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October 16, 2001

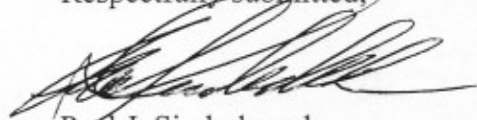
Magalie Roman Salas
Secretary
Federal Communications Commission
Washington, DC 20554

Re: File No. SAT-STA-20010724-00064

Dear Ms. Salas:

Yesterday afternoon, the Wireless Communications Association International, Inc. ("WCA") submitted a Petition for Reconsideration of the International Bureau's September 17, 2001 *Order and Authorization* granting Sirius Satellite Radio, Inc. ("Sirius") special temporary authorization (the "STA") to commercially operate terrestrial repeaters in the spectrum licensed for satellite Digital Audio Radio Service ("SDARS").¹ In that filing, WCA urged the Commission to modify the STA to require Sirius to provide certain information to Multipoint Distribution Service and Instructional Television Fixed Service licensees upon request. Later yesterday afternoon, the International Bureau released on its own motion an *Order* modifying the STA as requested by WCA.² As a result WCA's petition has become moot and is hereby withdrawn.

Respectfully submitted,



Paul J. Sinderbrand

Counsel to Wireless Communications Association
International, Inc.

cc: Ron Repasi
Carl Frank

¹ *Sirius Satellite Radio, Inc.*, DA 01-2171, File No. SAT-STA-20010712-00064 (rel. Sept. 17, 2001)

² *Sirius Satellite Radio, Inc.*, DA 01-2383, File No. SAT-STA-20010712-00064 (rel. Oct. 15, 2001)

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OCT 19 2001
Satellite Policy Branch
International Bureau

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of)
)
SIRIUS SATELLITE RADIO, INC.)
)
Request for Special Temporary Authority)
to Operate Terrestrial Repeaters)

File No. SAT-STA-20010724-00064

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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OCT 19 2001

Satellite Policy Branch
International Bureau

To: Chief, International Bureau

PETITION FOR RECONSIDERATION OF STA

The Wireless Communications Association International, Inc. ("WCA"), by its attorneys, hereby petitions the Chief, International Bureau to reconsider the Bureau's September 17, 2001 *Order and Authorization* granting Sirius Satellite Radio, Inc. ("Sirius") special temporary authorization (the "STA") to commercially operate terrestrial repeaters in the spectrum licensed for satellite Digital Audio Radio Service ("SDARS").¹ For the reasons set forth below, WCA submits that the STA fails to adequately protect Multipoint Distribution Service ("MDS") and Instructional Television Fixed Service ("ITFS") licensees from harmful interference that may be caused by Sirius's terrestrial operations.

In response to the Commission's July 31, 2001 *Public Notice* soliciting public comment,² WCA filed comments addressing requests by XM Radio, Inc. and Sirius for STAs to commercially operate networks of terrestrial SDARS repeater facilities.³ In the interest of

¹ *Sirius Satellite Radio, Inc.*, DA 01-2171, File No. SAT-STA-20010712-00064 (rel. Sept. 17, 2001)[hereinafter cited as "STA"].

² "Satellite Policy Branch Information Applications Accepted for Filing," *Public Notice*, Report No. SAT-00077 (rel. July 31, 2001).

³ See Comments of WCA in Opposition to Grant of STA Requests, File Nos. SAT-STA-20010712-00063 and File No. SAT-STA-20010712-00064 (filed Aug. 21, 2001)[hereinafter cited as "WCA Comments"].

brevity, the arguments advanced in those comments will not be repeated here but instead are incorporated by reference. For present purposes, it suffices to say that WCA reiterated its oft-stated concern that terrestrial DARS operations can cause harmful brute force overload interference to MDS and ITFS facilities,⁴ and called upon the Commission, *inter alia*, to impose upon the SDARS licensees the same condition imposed on Wireless Communications Service (“WCS”) licensees – that they be required to provide all neighboring MDS and ITFS licensees 30 days advance notice of the technical parameters of all terrestrial repeaters (not just those operating above 2,000 watts EIRP) in the same fashion that WCS licensees are obligated to give advance notice pursuant to Section 27.58 of the Commission’s Rules.⁵ WCA established that such a condition is necessary to assure that MDS and ITFS licensees will be aware in advance of the increased potential for brute force overload interference and will be able to trace any new or increased interference to the appropriate terrestrial repeater.⁶ Significantly, neither XM nor Sirius made any effort to refute WCA’s position.

