

SAT-STA-20050307-00056 IB2005000497
XM Radio Inc.



File # SAT-STA-2005 0307-00056
Call Sign (or other identifier) Grant Date 09/15/10
Term Dates see To: conditions
From 09/15/10
Approved: Stephen J. Duall
Steph J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Mar 7 2005 4:23:15:810PM
File Number: SAT-STA-20050307-00056
Callsign:

FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY

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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Extension of September 2004 Repeater STA

1. Applicant

Name:	XM Radio Inc.	Phone Number:	202-380-4000
DBA Name:		Fax Number:	202-380-4500
Street:	1500 Eckington Place, NE	E-Mail:	bill.bailey@xmradio.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20002
Attention:	Bill Bailey		-

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.



*with conditions

File # see above
Call Sign _____ Grant Date 09/15/10
(or other identifier) _____
Term Dates see
From 09/15/10 To: conditions
Approved: Stephen J. Duall

Stephen J. Duall
Chief, Satellite Policy Branch

2. Contact	
Name:	Bruce D. Jacobs
Company:	Shaw Pittman LLP
Street:	2300 N Street, NW
Phone Number:	202-663-8077
Fax Number:	202-663-8007
E-Mail:	bruce.jacobs@shawpittman.com
City:	Washington
State:	DC
Country:	USA
Zipcode:	20037 -1128
Contact Title:	Legal Counsel
(If your application is related to an application filed with the Commission, enter the file number below.)	
3. Reference File Number SATSTA2003111200371	
4a. Is a fee submitted with this application?	
<input checked="" type="radio"/> If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).	
<input type="radio"/> Governmental Entity <input type="radio"/> Noncommercial educational licensee	
<input type="radio"/> Other (please explain):	
4b. Fee Classification CRY - Space Station (Geostationary)	
5. Type Request	
<input type="radio"/> Change Station Location <input type="radio"/> Extend Expiration Date <input checked="" type="radio"/> Other	
6. Temporary Orbit Location	
NA	
7. Requested Extended Expiration Date	

8. Description (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 Inc. hereby requests an extension of its Special Temporary Authority granted on September 15, 2004 to operate forty-nine (49) Satellite Digital Audio Radio Service (SDARS) terrestrial repeaters pursuant to the same technical parameters and conditions.

9. 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

10. Name of Person Signing
William Bailey

11. Title of Person Signing
Senior Vice President

12. Please supply any need attachments.

Attachment 1: Request

Attachment 2: Ownership

Attachment 3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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THE FOREGOING NOTICE IS REQUIRED BY THE PAPERWORK REDUCTION ACT OF 1995, PUBLIC LAW 104-13, OCTOBER 1, 1995, 44 U.S.C. SECTION 3507.

Ownership Information

XM Radio Inc. ("XM Radio") is a wholly owned subsidiary of XM Satellite Radio Inc. ("XMSR") which is a wholly owned subsidiary of XM Satellite Radio Holdings Inc. ("XMSRH"). The directors and officers of XM Radio, XMSR, and XMSRH are as follows:

I. Directors

Name	Position
Gary M. Parsons	Chairman of the Board of Directors
Hugh Panero	President, Chief Executive Officer, and Member, Board of Directors
Nathaniel A. Davis	Member, Board of Directors
Thomas J. Donohue	Member, Board of Directors
Thomas G. Elliott	Member, Board of Directors
George Haywood	Member, Board of Directors
Chester A. Huber	Member, Board of Directors
Jarl Mohn	Member, Board of Directors
Pierce J. Roberts, Jr.	Member, Board of Directors
Jack Shaw	Member, Board of Directors

II. Officers

Name	Position
Gary M. Parsons	Chairman of the Board of Directors
Hugh Panero	President and Chief Executive Officer
Steve Cook	Executive Vice President of Sales and Marketing
Joseph J. Euteneuer	Executive Vice President and Chief Financial Officer
Stell Patsiokas	Executive Vice President, Technology and Engineering
Joseph Titlebaum	Executive Vice President, General Counsel and Secretary
Eric Logan Toppenberg	Executive Vice President, Programming
William Bailey	Senior Vice President, Regulatory and Government Affairs

III. Shareholders

Listed below are some of XMSRH's more significant shareholders as of December 31, 2004.

