

Shure Incorporated Comments

Instituto Federal de Telecomunicaciones

“Panorama del espectro radioeléctrico en México para servicios móviles de quinta generación”

Mark Brunner, VP Global Corporate and Government Relations

Shure Incorporated | 5800 West Touhy Ave, Niles, IL 60714 USA

FORM TO PARTICIPATE IN THE PUBLIC CONSULTATION

How to fill out and participate:

- I. Opinions, comments and proposals shall be submitted to the following electronic mail: consultapublica5G@ift.org.mx. Maximum file size is 25 MB.
- II. Enter your full name (name and last name), company name or the legal representative's full name (name and last name). In this last case, select the type of document to accredit such representation and submit as attachment a legible electronic copy to the same electronic mail address.
- III. Read carefully the **PRIVACY POLICY** to become aware of the care and safeguard of your personal data, as well as of the publicity to be given to the comments, opinions and contributions you submit as part of this consultation process.
- IV. Enter your comments according to the structure indicated in Section II.
- V. In case you have general comments or any additional contribution, fill out the last box.
- VI. In case you are interested, you may attach any documents you deem convenient to your electronic mail message.
- VII. This public consultation will be held from September 9 to October 21, 2019 (30 business days). Upon its conclusion, the submitted comments and attached documents will be available at: <http://www.ift.org.mx/industria/consultas-publicas>
- VIII. The following contact is available to direct any questions, comments or concern about this consultation process to the Institute: Marisol Cuevas Tavera, Assistant Director of Regulatory Projects 2, electronic mail: marisol.cuevas@ift.org.mx phone number (55) 50154000 ext. 4872.

I. Respondent's Information	
Name or company name:	Shure Incorporated
Legal representative's name, if applicable:	Mark Brunner
Document to accredit representation: In the case of a legal representative, attach a digital copy of the document to accredit such representation to the email message.	Certification of the General Counsel of Shure Incorporated.
PRIVACY POLICY	
<p>In compliance with articles 3, section II, 16, 17, 18, 21, 25, 26, 27 and 28 of the General Law on the Protection of Personal Data Held by Private Parties (hereinafter, the "LGPDPPSO") and numbers 9, section II, 11, section II, 15 and 26 to 45 of the General Guidelines for the Protection of Personal Data Held by Private Parties (hereinafter, the "Guidelines"), the Integrated Privacy Policy is made available to the users:</p> <ol style="list-style-type: none"> i. Controller's name: Instituto Federal de Telecomunicaciones (Federal Telecommunications Institute, hereinafter, the "IFT"). ii. Controller's address: Av. Insurgentes Sur, No. 1143, Col. Noche Buena, Benito Juárez, zip code 03720, Mexico City, Mexico. iii. Personal data to be handled and its purpose: All comments, opinions and contributions submitted related to this public consultation will be fully disclosed in the electronic portal of the Institute in an associated manner with the data subject and, in this sense, they will be considered invariably public in terms of numeral Eighth of the Public Consultation and Regulatory Impact Analysis Guidelines. This, because the nature of public consultations is to promote social participation and to transparent the new regulation-making process, as well as any other matter that the Governing Board of the IFT may consider, generating a space for the exchange of information, opinions and viewpoints on any matter of interest that this independent constitutional agency submits to public scrutiny. In case that information different from the name and opinion is detected in the documents submitted, and it includes confidential personal data, it will be protected. In relation to the name and opinion of the respondent in this exercise, it is understood that consent is granted to disclose such information in at least the Institute's portal, in terms of articles 20 and 21, second and third paragraphs, of the LGPDPPSO and numbers 12 and 15 of the Guidelines. iv. Information relating personal data transfers requiring consent: Personal data collected for public consultation purposes will not be subject to transfers requiring the data subject's consent. v. Legal basis granting authority to perform the treatment: the IFT, convinced of the usefulness and importance of transparency and civil participation in the new regulation-making process, as well as any other matter of interest, performs public consultations based on articles 15 sections XL and XLI, 51 of the Federal Telecommunications and Broadcasting Law, last amendment published in the Federal Official Gazette on June 15, 2018, 12, section XXII, second and third paragraphs, and 138 of the Federal Economic Competition Law, last amendment published in the Federal Official Gazette on January 27, 2017, as well as Guideline Eighth of the Public Consultation and Regulatory Impact Analysis Guidelines of the Federal Telecommunications Institute, published in the Federal Official Gazette on November 8, 2017. 	

