



Legislation Details (With Text)

**File #:** Res 1613-2008      **Version:** A      **Name:** Refrain from implementing proposed regulatory amendments that would allow portable devices to operate on the white space radio spectrum.

**Type:** Resolution      **Status:** Adopted

**In control:** Committee on Technology in Government

**On agenda:** 9/24/2008

**Enactment date:**      **Enactment #:**

**Title:** Resolution urging the Federal Communications Commission to open a formal comment period on the Commission’s TV white space test report to enable all stakeholders to thoroughly review the data and comment, and to set aside a sufficient number of broadcast channels for the exclusive use of wireless microphone in order to protect all incumbent wireless microphone users.

**Sponsors:** Gale A. Brewer, Christine C. Quinn, Lewis A. Fidler, Sara M. Gonzalez, G. Oliver Koppell, John C. Liu, Darlene Mealy, Michael C. Nelson, James Sanders, Jr., David I. Weprin, Helen Sears, Thomas White, Jr.

**Indexes:**

**Attachments:** 1. Res. No. 1613 - 9/24/08, 2. Committee Report 9/29/08, 3. Hearing Transcript 9/29/08, 4. Committee Report 10/23/08, 5. Hearing Transcript 10/23/08, 6. Hearing Transcript - Stated Meeting 10/23/08

Date	Ver.	Action By	Action	Result
9/24/2008	*	City Council	Introduced by Council	
9/24/2008	*	City Council	Referred to Comm by Council	
9/29/2008	*	Committee on Technology in Government	Hearing Held by Committee	
9/29/2008	*	Committee on Technology in Government	Laid Over by Committee	
10/23/2008	*	Committee on Technology in Government	Hearing Held by Committee	
10/23/2008	*	Committee on Technology in Government	Amendment Proposed by Comm	
10/23/2008	*	Committee on Technology in Government	Amended by Committee	
10/23/2008	A	Committee on Technology in Government	Approved by Committee	Pass
10/23/2008	A	City Council	Approved, by Council	Pass

Res. No. 1613-A

Resolution urging the Federal Communications Commission to open a formal comment period on the Commission’s TV white space test report to enable all stakeholders to thoroughly review the data and comment, and to set aside a sufficient number of broadcast channels for the exclusive use of wireless microphone in order to protect all incumbent wireless microphone users.

By Council Member Brewer, The Speaker (Council Member Quinn), and Council Members Fidler, Gonzalez, Koppell, Liu, Mealy, Nelson, Sanders Jr., Weprin, Sears and White Jr.

Whereas, The term “white spaces” refers to the unlicensed or unused portion of the radio spectrum found between television broadcast channels; and

Whereas, White spaces were assigned by the Federal Communications Commission (“FCC”) in order to minimize interference between television broadcast channels; and

Whereas, Millions of persons across the country and hundreds of thousands in the City of New York rely on over-the-air broadcast television signals for all of their local news, sports, entertainment, and emergency information; and

Whereas, Dozens of national industries, including live theatre, music productions, sporting events, film and television productions and houses of worship currently utilize wireless microphone systems that transmit in the television band over a short range; and

Whereas, The performing arts, including Broadway and Off-Broadway productions, nonprofit theatres, orchestras, opera companies, dance companies and presenting organizations have utilized wireless microphones in countless performances for more than three decades; and

Whereas, Wireless microphone systems permit the freedom of movement onstage, enhance backstage communication and contribute to the seamless operation of stage equipment; and

Whereas, The performing arts depend on wireless microphone systems in order to produce high quality performances without jeopardizing the health and safety of performers, technicians and stagehands; and

Whereas, The use of wireless microphones by live theatre has evolved into a complex process, requiring technicians to adjust each show’s wireless system prior to every performance in order to coordinate with nearby productions and to adjust for the City of New York constantly changing ambient signal traffic; and

Whereas, Broadway is one of the City’s top tourist attractions, annually responsible for over \$5 billion dollars of spending into the local economy and supporting the equivalent of over 44,000 full time jobs; and

Whereas, An alliance of large technology companies, including Microsoft, Google, Dell, HP, Intel, Philips, EarthLink, and Samsung Electro-Mechanics, collectively known as the White Spaces Coalition, has

proposed that the FCC should adopt regulatory changes that would allow the unlicensed use of white spaces by portable personal devices; and

Whereas, To ensure that television reception and short-range wireless microphone systems are not negatively impacted by the use of white spaces by portable personal devices, some members of the White Spaces Coalition have designed systems that purport to avoid interference, including spectrum sensing and geo-location and database access; and

Whereas, The FCC recently tested the ability of several prototype devices to detect and avoid occupied channels, and, while those devices relying solely on spectrum sensing technology may in the future adequately protect television and microphone transmissions, at this time they require further development; and

Whereas, The FCC has tentatively concluded, based on testing results, that spectrum sensing, when utilized in combination with geo-location and database access techniques, has met the burden of proof sufficiently to permit the authorization of white space devices utilizing such technology; and

Whereas, organizations including the Broadway League and the National Association of Broadcasters have raised questions about whether the data produced by the Commission's tests actually supports the policy conclusion drawn by the FCC; and

Whereas, The FCC has not opened a formal comment period on the results of their tests of white spaces devices that would permit stakeholders, including the Broadway League and the National Association of Broadcasters and the City of New York, an opportunity to thoroughly review the data and formally comment on results of those tests; and

Whereas, One of the benefits of allowing the unlicensed use of white spaces is that it may permit the creation of low-cost wireless broadband services; and

Whereas, The public hearings of the New York City Broadband Advisory Committee has shown that there is a powerful need to connect more New Yorkers to the Internet at an affordable price; and

Whereas, Bridging the digital divide, and the creation of low-cost broadband services, including City-

wide wireless broadband, has been a long term goal of the Council; and

Whereas, Such services, however, should not come at the expense of live theatre, the performing arts, film and television production, and professional sports leagues, nor should they put New York City consumers at risk to lose their access to news and emergency information by jeopardizing television reception; now, therefore, be it

Resolved, That the Council of the City of New York urges the Federal Communications Commission to open a formal comment period on the Commission's TV white space test report to enable all stakeholders to thoroughly review the data and comment, and to set aside a sufficient number of broadcast channels for the exclusive use of wireless microphone in order to protect all incumbent wireless microphone users.