

FILE STAMP & RETURN

FILED/ACCEPTED

FEB - 7 2008

Federal Communications Commission
Office of the Secretary

February 7, 2008

VIA HAND DELIVERY

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

**Re: DA No. 08-125; FCC File Nos. 0002981309 et al.
Comments to Applications and Request for Waiver Filed by County of
Los Angeles, California to Operate a Public Safety Radio System
Utilizing Television Channel 15 Spectrum**

Dear Ms. Dortch:

Shure Incorporated ("Shure"), by its undersigned counsel, hereby offers these comments to the Applications and Request for Waiver filed with the Federal Communications Commission ("FCC" or "Commission") by the County of Los Angeles, California ("County") for authority to operate a public safety radio system in the 476-482 MHz band (TV Channel 15).¹ Shure respectfully submits that the public interest would not be served by permitting new public safety operations on Channel 15 in Los Angeles and surrounding counties when such operations will disrupt important existing uses and other spectrum is available for new public safety operations.

Shure is a leading manufacturer and developer of high-quality wireless microphones and audio electronics. For over 80 years, Shure has been on the cutting-edge of the development of professional quality audio products including products that operate in television broadcast bands ("TV band"), which includes the 476-482 MHz band.

- Boston
- Hartford
- Hong Kong
- London
- Los Angeles
- New York
- Orange County
- San Francisco
- Santa Monica
- Silicon Valley
- Tokyo
- Walnut Creek
- Washington

¹ See *Public Safety and Homeland Security Bureau Seeks Comments on Request for Waiver Filed by the County of Los Angeles, California to Operate a Public Safety Radio System Utilizing Television Channel 15 Spectrum*, Public Notice, DA No. 08-125 (rel. Jan. 17, 2008) ("Public Notice"). The County of Los Angeles filed fifty-seven separate applications. According to the Public Notice, FCC File No. 0002981309 has been designed as the lead application and information concerning the remaining 56 applications is provided in footnote 1 to the Public Notice.

Bingham McCutchen LLP
2020 K Street NW
Washington, DC
20006-1806

T 202.373.6000
F 202.373.6001
bingham.com

Wireless microphones are low power auxiliary devices authorized under Part 74 of the Commission's Rules to operate in the TV band.² Today, wireless microphones are essential to the production of content for virtually all media outlets. Millions of Americans enjoy and rely on high-end audio productions using wireless microphones such as movie and television productions, newscasting, entertainment, sports, religious, business, and educational productions. As demonstrated in Shure's comments in the FCC's White Spaces Proceeding (ET Docket No. 04-186), interference from devices operating in the TV band would cripple wireless microphone equipment and disrupt vital transmissions in a broad range of uses.

The Los Angeles area has the country's largest concentration of major entertainment productions including major movie, television and music production studios, as well as major network news, sports and entertainment operations. Entertainment, sports and news productions regularly occur at well-known major properties in Los Angeles such as the Staples Center, UCLA and USC (both of which include communications productions schools and sports facilities), and the Disney properties. All of these operations and venues rely heavily on interference-free, high-quality wireless microphone audio devices operating in the TV band.

Motion picture and television production is a "signature" industry and a major economic engine for Los Angeles.³ In California, this industry contributed an estimated \$ 34.3 billion in spending on payroll and purchases from vendors and the bulk of California's motion picture/TV employment (87.5%) is in Los Angeles County.⁴ Significantly, counties outside Los Angeles with motion picture/TV employment include several counties targeted by the waiver request: Orange, Riverside, San Bernadino, San Diego, and Ventura.⁵ The success of this industry is directly attributable to its "unparalleled production infrastructure" which includes cutting-edge production and post-production

² "Wireless microphones" as used herein includes a variety of audio devices authorized under Part 74 of the Commission's Rules. In addition to wireless microphones, this equipment includes in-ear monitors, wireless intercoms, wireless assist video devices (WAVDs) and wireless cueing (IFB) systems.

³ "What is the Cost of Run-Away Production? Jobs, Wags, Economic Output and State Tax Revenue at Risk When Motion Picture Productions Leave California, Los Angeles Economic Development Corp., August, 2005, ("LAEDC Study") at 3 and 4.

⁴ *Id.* at 2-3.

⁵ According to the LAEDC Study, counties outside of LA county with significant motion picture employment include: Alameda, Contra Costa, Marin, Orange, Riverside, San Bernadino, San Diego, San Francisco, Santa Clara and Ventura. *See also*, "Film Industry Profile of California/Los Angeles County, Economic Information & Research Department, Los Angeles County Economic Development Corp., 2005, at 4.

facilities as well as a base of plentiful and well-trained crews.⁶ Shure cautions the Commission that interference to the wireless audio equipment essential to these production facilities will threaten this important industry in L.A. and surrounding counties.