- vi. **Mechanisms and means available to the data subject to manifest his denial to the treatment of his personal data for purposes and transfers requiring the data subject's consent:** In accordance with section IV of this Privacy Policy, personal data collected for public consultation purposes will not be subject to transfers requiring the data subject's consent. However, the following contact is made available: Marisol Cuevas Tavera, Assistant Director of Regulatory Projects 2, electronic mail: marisol.cuevas@ift.org.mx; phone number (55) 50154000 ext. 4872.
- vii. **The available mechanisms, means and procedures to exercise access, rectification, cancellation or opposition rights on his personal data treatment (hereinafter, the "ARCO rights"):** Requests to exercise ARCO rights shall be submitted before the Transparency Unit of the IFT, by free form document, formats, electronic means or any other means established by the National Institute of Transparency, Access to Information and Personal Data Protection (hereinafter the "INAI"). The procedure will be governed by articles 48 to 56 of the LGPDPPSO as well as numbers 73 to 107 of the Guidelines, in accordance with:
- a) The requisites that shall be included in the request to exercise ARCO rights:
- Data subject's name and address, or any other means for service;
 - Documents to accredit the identity of the data subject or, when applicable, the capacity and identity of his representative;
 - If possible, the area concerned with personal data treatment and before which the request is submitted;
 - A clear and precise description of the personal data on which the exercise of any of the ARCO rights is intended;
 - Description of the ARCO right to be exercised or whatever the data subject is requesting, and
 - Any other element or document that may be useful to locate the personal data.
- b) The means by which the data subject may submit requests to exercise ARCO rights.
- Same as established in paragraph eighth of article 52 of the LGPDPPSO, which indicates the following:
- Requests to exercise ARCO rights shall be submitted before the Transparency Unit of the controller deemed competent by the data subject, by free form document, formats, electronic means or any other means established by the INAI for such purposes.
- c) Forms, systems and other simplified means that the Institute may have established for the data subject to exercise his ARCO rights.
- The forms developed by the INAI to exercise ARCO rights are available at its Internet portal (www.inai.org.mx), in the "Protección de Datos Personales"/"¿Cómo ejercer el derecho a la protección de datos personales?"/"Formatos"/"Sector Público" section.
- d) The means enabled to respond request to exercise ARCO rights.
- In accordance with number 90 of the Guidelines, the response adopted by the controller may be notified to the data subject in its Transparency Unit or in the offices established for that purpose, prior accreditation of his identity and, when applicable, the identity and capacity of his representative, in person or through the National Transparency Platform or registered mail. Notice through a representative will not be valid when using these last means.
- e) The mode or means to reproduce personal data.
- In accordance with number 92 of the Guidelines, the mode or means of personal data reproduction will be through direct consultation, in his location, or by simple copies, certified copies, magnetic, optical, sound, visual or holographic media, or any other technology determined by the data subject.
- f) The terms established in the procedure, which may not contravene articles 51, 52, 53 and 54 of the LGPDPPSO, are:
- The controller shall establish simple procedures to allow the exercise of ARCO rights, with response times no exceeding twenty days from the day following reception of the request.
- The term referred above may be extended one time only, for up to ten days, under justified circumstances, provided that the data subject is notified within the response term.
- In case the exercise of ARCO rights is valid, the controller shall make it effective within a term that may not exceed fifteen days from the day following notice of response to the data subject.

In case the request for data protection does not comply with any of the requisites referred in paragraph fourth of article 52 of the LGPDPPSO, and the controller does not have sufficient elements to correct it, the data subject will be warned within five days following the submission of the request to exercise ARCO rights, for one single time, to correct the omissions within a term of ten days from the day following the notice.

Upon conclusion of said term without any response, the request to exercise ARCO rights will be deemed as not submitted.

The warning will have the effect of interrupting the term for the INAI to respond the request of exercise of ARCO rights.

In case the controller is not competent to process the request for exercise of ARCO rights, it shall notify the data subject on such situation within three days following submission of the request, and in case it may be determined, direct him to the competent controller.

