



December 19, 2006

VIA ELECTRONIC FILING

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

Re: American Federation of Television and Radio Artists
The Use of Broadcasting "White Spaces" for New Unlicensed Devices
ET Docket No. 04-186

Dear Ms. Dortch:

On behalf of the more than 70,000 recording artists, journalists and performers that make up the American Federation of Television and Radio Artists ("AFTRA"), we write to express our grave concerns regarding the Commission's recent decision to allow unlicensed devices to operate in the broadcasting "white spaces." Those that support the introduction of unlicensed devices into spectrum *already occupied by licensed services* bear the burden of proof to show that no interference will result from these new operations. Introducing new devices into a radiofrequency band that is already heavily occupied by numerous incumbents with different radiofrequency ("RF") transmission characteristics is a daunting task. The Commission must be exceedingly cautious moving forward and should only move forward if it can develop and implement thoroughly vetted rules and device certification procedures supported by credible test results for the proposed unlicensed devices operations as it affects wireless microphones. To do otherwise, wireless microphone users, the national public audience, and incumbent manufacturers will have no protection against intolerable levels of interference once unlicensed devices start to populate the "white spaces" en masse.

AFTRA represents sound recording artists that perform and record rock, country, classical, folk, jazz, comedy, Latin, hip hop, rap and R&B music. In addition, AFTRA's members work for television and radio broadcasters offering news, sports, weather, and drama and comedy programming. AFTRA was established in 1937, and today has in excess of 70,000 members and over 300 collective bargaining agreements that guarantee minimum salaries, safe working conditions, health benefits and retirement benefits for its members. AFTRA also acts as an advocate for its members regarding legislative and public policy issues.

With regard to the proliferation of unlicensed devices in the "white spaces," AFTRA is particularly concerned about the potential affect on wireless microphones ("wireless mics"). AFTRA members, including, journalists, live-action reporters, studio reporters, actors, sound recording artists, program hosts, and producers all rely on wireless mics that currently operate in the "white spaces." Wireless microphone users in these important applications require high-quality, reliable, interference free, untethered wireless microphone equipment. The Commission must be aware that interference-free operation is a fundamental requirement of these transmissions. Interference from any other device substantially degrades the utility of the transmission. Failing to protect wireless mics will have harsh consequences for the American

public. Consider how effective a live news report is from the scene of a major event without audio due to nearby interference from an unlicensed device. Imagine watching a college football game on national television in silence because nearby unlicensed devices have created interference for the production crew. These scenarios are not unrealistic given the strong desire of equipment manufacturers to immediately flood the “white spaces” with unlicensed devices.

The Commission can avoid a disastrous outcome if it ensures that incumbent services -- wireless microphones and related audio services, as well as television -- will be protected from interference. Integrating all incumbent services into its test program would be a necessary first step for the Commission. In particular, difficult to detect wireless mics should be included in the Commission’s laboratory and field testing programs at an early stage. The Commission cannot protect wireless mics if it does not understand how proposed technology solutions will identify and avoid their transmissions. The Commission should also strongly encourage third parties to integrate wireless mics into their independent test programs. The burden to demonstrate that new unlicensed devices will not interfere with wireless mics properly rests with the manufacturers of these devices. Accordingly, manufacturers should be made to expressly certify that their devices will detect and avoid wireless mics, and should provide test data open for public scrutiny and comment to support their certifications. After years of promoting “smart” technology as an effective interference avoidance mechanism, the manufacturers should be prepared to demonstrate how proficient their devices are at detecting all of the various incumbents in the “white spaces.”

AFTRA would also like to remind the Commission of its obligation to effectively protect all incumbents, including wireless mics, despite the wide disparity in the transmission characteristics of the incumbents. The Commission has repeatedly restated its commitment to satisfy this obligation; and, therefore, any rules the Commission develops must incorporate effective protections for wireless mics. If testing proves that “smart” technology alone is insufficient to protect wireless mics, the Commission should explore whether supplemental solutions including a control signal or beacon and reserve spectrum in adjacent TV channels or elsewhere can be added to create effective protections. .

The utility of the “white spaces” spectrum is only improved if new users and incumbents can share it without interference. Effectively displacing the incumbents that have invested and operated in the “white spaces” without interference for decades will harm the American public and negate any benefits of improved spectrum efficiency. Further, the Commission has stated that it will protect all incumbent users of the “white spaces,” and this rulemaking will only be considered a success if the Commission honors that obligation. Providing meaningful protection for wireless mics will require the Commission to include them in its test program, and will also require the adoption of rules that effectively protect wireless mics.

Sincerely,



Kim Roberts Hedgpeth
National Executive Director