

S2786 SAT-MOD-20180831-00065 IB2018005335
XM Radio LLC
XM-5



File # SAT-MOD-20180831-00065

Call Sign S2786 Grant Date 11/01/18
(or other identifier)

Term Dates
From 12/02/18 To: 12/02/26

Approved by OMB
3060-0678

Approved: *Stephen J. Duall*

Stephen J. Duall
Chief, Satellite Policy Branch

Date & Time Filed: Aug 31 2018 8:27:23:600PM
File Number: SAT-MOD-20180831-00065


FCC APPLICATION FOR SPACE AND EARTH STATION:MOD OR AMD – MAIN FORM	FCC Use Only
FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
XM-5 S2786 License Extension Aug 2018

1-8. Legal Name of Applicant			
Name:	XM Radio LLC	Phone Number:	202-380-1383
DBA Name:		Fax Number:	202-380-4981
Street:	1290 Avenue of the Americas 11th Floor	E-Mail:	james.blitz@siriusxm.com
City:	New York	State:	NY
Country:	USA	Zipcode:	10104 -
Attention:	James S Blitz		

ATTACHMENT TO GRANT
XM Radio LLC
 IBFS File No. SAT-MOD-20180831-00065

IBFS File No(s):	SAT-MOD-20180831-00065	<p>GRANTED – With Conditions</p>  <p>International Bureau Satellite Division</p>
Licensee/Grantee:	XM Radio LLC	
Call Sign:	S2786	
Satellite Name:	XM-5	
Orbital Location: (required station-keeping tolerance)	85.15° W.L. (± 0.1 degrees east/west)	
Administration:	United States of America	
Nature of Service:	Satellite Digital Audio Radio Service (SDARS)	
Scope of Grant:	Authority to continue to operate XM-5 space station as an in-orbit spare; Extension of the License Term for XM-5 from December 2, 2018 through December 2, 2026.	
Previous Grant(s):	IBFS File Nos.: SAT-LOA-20090217-00025 (grant stamp Aug. 31, 2009); SAT-MOD-20101216-00264 (grant stamp March 11, 2011); SAT-MOD-20130114-00007 (grant stamp March 14, 2013).	
Service Area(s):	See Schedule S Tech Report at S6 in IBFS File No. SAT-LOA-20090217-00025.	
Frequencies:	2320-2345 MHz (space-to-Earth) 7025-7075 MHz (Earth-to-space)	
<p>Operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission’s rules not waived herein. This grant is also subject to the following conditions:</p> <ol style="list-style-type: none"> 1. XM Radio is authorized to continue to operate the XM-5 space station at the 85.15° W.L. orbital location as a non-transmitting in-orbit spare (except for telemetry transmissions in the 2320-2345 MHz (space-to-Earth) frequency band and command transmissions in the 7025-7075 MHz (Earth-to-space) frequency band) for an additional eight years, until December 2, 2026. 2. XM Radio is authorized to continue to operate XM-5 at the 85.15° W.L. orbital location with an east-west station-keeping tolerance of +/-0.1 degrees pursuant to its previously granted waiver of Section 25.210(j) of the Commission's rules, 47 CFR. § 25.210(j). This waiver and the operations it permits shall terminate in the event that a satellite is launched into a location such that its station-keeping volume would overlap XM-5’s +/-0.1 degree station-keeping volume, but would not overlap XM-5’s +/- 0.05 degree station-keeping volume, unless XM Radio has successfully coordinated XM-5’s physical operations with those of the other spacecraft. Further, this waiver is limited to this spacecraft, does not extend to any replacement satellites, and is limited to operations at the 85.15° W.L. orbital location. 3. XM Radio Inc. is authorized to continue to operate XM-5 at the 85.15° W.L. orbital location with the capability of operating in the 7025-7075 MHz frequency band (Earth-to-space) designated for SDARS feeder-link use, in accordance with the technical specifications set forth in IBFS File No. SAT-LOA-20090217-00025 and consistent with our rules. Operations of XM-5 in the 7025-7075 MHz band at 85.15° W.L. must be accordance with any existing or future coordination agreements with Fixed and Mobile service stations that are lawfully operating in this band. 4. XM Radio may activate the communications payloads for the XM-5 space station in the 2320-2345 MHz (space-to-Earth) and 7025-7075 MHz (Earth-to-space) frequency bands as needed. In the event XM Radio activates the communications payload of the XM-5 space station, XM Radio must notify the Commission, in writing, of such activation within three business days of the start of the activation. 		