In case provisions applicable to certain personal data treatment establish a specific procedure or process to request the exercise of ARCO rights, the controller shall notify the data subject on its existence within a term of five days following submission of the request to exercise ARCO rights, so that the latter may decide whether to exercise his rights through the specific procedure or by the process that the controller may have instituted to care for requests to exercise ARCO rights in accordance with articles 48 to 56 of the LGPDPPSO.

In the particular case, no specific process exists to request the exercise of ARCO rights relating to personal data collected for the consultation process at hand. (Case description, when applicable).

- g) The data subject's right to submit a writ of review before the INAI in case of disagreement with the response.

Such right is established in articles 103 and 116 of the LGPDPPSO, which indicate that the data subject, in his own behalf or through his representative, may file a writ of review before the INAI or the Transparency Unit of the controller who has heard of the request to exercise ARCO rights within a term of fifteen days from the day following the date of notice of the response.

- viii. **Address of the Transparency Unit of the Federal Telecommunications Institute:** Av. Insurgentes Sur, No. 1143, Col. Noche Buena, Delegación Benito Juárez, zip code 03720, Mexico City, Mexico. Ground Floor, phone 50154000, ext 4267.

- ix. **The means by which the controller will communicate data subjects on changes to the privacy policy are:** All changes to the Privacy Policy will be notified to the data subjects in the public consultation section of the IFT's Website.

II. Public Consultation for Integration Questionnaire

Note 1: The study “*Panorama del Espectro radioeléctrico en México para servicios móviles de quinta generación*” is a reference document to support the understanding of the questions listed below. The study itself is not subject to public consultation.

Note 2: Answering all the questions included in the following table is recommended, along with arguments and elements, as you may deem necessary to support the opinion, including supporting documents that you may want to attach.

Question no.	Question	Comment, opinion or contribution
1	<p>Do you consider that the quantity of radio spectrum to implement fifth generation (5G) mobile systems provided in the reference document is adequate for the demand expected for the next 5, 10 and 20 years in Mexico?</p> <p>Justify your response with technical, economic or strategic reasons.</p>	No comment.
2	<p>Regarding the frequency bands identified in the reference document to implement fifth generation (5G) mobile systems in Mexico, what other frequency band(s) do you think should be considered for that purpose?</p> <p>Justify your response with technical (case studies, international experiences, etc.) economic or strategic reasons.</p>	No comment.
3	<p>Regarding the frequency bands identified in the reference document to implement fifth generation (5G) mobile systems in Mexico, which frequency band(s) do you consider viable/unfeasible or appropriate/not appropriate, for sharing or coexistence with other radio communication services?</p> <p>Do you consider that any of the identified frequency band(s) or segment(s) should not be used to implement fifth generation (5G) mobile systems in Mexico?</p> <p>For both cases, justify your response with technical (compatibility/coexistence studies, case studies, international experiences, etc.), economic or strategic reasons.</p>	See below.
4	<p>Regarding the frequency band(s) that you consider appropriate to implement fifth generation (5G) mobile systems in Mexico, what mechanisms and/or sharing schemes, coexistence of services,</p>	No comment.

Question no.	Question	Comment, opinion or contribution
	isolation, geographical separation, or any other, do you think could be applicable to make efficient use of the radio spectrum?	
5	<p>Regarding the frequency band(s) that you consider appropriate to implement fifth generation (5G) mobile systems in Mexico, which you deem the year or period that the Institute makes available to the market it(s) band(s) or some segment of it(s).</p> <p>Justify your response with technical (practical cases, international experiences, etc.), economic or strategic reasons.</p>	No comment.
6	<p>Regarding the frequency band(s) that you consider appropriate to implement fifth generation (5G) mobile systems in Mexico, do you consider appropriate that two or more frequency bands should be made available to the market simultaneously?</p> <p>In case of a positive response, which would be the frequency bands or, if applicable, frequency band segments that should be tendered?</p> <p>Justify your response with technical (case studies, international experiences, etc.), economic or strategic reasons.</p>	No comment.
7	<p>Regarding the frequency band(s) that you consider appropriate to implement fifth generation (5G) mobile systems in Mexico, what are the potential uses and benefits in the next 5, 10 and 20 years of that frequency band(s) in Mexico?</p> <p>Justify your response with technical (compatibility/coexistence studies, case studies, international experiences, etc.), economic or strategic reasons.</p>	No comment.
8	<p>Regarding the frequency band(s) that you consider appropriate to implement fifth generation (5G) mobile systems in Mexico, how much contiguous radio spectrum do you consider? What segmentation and/or channeling do you consider appropriate for each frequency band(s)?</p> <p>Justify your response with technical (case studies, international experiences, etc.), economic or strategic reasons.</p>	No comment.
9		No comment.

