

**Before the
Federal Communications Commission
Washington, D.C. 20554**

| | | |
|--|---|---------------------------------|
| In re Application of |) | |
| |) | |
| SIRIUS SATELLITE RADIO INC. |) | File No. SAT-STA-20060623-00067 |
| |) | |
| For Special Temporary Authority to Add |) | |
| Sixteen Terrestrial Repeaters |) | |

To: Chief, International Bureau

**PETITION TO DISMISS OR DENY OF
BELLSOUTH MOBILE DATA, INC. AND
BELLSOUTH WIRELESS CABLE, INC.**

BellSouth Mobile Data, Inc. ("BSMD") and BellSouth Wireless Cable, Inc. ("BSWC"), wholly-owned subsidiaries of BellSouth Corporation (collectively, "BellSouth"), pursuant to Section 25.154 of the Commission's Rules, hereby request dismissal or denial of the above-captioned request for modification of Special Temporary Authority ("STA Request") filed by Sirius Satellite Radio Inc. ("Sirius") on June 23, 2006 proposing to add sixteen more high-power terrestrial repeaters to its satellite digital audio radio service ("SDARS").¹

As demonstrated herein, the STA Request should be dismissed or denied for several reasons. First, Sirius has failed to demonstrate the "extraordinary circumstances" required for STA grant. Second, Sirius' STA Request erroneously implies that BSMD did not respond to Sirius' notice that it intended to seek authority to add new terrestrial repeaters. In fact, not only did BSMD respond *before* Sirius' arbitrary deadline, BSMD clearly stated that Sirius was not authorized to represent that BSMD consented to the

¹ Request for Special Temporary Authority filed June 23, 2006 by Sirius Satellite Radio Inc. ("STA Request"). The STA Request was accepted for filing in Public Notice, Report No. SAT-003481, rel. Aug. 18, 2006.

additional repeaters and further noted that BSMD expected to object. Third, operation of the proposed new repeaters Sirius seeks in the STA Request would result in harmful interference to BellSouth's Wireless Communications Service ("WCS") operations. The Commission thus must reject Sirius' STA Request.

Background

Together, BSMD and BSWC hold 41 WCS licenses across the country. BellSouth pioneered the testing and commercial deployment of WCS services in numerous markets and has significant WCS operations. In fact, BellSouth recently announced the launch of broadband services on WCS spectrum in five new markets.² BellSouth believes that WCS spectrum holds great promise for deployment of wireless broadband services and has made significant investment in constructing and operating systems, notwithstanding the long-standing proceeding that leaves unresolved technical rules for SDARS repeaters such as those proposed by Sirius.³

In its STA Request, Sirius seeks to add sixteen high-power repeaters to its expanding terrestrial network. The markets Sirius proposes to serve are within the areas licensed to BellSouth on its adjacent WCS spectrum.

² See Press Release, "BellSouth Expands Wireless Broadband Service Into Five New Markets," at http://bellsouth.mediaroom.com/index.php?s=press_releases&item=2883 (visited July 7, 2006).

³ *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rule Making, 12 FCC Rcd 5754 (1997).

Discussion

I. SIRIUS HAS FAILED TO MEET THE STANDARD FOR SPECIAL TEMPORARY AUTHORITY.

Section 25.120(b)(1) of the Commission's Rules permits the Commission to grant an STA "only upon a finding that there are extraordinary circumstances requiring temporary operations in the public interest and that delay in the institution of these temporary operations would seriously prejudice the public interest."⁴ Notwithstanding this strict standard, Sirius attempts to justify the addition of new terrestrial repeaters by stating simply that:

All of the proposed sites are located within Metropolitan Statistical Areas ("MSAs") where Sirius is already licensed to utilize complementary terrestrial repeaters to overcome the effects of satellite signal blockage and multipath interference. Based on operational experience, Sirius has determined that incorporation of the proposed sites is necessary to optimize quality of service within each MSA.⁵

These statements fall far short of demonstrating the existence of "extraordinary circumstances" such that "delay . . . would seriously prejudice the public interest."

First, Sirius fails to make any attempt to show that each proposed *new* repeater is necessary to promote the public interest, instead relying on the fact that it *previously* obtained repeater authority in the same markets. While it is perhaps true that Sirius satisfied the standards of Section 25.120(b)(1) in the past, that has no bearing on whether the Commission should now authorize new high-power repeaters without any evidence that each proposed repeater is designed to overcome an obstruction. Sirius cannot

⁴ See also *Carlos M. Nalda*, 21 FCC Rcd 1609 (2006) ("Special temporary operations are *only* warranted when there is an extraordinary circumstance in the public interest in accordance with Section 25.120(b)(1)") (emphasis added).

⁵ STA Request, Attachment A, at 1.

bootstrap its newest request to past Commission actions predicated on different facts; its STA Request must stand or fall on its own.

