FISH & RICHARDSON P.C.

1425 K Street, N.W.
11th Floor
Washington, DC 20005

Telephone
202 783-5070

Facsimile
202 783-2331

Web Site
www.fr.com

Frederick P. Fish
1855-1930

W.K. Richardson
1859-1951

February 12, 2014

VIA ELECTRONIC SUBMISSION

Office of Engineering and Technology
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request for Review and Revision of Experimental License Special Condition

FR

ATLANTA
AUSTIN
BOSTON
DALLAS
DELAWARE
HOUSTON
MUNICH
NEW YORK
SILICON VALLEY
SOUTHERN CALIFORNIA
TWIN CITIES
WASHINGTON, DC

To Whom It May Concern:

On behalf of XM Radio LLC ("XM"), a subsidiary of Sirius XM Radio Inc., we respectfully request that the Commission revise, as described herein, one of the Special Conditions set forth in the modified experimental license for WB2XCA which the Commission granted on February 6, 2014, File No. 0020-EX-ML-2014 (the "Modified License").

The Modified License broadened the scope of WB2XCA to address pre-authorization testing of Part 25 terrestrial repeaters and Part 15 devices associated with XM's satellite radios. However, the first Special Condition included on the Modified License is broader than similar requirements in the Commission's rules, since it requires certain notice/signage even during testing (as opposed to marketing) of covered devices at XM's facilities and other locations under XM's control. Specifically, the first condition reads as follows:

> Prior to equipment authorization or a determination of compliance, the device must be accompanied by a conspicuous notice worded as follows: "This device has not been authorized as required by the rules of the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased, until authorization is obtained."

We understand from FCC staff that the language above was a standard condition imposed for unapproved equipment that predates recent rule changes affecting Sections 2.803(iii)(a) and 2.805. However, the above condition is broader than what these rule sections require for pre-authorization operations that are NOT pursuant to a Part 5 license. For example, under Section 2.805(d)(2)(ii), if a Part 15 device is operated for the "evaluation of performance and determination of customer acceptability, during developmental, design, or pre-production states," then the above notice/signage must be present if such operation is not at the manufacturer's facility. However, if the device is operated at the manufacturer's facilities for any of these purposes, nothing in Section 2.805(d)(2)(ii) requires such notice/signage. Operations under a Part 5 license should not be treated differently.

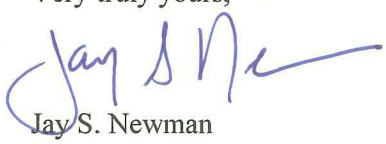
Given the above, we respectfully request that the above condition be qualified and revised to read as follows (with new text underlined):

> Except for operations or testing at facilities (or in other settings) exclusively owned or controlled by licensee or its agents which are not for marketing purposes, prior to equipment authorization or a determination of compliance, the device must be accompanied by a conspicuous notice worded as follows: "This device has not been authorized as required by the rules of the Federal Communications Commission. This device is not, and may not be, offered for sale or lease, or sold or leased, until authorization is obtained."

This revision is consistent with Sections 2.803 and 2.805 in that it would still address FCC concerns requiring notice and labeling in connection with the distribution and operation of pre-authorized equipment for marketing purposes. In the meantime, XM is currently operating in compliance with the Modified License and, accordingly, we are not requesting that the Commission withdraw the grant while this matter is under consideration.

Please contact me at 202-626-6388 or newman@fr.com with any questions.

Very truly yours,



Jay S. Newman

Fish & Richardson P.C.
1425 K Street NW
11th Floor
Washington, DC 20005

Outside Counsel for XM Radio LLC