Question no.	Question	Comment, opinion or contribution
	<p>Regarding the frequency band(s) that you consider appropriate to implement fifth generation (5G) mobile systems in Mexico:</p> <ul style="list-style-type: none"> - Which of them do you think should be used exclusively for indoor use? - Which of them do you think should be used exclusively for outdoor use? - Which of them do you think could be used either for indoor and outdoor uses? <p>Justify your response with technical (compatibility/coexistence studies, case studies, international experiences, etc.), economic or strategic reasons.</p>	
10	<p>Do you have additional considerations regarding radio spectrum that the IFT should take into account to satisfy the radio spectrum demand for fifth generation (5G) mobile systems in Mexico?</p> <p>Justify your response with technical (compatibility/coexistence studies, case studies, international experiences, etc.), economic or strategic reasons.</p>	See below.
11	<p>Regarding the frequency bands proposed in the reference document, do you identify potential specific services to be implemented on these frequency band(s) (IoT, short-range device applications, backhaul, WiFi evolution, satellite services, or others)?</p> <p>Justify your response and specify the frequency band(s).</p>	No comment.

III. General comments, opinions and contributions by the respondent

Note 3: This section may be used to freely offer comments, opinions and contributions related to fifth generation (5G) mobile systems in Mexico. If you have any comments about the study *“Panorama del Espectro radioeléctrico en México para servicios móviles de quinta generación”*, introduce them in the second column below. If applicable, you can specify the page of the study in the first column.

Note 4: Add as many lines as necessary.

Number of page in the Study	Comment, opinion or contribution
	Please see comments below on the importance of IFT ensuring that its plans to conduct an auction of 600 MHz spectrum include a comprehensive roadmap to protect wireless microphone operations in the TV band.

Executive Summary

Shure Incorporated (“Shure”) hereby submits comments in response to the Federal Telecommunications Institute’s (“IFT”) consultation entitled, “Panorama del espectro radioeléctrico en México para servicios móviles de quinta generación” in which IFT seeks comment on, inter alia, the feasibility of sharing certain frequency bands between 5G and other radio services, and additional considerations to take into account when seeking to satisfy radio spectrum demand for 5G services. In particular, Shure respectfully requests that IFT plans to conduct an auction of 600 MHz spectrum include a comprehensive roadmap to protect wireless microphone operations in the TV band.

I) Background on Shure

Shure is a leading global manufacturer of high-quality wireless microphones and other professional audio products classified as low-power auxiliary devices under Part 74 of the U.S. Federal Communication Commission’s rules and in some other countries referred to as Programme Making and Special Events (“PMSE”) equipment. Shure has participated extensively in regulatory proceedings in the U.S. and in other countries to help international regulators formulate rules that address competing demands for spectrum and facilitate evolving wireless microphone technologies.

II) Description of Primary Functions and Purposes of Wireless Microphones

Wireless microphones are essential tools for multimedia and cultural productions and support a wide variety of industries that contribute to the economy of Mexico. The term PMSE refers to all the wireless production tools used for front-end solutions in the field of professional multimedia production (from radio and television to online content, cultural events, corporate conferences, trade fairs, music and theatrical entertainment, education, sport events and more).

ECC Report 204¹ gives various illustrations of global uses for PMSE audio links. Among these are uses of wireless microphones in theaters, political and cultural events, studios and all sorts of gatherings that require sound amplification and recording, in both urban and rural areas. Shure estimates that there are currently thousands of wireless microphones in use throughout Mexico and that they are being used on a daily basis in a wide array of settings, including government use at locations such as the IFT headquarters in Mexico City.

III) Overview of International Regulatory Accommodations for Wireless Microphones

¹ <https://www.ecodocdb.dk/download/1f1d1819-5ca2/ECCREP204.PDF>.