Second, Sirius claims that it is seeking only to “optimize” the quality of an existing subscriber service. However, Sirius makes no effort to show that a failure to “optimize” service “would seriously prejudice the public interest.” Indeed, to apply this rationale would make special temporary authority a routine matter – any party could justify grant of an STA simply because it wants to do what every Commission licensee wants to do – optimize service.

At bottom, by relying solely on past Commission actions and failing to make any specific claims that each proposed repeater is necessary to avoid prejudicing the public interest, Sirius cannot demonstrate the “extraordinary circumstances” required by the Commission’s rules. The STA Request be denied on this basis alone.

II. SIRIUS’ INACCURATE REPRESENTATIONS ARE GROUNDS FOR DISMISSAL OF THE STA REQUEST.

The events preceding the filing Sirius’ STA Request demonstrate that it is predicated on an inaccurate representation of BellSouth’s position. On June 15, 2006, Patrick Donnelly, Executive Vice President and General Counsel of Sirius, sent letters via e-mail to both James Harralson (on behalf of BSMD) and Robert Saunders (on behalf of BSWC).⁶ The e-mails indicated that Sirius planned to modify its existing STA to add sixteen terrestrial repeaters and included technical specifications. The letters also stated that Sirius “would appreciate a response from [BSMD or BSWC] by June 22, 2006. If we do not receive a response by June 22, 2006, we will presume that [BSMD or BSWC] had no objections to the proposed modifications.”

⁶ Copies of these letters are attached hereto as Exhibit 1. Mr. Harralson is the FCC contact for BSMD and Mr. Saunders is the FCC contact for BSWC.

On June 21, 2006, Mr. Harralson replied by e-mail to Mr. Donnelly's June 15 correspondence,⁷ stating that:

I will forward a more formal response when I return to my office, but I send this email to ensure that the position of BellSouth Mobile Data, Inc. is not misrepresented.

You are not authorized to represent that BellSouth Mobile Data, Inc. has no objection to the STA modifications described in your letter. While our investigation is continuing, we currently would expect to object.

I hope to contact you Friday regarding your offer to provide further information. *As a matter of future practice, I also ask you to note that lack of a response by a date you specify should never be construed as acquiescence of BellSouth to a proposal.*

(Emphases added.)⁸ Notwithstanding this very clear statement, communicated to Sirius before its arbitrarily-established deadline, Sirius claimed in Attachment A to its STA Request that:

Sirius contacted each entity holding a WCS license covering a market affected by its proposals . . . to notify them of its proposed modifications to its STA. Sirius requested that the WCS Licensees respond by June 22, 2006. To date, Sirius has received responses from Nextel and NextWave.⁹

This statement would lead anyone to believe – erroneously, as it were – that BSMD did not respond. In fact, BSMD did respond, clearly indicating that it had problems with the STA Request and objecting to Sirius' imposition of an arbitrary deadline.

Despite the fact that BSMD responded in advance of Sirius' unilaterally-imposed deadline, Sirius failed to tell the Commission in the STA Request that BellSouth would not waive its rights to object to the STA Request. This omission is even more egregious

⁷ A copy of Mr. Harralson's response is attached hereto as Exhibit 2.

⁸ Although Mr. Harralson's reply was in response to Mr. Donnelly's e-mail to BSMD, it would be illogical for Sirius to assume that BSWC would have a different view, particularly when Sirius was expressly advised that BellSouth's failure to respond by a specified date "should never be construed as acquiescence of BellSouth to a proposal." Exhibit 2.

⁹ STA Request, Attachment A, pp.1-2.

in light of Mr. Harralson's clear statement that BSMD "would expect to object" to the proposed addition of the high-power repeaters.

Moreover, Mr. Donnelly's letter implies that BellSouth would waive its rights to object to the STA Request if it failed to note objection by an arbitrary date established by Sirius. Such tactics are no doubt intended to increase the prospect for approval of the additional repeaters at the expense of the procedural rights of parties that could be adversely affected by their operation. The Commission should not reward such conduct by granting the modified STA.

III. OPERATION OF THE PROPOSED REPEATERS WOULD CAUSE HARMFUL INTERFERENCE TO WCS OPERATIONS.

BellSouth believes that terrestrial repeaters operating below 2 kW peak EIRP will not cause undue interference to its WCS operations, and has not opposed the use of such repeaters either by Sirius or XM. However, because each of the proposed new repeaters specifies operation at 2400 watts EIRP or above, BellSouth must object to the grant of an STA. For the past five years, BellSouth has consistently opposed the deployment and operation of repeaters operating at more than 2 kW Peak EIRP until such time as an acceptable agreement can be worked out with Sirius and XM that may allow for the use of repeaters that exceed 2 kW peak EIRP without impairing the performance of customer equipment in the WCS bands.

