the repacking process makes this situation even worse; in markets where television stations are relocated in the duplex gap, broadcasters will have *no* exclusive spectrum on which they can rely to cover

³ *In the Matter of Unlicensed Operation in the TV Broadcast Bands*, Second Memorandum Opinion and Order, 25 FCC Rcd 18661, ¶ 132 (2010).

⁴ See, e.g., Comments of the National Association of Broadcasters at 47-48, GN Docket No. 12-268 (filed Jan. 25, 2013); Reply Comments of the National Association of Broadcasters at 56-57, GN Docket No. 12-268 (filed March 12, 2013).

⁵ *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 29 FCC Rcd 6567, ¶ 314 (2014).

breaking news using wireless microphones.⁶ These Commission decisions have *completely eliminated* any reliable reserved spectrum for wireless microphone operations, despite the undisputed fact that wireless microphones remain essential to broadcasters and programming production, and critical to covering breaking news events.

Wireless microphones used for these purposes must have low latency and high quality. Most importantly, they must have spectrum on which they can reliably operate. It is imperative that the Commission move as quickly as possible to identify spectrum to which wireless microphones can relocate. In particular, we urge the Commission to take two specific steps.

First, consistent with the Commission's stated intention, the FCC must issue an order in this proceeding identifying as many new bands as possible for use by wireless microphones *before* the incentive auction commences.⁷ Wireless microphone users will need time to transition to new bands, particularly given the expense associated with their *previous* transition out of the 700 MHz band. Just as importantly, they will need equipment that will actually function in these bands. Wireless microphone equipment that will operate in most of the bands the Commission proposes in this proceeding is not yet widely available, and will take time to develop.

Second, the Commission should allow wireless microphones to continue to operate in the 600 MHz band until winning forward auction bidders are actually ready to deploy in the area *and* the Commission has identified alternative bands to which wireless

⁶ *Comment Sought on Competitive Bidding Procedures for Broadcast Incentive Auction 1000, Including Auctions 1001 and 1002*, Public Notice, AU Docket No. 14-252, GN Docket No. 12-268, FCC 14-191, ¶ 35 (rel. Dec. 17, 2014).

⁷ Wireless Microphone NPRM at ¶ 2 ("Our goal here is to issue an order in this proceeding before the commencement of the incentive auction.")

microphone operations can relocate. Currently, the Commission proposes to allow wireless microphones to continue to operate in the 600 MHz band for a period following the auction, but must cease operations no later than 39 months after the auction. There is no reason to require wireless microphones to cease operations until the spectrum on which they operate is actually put to use by wireless carriers. NAB further observes that the Commission controls the timing for the conclusion of this proceeding and the identification of additional new bands for wireless microphone operations. Having essentially eliminated reserved spectrum for wireless microphones, the Commission should not evict wireless microphones from their current home before ensuring they have somewhere to go.

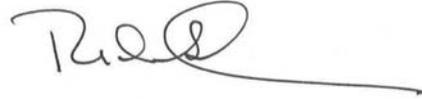
CONCLUSION

In jettisoning wireless microphones from reserved channels, the Commission ostensibly provided new reserved spectrum in the duplex gap. Now, the Commission has proposed that even that small sliver of spectrum may not be available, because television stations may be relocated to the duplex gap during repacking. While the FCC professes to understand the importance of wireless microphones, the reality is that no spectrum user has lost more and gained less in this proceeding than wireless microphones. NAB urges the Commission to conclude this proceeding and identify as many new bands for wireless microphones as possible before the incentive auction begins, and to allow wireless microphones to continue to operate in the 600 MHz band until the Commission has identified such alternative bands *and* wireless carriers are prepared to deploy.

Respectfully submitted,

**NATIONAL ASSOCIATION OF
BROADCASTERS**

1771 N Street, NW
Washington, DC 20036
(202) 429-5430

A handwritten signature in black ink, appearing to read "Rick Kaplan", with a long horizontal line extending to the right.

Rick Kaplan
Jerianne Timmerman
Patrick McFadden

Bruce Franca
Robert Weller

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