Given the state of the record, it is not surprising that the STA acknowledges “there are areas around terrestrial repeaters where [MDS, ITFS and WCS] equipment may be susceptible to blanketing interference” and mandates that “all existing authorized radiocommunication facilities that are in operation during the period that the STA is in effect must be protected from interference caused by SDARS repeaters.”⁷ More specifically, the STA requires that “Sirius . . .

⁴ WCA Comments, at 3-5.

⁵ *See id.* at 8.

⁶ *See id.* at 8-9.

⁷ STA, at ¶13.

immediately reduce the power level or, if necessary, cease operation of any repeater that causes interference to a WCS, MDS or ITFS authorized station upon the receipt of a written, descriptive notification from a WCS, MDS or ITFS licensee identifying the specific source of interference.”⁸

To facilitate the process of addressing interference issues, the STA mandates that Sirius “(1) make available to the WCS licensees and to the Commission, immediately upon request, the locations and technical parameters of all repeaters operating pursuant to this STA, including those operating at or below 2 kW EIRP, and (2) provide the name and telephone number of a point of contact to all WCS licensees and to WCA prior to commencing operation, that will be available on a continuous basis (i.e., 24 hours a day, 7 days a week) to receive reports of actual interference and to take immediate action to correct it.”⁹ Simply stated, WCA seeks reconsideration of the Bureau’s failure to specifically require that Sirius provide to requesting MDS and ITFS licensees the location and technical parameters of all repeaters operating pursuant to the STA.

WCA suspects that the Bureau’s failure to mandate the provision of this information to MDS and ITFS licensees was an inadvertent oversight. Certainly, there is no principled basis for requiring XM to provide that information to WCS licensees, but not to MDS and ITFS licensees.¹⁰ Indeed, in informal discussions with the Commission’s staff, counsel for WCA was advised that XM and Sirius had agreed to make technical information regarding their repeaters available to MDS and ITFS licensees. Based on that information, on September 20, 2001, Sprint

⁸ *Id.* at ¶ 14.

⁹ *Id.*

¹⁰ It is worth repeating the point, made in WCA’s comments, that WCS licensees are required routinely to provide this information to MDS and ITFS licensees.

Corporation ("Sprint"), a WCA member and MDS licensee sought both confirmation that Sirius would provide the information to MDS and ITFS licensees and access to the technical parameters of XM's and Sirius' terrestrial repeaters.¹¹ Sirius subsequently agreed to make the information available to Sprint in the future, although it asserted that it currently is not operating, and has not even identified sites for, any repeaters operating below 2 kw EIRP.¹² However, XM has taken the position that it is under no obligation to provide information to MDS and ITFS licensees.

In light of the XM's failure to provide Sprint with information regarding XM's terrestrial repeater deployment, WCA has sought reconsideration of the XM STA and the imposition of a specific condition mandating that XM provide technical information regarding its repeaters to requesting MDS and ITFS licensees.¹³ The arguments advanced by WCA need not be repeated here, but are incorporated by reference. Although Sirius has not adopted the uncooperative posture of XM, in the interest of comity, if the Commission agrees with WCA and imposes a specific condition on XM's STA, it should impose the same condition on Sirius's STA.

¹¹ See Letter from Paul J. Sinderbrand to Carl R. Frank (dated Sept. 20, 2001). A copy of this letter is annexed as Attachment A.

¹² See Letter from Carl R. Frank to Paul Sinderbrand (dated September 25, 2001). A copy of this letter is annexed as Attachment B. It is worth noting that the letter from Sirius addresses repeaters operating above 2000 watts EIRP and those operating below 2000 watts EIRP, but not those operating at 2000 watts EIRP. WCA suspects that this was an inadvertent oversight and that Sirius intended for references to repeaters operating at less than 2000 watts EIRP to include those operating at 2000 watts also.


¹³ See Petition of WCA for Reconsideration, File No. SAT-STA-20010712-00063 (filed Sept. 28, 2000). A copy of the WCA Petition is annexed as Attachment C.

- 5 -

Respectfully submitted,

WIRELESS COMMUNICATIONS
ASSOCIATION INTERNATIONAL, INC.

By:



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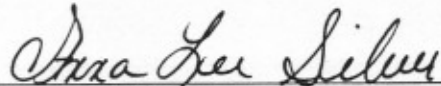
October 15, 2001

CERTIFICATE OF SERVICE

I, Anna Lee Silver, hereby certify that the foregoing Petition for Reconsideration was served this 15th day of October 2001 by depositing a true copy thereof with the United States Postal Service, first class postage prepaid, addressed to:

Carl Frank
Wiley, Rein & Fielding, LLP
1776 K Street, NW
Washington, DC 20006

Counsel to Sirius Satellite Radio, Inc.



Anna Lee Silver