

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 |
| |) | |
| Amendment of Part 15 of the Commission’s Rules for Unlicensed Operations in the Television Bands, Repurposed 600 MHz Band, 600 MHz Guard Bands and Duplex Gap, and Channel 37, and |) | ET Docket No. 14-165 |
| |) | |
| Amendment of Part 74 of the Commission’s Rules for Low Power Auxiliary Stations in the Repurposed 600 MHz Band and 600 MHz Duplex Gap |) | |
| |) | |
| Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions |) | GN Docket No. 12-268 |
| |) | |

ORDER

Adopted: July 24, 2017

Released: July 24, 2017

By the Acting Chief of the Consumer and Governmental Affairs Bureau and the Chiefs of the Wireless Telecommunications Bureau and the Office of Engineering and Technology:

1. In this order, we provide the specific language that must be used in the Consumer Disclosure required by the *Wireless Microphones R&O*, which the Commission adopted in anticipation of the completion of the broadcast television incentive auction.¹ This Consumer Disclosure requirement is set forth in Sections 74.851(l) and 15.37(k) of the Commission’s rules. It is applicable to persons who manufacture, sell, lease, or offer for sale or lease, wireless microphone or video assist devices -- either (a) wireless microphones or other low power auxiliary stations (“wireless microphones”) or video assist devices, authorized pursuant to Part 74, Subpart H of the Commission’s rules, or (b) unlicensed wireless microphones authorized pursuant to Section 15.236 – to the extent that these devices are capable of operating in the 600 MHz service band (617-652 MHz / 663-698 MHz). This disclosure informs consumers that wireless microphone users must cease any wireless microphone operations in the 600 MHz service band no later than July 13, 2020. In addition, in many instances they may be required to

¹ See *Promoting Spectrum Access for Wireless Microphone Operations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 14-166 and GN Docket No. 12-268, Report and Order, 30 FCC Rcd 8739, 8761-62, paras. 49-50 (2015) (*Wireless Microphones R&O*); 47 CFR §§ 15.37(k), 74.851(l).

cease use of these devices earlier if their use has the potential to cause harmful interference to 600 MHz service licensees' wireless operations in the band.²

2. On August 5, 2015, the Commission adopted the *Wireless Microphones R&O*, which established various rules applicable to wireless microphones (and other low power auxiliary stations) that operate on a licensed basis in the TV bands (which at that time included TV channels 2-51 except channel 37).³ Anticipating the repurposing of a portion of the TV bands for new 600 MHz wireless services after the close of the broadcast television incentive auction, the Commission took several actions to ensure that the use of wireless microphones does not cause harmful interference to new 600 MHz service licensees' wireless operations.⁴ Among other actions, the Commission adopted the Consumer Disclosure requirement set forth in Sections 74.851(k) and 15.37(k), which is the subject of the instant order.⁵

3. In adopting a Consumer Disclosure requirement, the Commission explained that consumers will need to be informed of the changes that will affect their use of wireless microphones in the portion of the TV bands that is being repurposed following the broadcast television incentive auction, the conditions associated with their continued use of the 600 MHz service band during the 39-month post-auction transition period, and their need to cease operations in the 600 MHz service band no later than the end of this transition period.⁶ Specifically, the Commission required that anyone selling, leasing, or offering for sale or lease, wireless microphones that operate in the 600 MHz service band provide the Consumer Disclosure to consumers.⁷ These entities must display the Consumer Disclosure at the point of sale in a clear, conspicuous, and readily legible manner. In addition, the Consumer Disclosure must be displayed on the website of the manufacturer (even if the manufacturer does not sell wireless microphones directly to the public) and of dealers, distributors, retailers, and anyone else selling or leasing the devices.⁸

² *Wireless Microphones R&O*, 30 FCC Rcd at 8756-57, para. 41 (wireless microphone users may operate in the 600 MHz service band during the post-auction transition period (which ends 39 months following issuance of the *Channel Reassignment PN*), and must cease operations earlier if such operations would cause harmful interference to any 600 MHz service licensee's wireless operations); *Promoting Spectrum Access for Wireless Microphone Operations; Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, GN Docket No. 14-165 and GN Docket No. 12-268, Report and Order, 30 FCC Rcd 9551, 9630-31, para. 192, 9659, para. 263 (2015) (*TV Bands Part 15 R&O*) (wireless microphone users may operate in the 600 MHz service band during the post-auction transition period except where 600 MHz service licensees commence their wireless operations); 47 CFR §§ 15.236(c)(2), 74.802(f); *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions*, Report and Order, 30 FCC Rcd 12025, 12028-35, paras. 7-20 (2015) (defining areas where secondary and licensed users in the 600 MHz service band must cease operations in order to prevent harmful interference to 600 MHz service licensees' operations; these include areas where the 600 MHz service licensees commence their wireless operations, as well as where those licensees are conducting their first field application testing) (*Commencing Operations R&O*); *Incentive Auction Closing and Channel Reassignment Public Notice*, AU Docket No. 14-252, GN Docket 12-268, WT Docket No. 12-269, MB Docket No. 16-306, Public Notice, DA 17-314 (MB/WTB, rel. Apr. 13, 2017) (establishing the 39-month post-auction transition period in the 600 MHz service band, which will end on July 13, 2020) (*Channel Reassignment PN*).

