



Federal Communications Commission
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Small Entity Compliance Guide

Wireless Microphones Second Report and Order

Report and Order

FCC 14-62

WT Docket Nos. 08-166, 08-167

ET Docket No. 10-24

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This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket(s). This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

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COMPLIANCE REQUIREMENTS ESTABLISHED IN WIRELESS MICROPHONES SECOND REPORT AND ORDER

I. OBJECTIVES OF THE PROCEEDING

This *Second Report and Order*¹ provides for a limited expansion of wireless microphone license eligibility under Part 74, Subpart H of the Commission’s rules to facilitate the operation of wireless microphones by professional sound companies and the owners and operators of large venues that use a large number of these devices.² Specifically, in order to be eligible for a license, a professional sound company or venue must provide audio services or hold events that routinely use 50 or more wireless microphones, where the use of such devices is an integral part of major events or productions. Professional sound companies and large venues that meet these requirements have needs for interference protection to ensure reliable, high quality audio. Expanding wireless microphone license eligibility on this basis is in the public interest because it will benefit entities that require the protection that a license affords without unduly reducing the amount of spectrum available for other uses in the television spectrum bands. In addition, expanding license eligibility in this manner avoids distinctions based on presentation content or on particular classes or groups of users. The licenses will be issued for ten-year, renewable periods. The *Second Report and Order* does not restrict existing opportunities for unlicensed wireless microphone use in the television spectrum bands. However, unlike licensed users, which can register directly with the TV bands (or “white spaces”) database administrator for protection against interference from TV white spaces devices, unlicensed users may be permitted to receive such protection at certain venues of events and productions/shows, but they must apply to the Commission at least 30 days in advance of the event for which they seek protection, and must certify compliance with certain conditions.

II. REGULATIONS AND POLICIES THAT THE COMMISSION ADOPTED OR MODIFIED

The *Second Report and Order* expands the eligibility for obtaining a Low Power Auxiliary Stations (“LPAS”) license under Part 74, Subpart H, to include professional sound companies and owners and operators of large venues that routinely use 50 or more wireless microphones, where the use of wireless microphones is integral part of the major productions or events they host.

III. RECORDKEEPING AND OTHER COMPLIANCE REQUIREMENTS

As with other licensed operations for LPAS, a licensee that is eligible under the revised rule will be subject to all applicable rules, including the requirement that wireless microphone use is “secondary to TV broadcasting and land mobile stations operating in the UHF-TV spectrum and must not cause harmful interference.”³ If such interference occurs, the operation must immediately cease and may not

¹ <http://www.fcc.gov/document/wireless-microphones-second-report-and-order>

² Subpart H of Part 74 provides for the licensing and operation of “low power auxiliary stations” (LPAS), which include wireless microphones.

³ 47 C.F.R. § 74.803(b).

resume until the interference problem has been resolved.⁴ Moreover, where two or more LPAS licensees seek to operate in the same area, the licensees should “select frequencies or schedule operation in such manner as to avoid mutual interference. If a mutually satisfactory arrangement cannot be reached, the Commission shall be notified and it will specify the frequency or frequencies to be employed by each licensee.”⁵

The Commission’s *Incentive Auction Report and Order*,⁶ released on the same date as this *Second Report and Order*, requires wireless microphones to vacate the repurposed UHF spectrum by the end of the post-auction transition period, which will be 39 months after the future release of the *Channel Reassignment Public Notice* in that docket.⁷ Consistent with this deadline, the *Second Report and Order* conditions any new LPAS licenses granted between now and that date, including licenses granted to newly eligible licensees, on the requirement to cease operating in the repurposed spectrum no later than that date. Further, the *Second Report and Order* delegates’ authority to the Wireless Telecommunications Bureau (WTB) to modify these licenses to delete the frequencies identified as repurposed in the *Channel Reassignment Public Notice*, effective as of the end of the post-auction transition period, and to make any other related changes as necessary. Following the post-auction transition period, wireless microphone licensees may operate only in the bands allocated for TV broadcasting, except as otherwise provided in the *Incentive Auction Report and Order* and the Commission’s rules.

IV. WEBLINK

A copy of the *Report and Order* is available at <http://www.fcc.gov/document/wireless-microphones-second-report-and-order>.

⁴ 47 C.F.R. §§ 74.803(b), 74.861(g).

⁵ 47 C.F.R. § 74.803(a).

⁶ <http://www.fcc.gov/document/fcc-adopts-rules-first-ever-incentive-auction-0>

⁷ See *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions, Report and Order*, FCC 14-50, GN Docket No. 12-268 (released June 2, 2014), at ¶¶ 525, 687. The *Incentive Auction Report and Order* also provides that during the transition period, to the extent that either licensed LPAS or unlicensed wireless microphone users operate in the 600 MHz spectrum, they will not be entitled to any interference protection from primary 600 MHz licensees, and that wireless microphone users cease operations in the 600 MHz band if their operations cause harmful interference to any 600 MHz licensee’s operations. *Id.* at ¶ 687.