Under ITU regulations, wireless microphones have consistently had access to the crucial UHF-TV band in many countries in ITU Region 2 and in the vast majority of countries globally.² This use will not change for the near future. ECC Report 204 lists the 470-786 MHz as a core band in more than 29 countries with the “predominant use” [...] for radio microphones” (at 41). Moreover, ERC Recommendation 25-10 (Annex 2 – Audio PMSE)³ recommends an allocation of the 470-694 MHz band for “radio microphones” because this is “[c]urrently a core band for professional PMSE use.”

In the U.S., the FCC appreciates the importance of UHF-TV band spectrum for wireless microphones and accordingly has provided them access to, *inter alia*, the 470-608 MHz band, the 600 MHz duplex gap (653-663 MHz), and the TV Channel 37 guard band (614-616 MHz).⁴ In addition, the FCC has identified and permitted operations in additional spectrum bands outside of the UHF-TV band for professional use. The FCC also protects wireless microphones – Part 74 licensees may register their operations in the white space databases to obtain interference protection from white space devices.⁵

IV) Rationale to Grant Access for Wireless Microphones in the 600 MHz Band

It is our understanding that Mexico intends to auction the 600 MHz band for commercial mobile use during the first quarter of 2020.⁶ In this respect, it is important to consider the provisions contained in article 54 of the Federal Telecommunications and Broadcasting Law (the “Law”) pursuant to which the IFT shall use an objective, transparent, non-discriminatory and balanced criteria to allocate use of frequency bands, grant spectrum concessions and satellite orbits, whereas the IFT shall also manage spectrum as per its mandate under the Mexican Constitution, the Law, international treaties and ITU and other international recommendations, as applicable.

If IFT proceeds without issuing protective rules that accommodate wireless microphone operations in the 600 MHz band, we consider that IFT would deviate from the obligations set forth in article 54 of the Law, with respect to spectrum allocation. Such a situation would likely cause a number of detrimental effects on Mexico’s economy. By deviating from the international UHF-access norms described above, IFT would leave thousands of domestic wireless microphone operators (e.g. broadcasters, conference centers, performers, houses of worship) stranded with orphaned devices they can no longer legally operate. Furthermore, the adverse economic impact would not be confined to microphone users. Shure manufactures many of its wireless microphones at facilities in Ciudad Juarez, Chihuahua, benefitting Mexico in the form of factory jobs and related positions spanning the Mexican industrial supply chain. It would be philosophically inconsistent for Shure to continue manufacturing in Mexico if it would be doing so in a country where its products are not fully authorized to operate.

² CEPT Rec 70-03, Annex 10, <https://www.ecodocdb.dk/download/25c41779-cd6e/Rec7003e.pdf>, category f1.

³ <https://www.efis.dk/report/report2510AnnexRecommendation.do?jsessionid=91045164D90CA63E38220FC5979EA8C0?annexId=1>.

⁴ See generally [FCC 15-100](#).

⁵ [FCC 15-99](#), ¶ 13.

⁶ <http://www.ift.org.mx/conocenos/pleno/entrevistas/otros-funcionarios/entrevista-alejandro-navarrete-titular-de-la-unidad-de-espectro-radioelectrico-en-formula-financiera-13>.

Furthermore, and given the fact that the spectrum is an essential input without which the wireless microphones cannot operate, the failure by IFT to issue protective rules that accommodate wireless microphone operations in the 600 MHz band would result in a barrier that would actually displace all the manufacturers of wireless microphones in Mexico, with repercussions in other markets that currently rely on or use wireless microphones.

V) Conclusion

Shure appreciates that IFT has recognized the importance of coordinating and harmonizing the 600 MHz band (including along the U.S. border) in other contexts.⁷ We hope to continue the dialogue with IFT leadership and strongly urge IFT to refrain from auctioning off the 600 MHz band until there are proper accommodations in place for wireless microphone users.

⁷ See, Presentation of IFT Commissioner Inzunza, slide 27, available at: <http://www.ift.org.mx/sites/default/files/conocenos/pleno/presentaciones/adriana-sofia-labardini-inzunza-presidenta/spectrumsummit2017iftlabardinimexicoorafinale-170816174510.pdf>.