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TELECOM REGULATION

GENACHOWSKI CIRCULATES WIRELESS MIC ITEM

FCC Chairman Julius Genachowski this afternoon circulated a draft item that attempts to try to resolve the thorny issue of what to do with wireless microphones operating in the 700 megahertz band, an agency source told TRDaily. The Chairman is hoping for speedy action on the order and further notice of proposed rulemaking, the source said.

Wireless carriers and public safety groups have pressed the agency since before the digital television transition was completed in June to protect new 700 MHz band licensees from interference from wireless mics, while TV broadcasters and wireless mic interests have pushed for an adequate phased transition of the devices to other spectrum.

Under the item, wireless mic users would get a waiver to operate in the spectrum until June 12, 2010, the one-year anniversary of the transition being completed, while the agency would require labeling on how wireless mics are licensed and ban the sale or distribution of the devices for the 700 MHz band in the U.S. The further notice would focus on the long-term status of the devices, both within the 700 MHz band and in other spectrum.

The FCC would conduct an extensive outreach effort to notify various entities that rely on wireless mics about the new rules, including theaters, schools, churches, community groups, amusement parks, and other organizations. The initiative, which would be patterned after the DTV transition outreach, would include a web site, consumer advisory, press releases, and other efforts. "The overall level of awareness is high," the FCC source said, referring to expectations around the country that the Commission planned to move soon to clear the 700 MHz band of wireless mics.

In January, former FCC Chairman Kevin J. Martin had circulated to his fellow Commissioners an order that would have forced wireless mics and other low power auxiliary service (LPAS) devices to clear out of the 700 MHz band within a year of the original DTV transition deadline - or Feb. 17, 2010. Entities currently operating in the band would have to accept interference until then. The item also would have banned the manufacture, sale, or import of devices that use the spectrum.

In response to a notice of proposed rulemaking adopted in the proceeding in August 2008 and in a myriad of ex parte filings and meetings since then, the TV broadcasting community and wireless mic makers and users have said that the FCC should provide a longer transition period.

In that notice, the FCC said that its Enforcement Bureau had launched a probe into the marketing practices of wireless mic manufacturers. One major manufacturer, Shure, Inc., has said that it ceased making, marketing, or selling 700 MHz band wireless mic products in the U.S. in 2007.

In July 2008, the Public Interest Spectrum Coalition filed an informal complaint and petition asking the FCC to create a new wireless mic service and grant a general amnesty to unauthorized mic users.

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