The record before the Commission, including detailed technical showings submitted by BellSouth and others over the last five years, demonstrates that operation of high-power repeaters creates large exclusion zones around WCS receivers and increases the costs of CPE. For instance, in a letter from 2001, BellSouth cautioned that "[t]o avoid blanketing interference to nearby WCS receivers, the EIRP of every SDARS

repeater should be limited to no more than 400 W/MHz.”¹⁰ A year later, BellSouth stated that “omni-directional 40 kW repeaters blast their signals across a large geographic area creating an exclusion zone for WCS licensees whether or not its purpose is to function as a gap-filler.”¹¹ More recently, BellSouth reiterated that the record in the pending rule making proceeding “indicates that high-power 40 kW repeaters would cause interference to far larger area than 2 kW repeaters first proposed.”¹² And, as BellSouth and others recently described to the Commission, adding more repeaters under STA, especially those above 2 kW peak EIRP, serves only to compromise BellSouth’s ability to invest in a more aggressive and expansive roll-out of competitive commercial broadband services in the WCS band.¹³ BellSouth reiterates its long-standing objection to the operation of terrestrial repeaters operating at above 2 kW peak EIRP, including the sixteen repeaters proposed in the STA Request.

¹⁰ Letter dated May 18, 2001 from Karen B. Possner, BellSouth Vice President-Strategic Policy, to Magalie Roman Salas, FCC Secretary, IB Docket No. 95-91, at 3.

¹¹ Letter dated March 26, 2002 from Karen B. Possner, BellSouth Vice President-Strategic Policy, to Magalie Roman Salas, FCC Secretary, IB Docket No. 95-91, at 6.

¹² See letter dated June 28, 2006 from Jeanine A. Poltronieri, BellSouth Vice President Federal Regulatory, to Marlene H. Dortch, FCC Secretary, IB Docket No. 95-91, at Attachment. See also letter dated November 2, 2001 from BeamReach Networks, Inc., BellSouth Corporation, Verizon Wireless, Inc. and WorldCom Inc. to Magalie Roman Salas, FCC Secretary, IB Docket No. 95-91, at 3 (“It would not be unfair for the Commission to require Sirius to re-engineer its terrestrial repeater network to a 2 kW standard. Sirius built its network in the absence of rules and at its own risk”); Comments of BellSouth, File Nos. SAT-STA-20010712-00063 and SAT-STA-20010724-00064, submitted Aug. 21, 2001, at 33 (“No amount of rhetoric from Sirius can alter the fact that the blanketing interference WCS will suffer under the SDARS-proposed rules is the result of XM and Sirius insisting on power levels more than 20 times greater than the standard for this part of the spectrum”).

¹³ See generally Consolidated Request for Limited Extension of Deadline for Establishing WCS Compliance with Section 27.14 Substantial Service Requirement, submitted March 22, 2006, WT Docket No. 06-102.

Conclusion


The Commission should deny Sirius' STA Request in light of Sirius' failure to satisfy the Commission's standards, Sirius' inaccurate representations to the Commission, and the demonstrable interference and constraints operation of the high-power repeaters would place on BellSouth's WCS operations.

Respectfully submitted,

**BELLSOUTH MOBILE DATA, INC. And
BELLSOUTH WIRELESS CABLE, INC.**

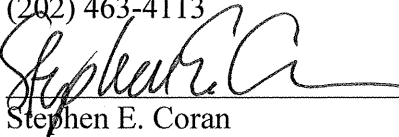
September 18, 2006

By:


Bennett L. Ross

BellSouth Corporation
1133 21st Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 463-4113

By:


Stephen E. Coran

Rini Coran, PC
1615 L Street, N.W.
Suite 900
Washington, D.C. 20036
(202) 463-4310

Their Attorneys

Exhibit 1



June 15, 2006

VIA E-MAIL

Mr. James G. Harralson
BellSouth Mobile Data, Inc.
1155 Peachtree Street, N.E.
Suite 1800
Atlanta, GA 30309

**Re: Sirius Satellite Radio Inc.--Request to Modify Special
Temporary Authority to Operate Satellite DARS Terrestrial
Repeaters**

Dear Mr. Harralson:

Sirius is planning to modify its existing special temporary authority ("STA") in order to operate sixteen satellite digital audio radio service terrestrial repeaters located in the following cities: Boca Raton, FL; Clearwater, FL; Miami, FL; St. Petersburg, FL; Los Angeles, CA; Valencia, CA; New York, NY; Hill Side, NJ; Lake View, NJ; Jersey City, NJ; Rutherford, NJ; Dallas, TX; Norwalk, CT. The enclosed spreadsheet includes the proposed technical specifications for these repeaters.

