



SATELLITE
RADIO

DUPLICATE

SAT-STA-20020311-00049

XM Radio Inc.

FCC/MELLON

MAR 11 2002

Received

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March 11, 2002

Deliver Via Courier to Mellon Bank
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554



*with conditions

File # SAT-STA-20020311-00049

Call Sign _____ Grant Date 09/15/10

(or other identifier)

From 09/15/10 Term Dates see conditions
To: _____

Approved: Stephen J. Duall

Stephen J. Duall
Chief, Satellite Policy Branch

Re: XM Radio Inc.
File No. SAT-STA-20010712-00063
Request for Extension of Special Temporary Authority to
Operate Satellite Digital Audio Radio Service Terrestrial Repeaters

Dear Mr. Caton:

XM Radio Inc. ("XM Radio"), one of the two Satellite Digital Audio Radio Service ("SDARS") licensees in the United States, pursuant to Section 25.120 of the Commission's rules,¹ hereby requests an extension of its above-captioned Special Temporary Authority ("STA") to operate SDARS terrestrial repeaters in its licensed band pursuant to the same technical parameters and conditions of its original STA.² XM Radio requests that it be allowed to operate pursuant to this STA until the date on which permanent rules for the operation of SDARS terrestrial repeaters become effective.

On July 12, 2001, XM Radio filed a request for an STA to operate SDARS terrestrial repeaters for commercial service.³ Included in this STA request were a list of the markets in which XM Radio sought to operate terrestrial repeaters pursuant to an STA. *See id.* at Exhibit A. XM Radio also included the following technical information for each of the repeaters it sought to operate with an EIRP greater than 2 kW: (1) geographic coordinates; (2) antenna type;

¹47 C.F.R. § 25.120.

²See XM Radio Inc., *Order and Authorization*, File No. SAT-STA-20010712-00063 (Sept. 17, 2001) ("*XM Radio STA Order*").

³XM Radio Inc. Request for Special Temporary Authority, File No. SAT-STA-20010712-00063 (July 12, 2001) ("*XM Radio STA Request*").

Attachment to Grant

Application of XM Radio Inc. for Special Temporary Authority

IBFS File Nos. SAT-STA-20020311-00049, SAT-STA-20030325-00056, SAT-STA-20031219-00373, SAT-STA-20050307-00056, SAT-STA-20070706-00095, SAT-STA-20070706-00096, SAT-STA-20080303-00056, SAT-STA-20080701-00139, SAT-STA-20081002-00196, SAT-STA-20081218-00234

Special temporary authority (STA) is granted to XM Radio Inc. (XM), for a period of 180 days, to continue to operate previously authorized terrestrial repeaters for use in the 2320-2345 MHz frequency band, as set forth in the above-referenced applications. This authorization is granted according to the technical parameters specified in these applications and is subject to the conditions below.

1. Any actions taken as a result of these STAs are solely at the applicant's own risk. These STAs shall not prejudice the outcome of the final rules adopted by the Commission in IB Docket No. 95-91.

2. SDARS terrestrial repeaters are restricted to the simultaneous retransmission of the complete programming, and only that programming, transmitted by the SDARS licensee's satellite(s) directly to the SDARS licensee's subscribers' receivers, and may not be used to distribute any information not also transmitted to all subscribers' receivers.

3. Coordination of the operations of the terrestrial repeaters shall be completed with all affected Administrations prior to operation, in accordance with all applicable international agreements including those with Canada and Mexico.

4. The terrestrial repeaters shall comply with Part 17 of the Commission's rules – Construction, Marking, and Lighting of Antenna Structures.


5. The terrestrial repeaters shall comply with Part 1 of the Commission's rules, Subpart I – Procedures Implementing the National Environmental Policy Act of 1969, including the guidelines for human exposure to radio frequency electromagnetic fields as defined in Sections 1.1307(b) and 1.1310 of the Commission's rules.

6. Any SDARS terrestrial repeater operating at a power level greater than 2-watt average EIRP is required to attenuate its out-of-band emissions below the transmitter power P by a factor of not less than $90 + 10 \log (P)$ dB in a 1-megahertz bandwidth outside the 2320-2345 MHz band, where P is average transmitter output power in watts. Any SDARS terrestrial repeater operating at a power level equal to or less than 2-watt average EIRP is required to attenuate its out-of-band emissions below the transmitter power P by a factor of not less than $75 + 10 \log (P)$ dB in a 1-megahertz bandwidth outside the 2320-2345 MHz band, where P is average transmitter output power in watts.

7. These STAs expire after 180 days, or on the date that permanent authority to operate the covered repeater operations becomes effective, whichever occurs first.

8. XM is granted 30 days from the date of the release of this authorization to decline the authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.

9. This action is taken on delegated authority pursuant to 47 C.F.R. § 0.261 and is effective upon release. Petitions for reconsideration under 47 C.F.R. § 1.106 or applications for review under 47 C.F.R. § 1.115 may be filed within 30 days of the date of the Public Notice announcing this action.

 GRANTED* International Bureau *with conditions	File # <u>see above</u>
	Call Sign _____ Grant Date <u>09/15/10</u> (or other identifier)
	Term Dates <u>see</u> From <u>09/15/10</u> To: <u>conditions</u>
	Approved: <u>Stephen J. Duall</u> Stephen J. Duall Chief, Satellite Policy Branch

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(3) orientation; (4) downtilt; (5) total EIRP; and (6) Height Above Ground Level (AGL). XM Radio also included antenna specification sheets for each of the antenna types listed.⁴

On September 17, 2001, the International Bureau granted this STA request pursuant to certain conditions. *See XM Radio STA Order* at ¶ 18. XM Radio has been providing commercial service pursuant to its STA and is presently serving thousands of customers. This STA expires on the earlier of March 18, 2002 or the date on which permanent rules governing repeater operations become effective. Because it is unlikely that permanent rules governing repeater operations will become effective prior to March 18, 2002, XM Radio hereby requests an extension of its STA pursuant to the same technical parameters and conditions of its original STA. XM Radio requests that it be allowed to operate pursuant to this STA until the date on which permanent rules for the operation of terrestrial repeaters become effective.

XM Radio hereby certifies that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a). Attached hereto is a check made payable to the Federal Communications Commission for the sum of One Hundred Forty-five Dollars (\$145.00) to cover the requisite filing fee.

Please direct any questions regarding this matter to the undersigned.

Very truly yours,



Lon C. Levin
Senior Vice President, Regulatory

⁴In November 2001, XM Radio also provided this information for its repeaters operating at less than 2 kW EIRP pursuant to the STA. *See Letter from Bruce D. Jacobs, Counsel for XM Radio, to Ms. Magalie Roman Salas, FCC (Nov. 13, 2001).*