Name	Percentage of Voting Shares Held
U.S. Trust 114 West 47 th Street, 14 th Floor New York, NY 10036-1502	5.0%

American Honda Motor Co. 1919 Torrance Blvd. Torrance, CA 90501-2746	3.5%
TCW Asset Management Co. 865 South Figueroa St. Los Angeles, CA 90017	14.2%
Fidelity Management and Research Co. 82 Devonshire St. Boston, MA 02109	11.7%
Wellington Management Co., LLP 75 State Street Boston, MA 02109-1809	7.0%



March 7, 2005

Via International Bureau Filing System

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: XM Radio Inc.
Request to Extend Special Temporary Authority to Operate
Satellite Digital Audio Radio Service Terrestrial Repeaters
File No. SAT-STA-20031112-00371**

Dear Ms. Dortch:

Pursuant to Section 25.120 of the Commission's Rules,¹ XM Radio Inc. ("XM Radio") hereby requests an extension of its Special Temporary Authority ("STA") granted on September 15, 2004 to operate forty-nine (49) Satellite Digital Audio Radio Service ("SDARS") terrestrial repeaters pursuant to the same technical parameters and conditions.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. As XM Radio's extension request is timely, XM Radio understands that, pursuant to Section 1.62 of the Commission's Rules, its STA will continue in effect without further action by the Commission until such time as the Commission shall make a final determination with respect to its request.³

On November 26, 2003, XM Radio filed a request for STA to operate 49 SDARS terrestrial repeaters for commercial service.⁴ Included in this STA request was a list of the markets in which XM Radio sought to operate these terrestrial repeaters. XM Radio also included the following technical information for each of the repeaters it sought to operate pursuant to this STA: (1) number of sectors; (2) antenna type; (3) EIRP; (4) antenna beamwidth;

¹ 47 C.F.R. § 25.120.

² See XM Radio Inc., Order and Authorization, DA 04-2987, File No. SAT-STA-20031112-00371 (Deputy Chief, Satellite Division, International Bureau, September 15, 2004) ("*STA Grant*").

³ See 47 C.F.R. § 1.62.

⁴ XM Radio Inc. Request for Special Temporary Authority, File No. SAT-STA-20031112-00371 (November 26, 2003) ("*XM Radio STA Request*").

Ms. Marlene H. Dortch
March 7, 2005
Page 2

(5) orientation; (6) geographic coordinates; (7) antenna height; and (8) antenna specification sheets.

On September 15, 2004, the International Bureau granted this STA request pursuant to certain conditions. *See STA Grant ¶ 10.* XM Radio has been providing commercial service pursuant to this STA and is presently serving over three million customers. This STA expires on the earlier of March 14, 2005 or the date on which permanent rules governing SDARS terrestrial repeaters become effective. Because it is unlikely that permanent rules governing repeater operations will become effective prior to March 14, 2005, XM Radio hereby requests an extension of its STA pursuant to the same technical parameters and conditions contained in the *STA Grant*. 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).

XM Radio is filing concurrently with Mellon Bank a check made payable to the Federal Communications Commission for the sum of Seven Hundred Thirty-Five Dollars (\$735.00). This filing fee amount is applicable to requests for STAs for geostationary ("GSO") satellites. *See International and Satellite Services Fee Filing Guide (August 2004).*

Please direct any questions regarding this matter to the undersigned.

Very truly yours,

/s/William Bailey
William Bailey
Senior Vice President, Regulatory and
Government Affairs

cc: Stephen Duall, FCC