³ See generally *Wireless Microphones R&O*, 30 FCC Rcd 8739.

⁴ *Id.* at 8758-66, paras. 43-63; *TV Bands Part 15 R&O*, 30 FCC Rcd at 9659, para. 263; *Commencing Operations R&O*, 30 FCC Rcd at 12028-35, paras. 7-20; 47 CFR §§ 15.236(c)(2), 74.802(f).

⁵ *Wireless Microphones R&O*, 30 FCC at 8761-62, paras. 49-50.

⁶ *Id.* at 8761, para. 49.

⁷ *Id.* at 8761, para. 50 (citing authority under 47 U.S.C. § 302a).

⁸ *Id.*; see 47 CFR §§ 74.851(l), 15.37(k). As the Commission noted, this disclosure requirement draws on the approach taken for the consumer disclosure required when informing consumers about the transition of wireless microphones out of the 700 MHz band. *Wireless Microphones R&O*, 30 FCC Rcd at 8758, para. 43; see also *Revisions to Rules Authorizing Operation of Low Power Auxiliary Stations in the 698-806 MHz Band*, Order, DA 10-92, 25 FCC Rcd 367 (WTB/CGB, rel. Jan. 15, 2010).

4. In the *Wireless Microphones R&O*, the Commission delegated authority to the Consumer and Governmental Affairs Bureau, working with the Wireless Telecommunications Bureau and the Office of Engineering and Technology, to prepare the specific language of the Consumer Disclosure, following the close of the broadcast television incentive auction and issuance of the *Closing and Channel Reassignment Public Notice*,⁹ which establishes the frequencies that are associated with the 600 MHz service band. The *Closing and Channel Reassignment PN* was released on April 13, 2017, and established the 600 MHz Band Plan, identifying the 600 MHz service band as comprising the following frequencies – 617-652 MHz and 663-698 MHz.¹⁰ We hereby adopt the text provided in the Appendix to this order as the specific language of the Consumer Disclosure, as required by the Commission. In addition, this text will be incorporated into Sections 74.851(l) and 15.37(k) of the Commission’s rules.

5. Accordingly, IT IS ORDERED that, pursuant to Sections 4(i) and 302 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 302a, and Sections 0.131, 0.141, 0.331, and 0.361 of the Commission’s Rules, 47 CFR §§ 0.131, 0.141, 0.331, and 0.361, the Consumer Disclosure text in the Appendix to this ORDER is hereby ADOPTED.

6. IT IS FURTHER ORDERED that the rules adopted herein, which contain new information collection requirements that require approval by OMB under the PRA, WILL BECOME EFFECTIVE after the Commission publishes a notice in the Federal Register announcing such approval and the relevant effective date.

FEDERAL COMMUNICATIONS COMMISSION

G. Patrick Webre
Acting Chief
Consumer and Governmental Affairs Bureau

Donald Stockdale
Chief
Wireless Telecommunications Bureau

Julius P. Knapp
Chief
Office of Engineering and Technology

⁹ *Wireless Microphones R&O*, 30 FCC Rcd at 8761-62, para. 50. As noted by the Commission, this disclosure requirement requires approval from the Office of Management and Budget (OMB) as a new information collection under the Paperwork Reduction Act (PRA). The effectiveness of the requirement accordingly is contingent upon OMB approval, which will be announced by public notice. *Id.* at 8762 n.142. This Consumer Disclosure text will be published in the Federal Register. *Id.* at 8761, para. 50.

¹⁰ *Channel Reassignment PN*, DA 17-314 at para. 15. Under this band plan, the 600 MHz guard band is comprised of the 614-617 MHz band, and the 600 MHz duplex gap is comprised of the 652-663 MHz band. *Id.*

APPENDIX – Consumer Disclosure Text**CONSUMER ALERT**

This particular wireless microphone device operates in portions of the 617-652 MHz or 663-698 MHz frequencies. Beginning in 2017, these frequencies are being transitioned by the Federal Communications Commission (FCC) to the 600 MHz service to meet increasing demand for wireless broadband services. Users of this device must cease operating on these frequencies *no later than July 13, 2020*. In addition, users of this device may be required to cease operations *earlier* than that date if their operations could cause harmful interference to a 600 MHz service licensee's wireless operations on these frequencies. For more information, visit the FCC's wireless microphone website at www.fcc.gov/wireless-microphones-guide or call the FCC at 1-888-CALL-FCC (TTY: 1-888-TELL-FCC).