Wireless microphones operating in this band are extensively used in Electronic News Gathering, live entertainment productions, sporting events, film production, theatre, houses of worship (e.g. the Crystal Cathedral in Orange County), and government and educational facilities. Wireless intercoms and Interruptible Fold Back (IFB) systems are essential to all of the above applications, and in some cases are a requirement to protect the lives and safety of the participants (particularly with respect to communications between stage crew, coordination during stunts, etc.).

As the Commission and County are aware, spectrum use in the Los Angeles area is one of the most congested in the country. The operation of a public safety radio system on Channel 15 would significantly reduce the amount of TV band spectrum available not only for digital broadcasters, as suggested by Entravision, but also for the operation of wireless microphones and other types of professional wireless production equipment. Because the FCC rules require that public safety radio operations be protected for 130 kilometers from a central reference point,⁷ the operation proposed by the County would extend its reach into Ventura, Kern, San Bernadino, Orange, Riverside and San Diego counties.⁸ Accordingly, Los Angeles County's request, if granted, would result in the loss of Channel 15 spectrum that would not only affect wireless microphone users in downtown Los Angeles or the larger Los Angeles County but also would extend far beyond and impact users with no connection to the county. The County fails to address the fact that a grant of the requested authority to convert Channel 15 in a large area including and surrounding Los Angeles county would cripple existing important uses in the spectrum.

Shure notes that the Commission has already gone to great pains to develop significant additional alternative public safety spectrum and has allocated spectrum in the 700 MHz band for public safety use. Despite this imminent release of significant amounts of new public safety spectrum, the County summarily rejects the 700 MHz band as a potential solution to its needs due to the "crippling cost." The County acknowledges only the

⁶ LAEDC Study at 1. Production activities (design and shooting) make up 67% of the overall film industry activities and is concentrated in Los Angeles where 2 out of 3 jobs are related to motion picture production. See *The Motion Picture Industry in Los Angeles*, Carine Camors, (Study sponsored by the Council of Paris Ile-de-France Region), September 2005, 1.

⁷ See 47 C.F.R. 74.709(b) ("The protected contours for the land mobile radio service are 130 kilometers...").

⁸ See Consolidated Informal Objection, Technical Exhibit filed by Entravision Holdings on August 14, 2007, In re Application of County of Los Angeles, Authorization to Operate Public Safety Radio Communications in 476-482 MHz ("Entravision Objection").

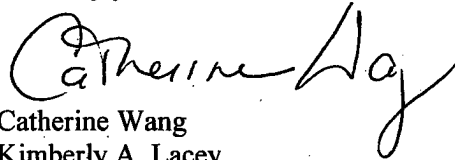
Marlene H. Dortch
February 7, 2008
Page 4

future possibility that it “will eventually migrate certain operations to the 700 MHz band.”⁹ The County provides no commitment, timetable, or specific plan to migrate to the 700 MHz band.

The Commission should consider whether the 700 MHz spectrum already designated for public safety use should be so easily dismissed or rejected by the County. Shure notes that over the last two decades, the County has slowly been consuming spectrum in the TV and other bands.¹⁰ While Shure agrees that public safety is clearly an important use, the severe impact on other uses currently being made of the TV bands must be considered and the public safety community should be encouraged to engage in reasonable and practical spectrum management and planning -- as other spectrum users are required to do.¹¹ If the Commission does not impose this minimum requirement, then there is little to prevent the County -- or any other similarly situated county -- simply to expand its TV band or other spectrum holdings regardless of the adverse impact on existing users and the availability of suitable alternatives designed specifically for public safety.

Shure urges the FCC to address this request cautiously and with consideration to the numerous changes to spectrum use that are currently being undertaken.

Sincerely yours,



Catherine Wang
Kimberly A. Lacey

cc: Zenji Nakazawa, Associate Chief, Policy Division,
Public Safety and Homeland Security Bureau, FCC
Thomas Eng, Policy Division, Public Safety and Homeland
Security Bureau, FCC
Robert M. Gurss, Counsel to County of Los Angeles
Barry Friedman, Counsel to Entravision Holdings, LLC

⁹ See County of Los Angeles, Request for Waiver, 6 (Feb. 21, 2007) (“Waiver Request”).

¹⁰ Los Angeles County has been allotted channels 14, 16, and 20 for public safety use in addition to 17 UHF common carrier frequencies in the 470-512 MHz band and granted waivers to use paging control channels in the 470-512 MHz band. See Waiver Request at 4.

¹¹ Section 337(c) provides that the FCC shall grant an application for use of unused channels for public safety services if the “granting of such application is consistent with the public interest.” See 47 U.S.C. 337(c)(1). Shure agrees with Entravision that the important digital television transition currently ongoing in this country is of the utmost importance and other changes or modification to the use of TV band spectrum should not be granted prior to the completion of that transition. To do so will cause further uncertainty and upheaval during an already challenging time.