ATTACHMENT TO GRANT
XM Radio LLC
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5. XM Radio must operate the XM-5 space station in compliance with international coordination agreements with Canada and Mexico that limit the power flux density level from U.S.-licensed DARS space stations into Canada and Mexico.

Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

Action Date:	November 1, 2018
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Term Dates	From: December 2, 2018	To: December 2, 2026
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Approved:



Stephen J. Duall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name:	Karis Hastings	Phone Number:	202-599-0975
Company:	SatCom Law LLC	Fax Number:	
Street:	1317 F Street, N.W. Suite 400	E-Mail:	karis@satcomlaw.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20004-
Attention:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

- a1. Earth Station
- a2. Space Station

- (N/A) b1. Application for License of New Station
- (N/A) b2. Application for Registration of New Domestic Receive-Only Station
- b3. Amendment to a Pending Application
- b4. Modification of License or Registration
- b5. Assignment of License or Registration
- b6. Transfer of Control of License or Registration
- b7. Notification of Minor Modification
- (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- (N/A) b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
- (N/A) b10. Other (Please specify)
- (N/A) b11. Application for Earth Station to Access a Non-U.S. satellite Not Currently Authorized to Provide the Proposed Service in the Proposed Frequencies in the United States
- (N/A) b12. Application for Database Entry
- b13. Amendment to a Pending Database Entry Application
- b14. Modification of Database Entry

TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:</p> <p><input type="checkbox"/> a. Fixed Satellite</p> <p><input type="checkbox"/> b. Mobile Satellite</p> <p><input type="checkbox"/> c. Radiodetermination Satellite</p> <p><input type="checkbox"/> d. Earth Exploration Satellite</p> <p><input type="checkbox"/> e. Direct to Home Fixed Satellite</p> <p><input checked="" type="checkbox"/> f. Digital Audio Radio Service</p> <p><input type="checkbox"/> g. Other (please specify)</p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p><input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply.</p> <p><input type="checkbox"/> Using U.S. licensed satellites</p> <p><input type="checkbox"/> Using Non-U.S. licensed satellites</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p><input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A</p>	
<p>24. FREQUENCY BAND(S): Place an 'X' in the box(es) next to all applicable frequency band(s).</p> <p><input type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz)</p> <p><input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.)</p> <p>Frequency Lower: 2320 Frequency Upper: 2345 (Please specify additional frequencies in an attachment)</p>	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- a. Fixed Earth Station
- b. Temporary-Fixed Earth Station
- c. 12/14 GHz VSAT Network
- d. Mobile Earth Station
- e. Geostationary Space Station
- f. Non-Geostationary Space Station
- g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY:

- Transmit/Receive Transmit-Only Receive-Only N/A

"For Space Station applications, select N/A."

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an 'X' in the box(es) next to all that apply.)

- a -- authorization to add new emission designator and related service
- b -- authorization to change emission designator and related service
- c -- authorization to increase EIRP and EIRP density
- d -- authorization to replace antenna
- e -- authorization to add antenna
- f -- authorization to relocate fixed station
- g -- authorization to change frequency(ies)
- h -- authorization to add frequency
- i -- authorization to add Points of Communication (satellites & countries)
- j -- authorization to change Points of Communication (satellites & countries)
- k -- authorization for facilities for which environmental assessment and radiation hazard reporting is required
- l -- authorization to change orbit location
- m -- authorization to perform fleet management
- n -- authorization to extend milestones
- o -- Other (Please specify)

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government? Yes No

30. Is the applicant an alien or the representative of an alien? Yes No N/A

31. Is the applicant a corporation organized under the laws of any foreign government? Yes No N/A

32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country? Yes No N/A

33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?

Yes No N/A

34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?

If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

<p>37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances</p>	<p><input type="radio"/> Yes <input checked="" type="radio"/> No</p>
<p>39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.</p>	<p><input checked="" type="radio"/> Yes <input type="radio"/> No</p> <p style="text-align: right;">Exhibit A</p>
<p>40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.</p>	<p style="text-align: right;">Exhibit B</p>

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes.

Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.

Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

XM Radio LLC requests renewal of the license for its XM-5 spacecraft, call sign S2786, for an additional eight-year term, through December 2, 2026.

Narrative

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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