We would like to represent that BellSouth Mobile Data, Inc. has no objection to Sirius' proposed modifications to its STA. Thus, we would appreciate a response from BellSouth Mobile Data, Inc. by June 22, 2006. If we do not receive a response by June 22, 2006, we will presume that BellSouth Mobile Data, Inc. had no objections to the proposed modifications.

Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

\s\ Patrick L. Donnelly

Patrick L. Donnelly
Executive Vice President and General Counsel
Sirius Satellite Radio Inc.

CC (w/enclosure): Charles Cerino, Comcast WCS
Christina Burrow, Counsel to Comcast WCS
Scott Donohue, WCS Wireless Licence Subsidiary, LLC

Sirius Satellite Radio 1221 Avenue of the Americas New York NY 10020 Tel 212-584-5100 Fax 212-584-5200
www.siriusradio.com

Thomas Gutierrez, Counsel to WCS Wireless License
Subsidiary, LLC
Robert Saunders, Bell South Wireless Cable, Inc.
James G. Harralson, BellSouth Mobile Data, Inc.
Donald Brittingham, Verizon Laboratories, Inc.
Robin Cohen, Nextel Spectrum Acquisition, Corp.
Jennifer Richter, Counsel to NextWave Broadband, Inc.
Linda Woolcott, NextWave Broadband, Inc.

Proposed Operation

| Market | No Of Sectors | Antenna Type | Sector 1 | | | Sector 2 | | | Sector 3 | | | Coordinates | | Antenna Height (feet) | | | | |
|---------------------|----------------------|-------------------|-------------------|-------------|-----------|-------------|-------------------|-------------|-----------|-------------|-------------------|-------------|-----------|-----------------------|--------------|---------------|--------------|-----|
| | | | Antenna Beamwidth | Orientation | Down tilt | ERP (Watts) | Antenna Beamwidth | Orientation | Down tilt | ERP (Watts) | Antenna Beamwidth | Orientation | Down tilt | | ERP (Watts) | Longitude (W) | Latitude (N) | |
| | | | | | | | | | | | | | | | | | | |
| Metropace operation | 1 | EMS FR65-18-00NVL | 65 | 300 | 0 | 7000 | - | - | - | - | - | - | - | - | - | 74-03-00.04 | 40-43-44.81 | 85 |
| | 1 | EMS FR90-17-00NVL | 90 | 270 | 0 | 6350 | - | - | - | - | - | - | - | - | - | 82-44-54.40 | 27-58-40.10 | 125 |
| | 3 | EMS FR65-18-00NVL | 65 | 85 | 0 | 2400 | 65 | 170 | 0 | 2400 | 65 | 305 | 0 | 2400 | 118-08-54.35 | 34-09-03.66 | 75 | |
| | 3 | EMS FR65-18-00NVL | 65 | 45 | 0 | 3600 | 65 | 100 | 0 | 3600 | 65 | 190 | 0 | 3600 | 117-48-36.00 | 34-02-52.00 | 70 | |
| | 2 | EMS FR65-18-00NVL | 65 | 90 | 0 | 3600 | 65 | 160 | 0 | 3600 | - | - | - | - | 118-07-52.5 | 33-56-12.12 | 80 | |
| | 2 | EMS FR65-18-00NVL | 65 | 190 | 0 | 3600 | 65 | 280 | 0 | 3600 | - | - | - | - | 118-29-30.11 | 34-00-58.50 | 105 | |
| | 2 | EMS FR65-18-00NVL | 65 | 160 | -3 | 3600 | 65 | 345 | 0 | 3600 | - | - | - | - | 118-34-29.7 | 34-24-52.2 | 64 | |
| | 2 | EMS FR90-17-00NVL | 90 | 190 | 0 | 2850 | 90 | 350 | 0 | 2850 | - | - | - | - | 80-07-53.97 | 25-47-26.16 | 174 | |
| | 2 | EMS FR65-18-00NVL | 65 | 80 | 0 | 3600 | 65 | 170 | 0 | 3600 | - | - | - | - | 73-49-25.40 | 40-42-56.40 | 80 | |
| | 2 | EMS FR65-18-00NVL | 65 | 230 | -3 | 3600 | 65 | 340 | -3 | 3600 | NA | NA | NA | NA | 74-13-16.43 | 40-43-51.22 | 95 | |
| | 2 | EMS FR65-18-00NVL | 65 | 20 | 0 | 3600 | 65 | 160 | 0 | 3600 | - | - | - | - | 74-07-34.8 | 40-49-47.5 | 100 | |
| | 1 | EMS FR65-18-00NVL | 65 | 310 | 0 | 7000 | - | - | - | - | - | - | - | - | 74-10-05.19 | 40-54-03.29 | 110 | |
| | 2 | EMS FR65-18-00NVL | 65 | 30 | 0 | 3600 | 65 | 330 | 0 | 3600 | - | - | - | - | 80-05-04.63 | 26-21-02.19 | 123 | |
| | 1 | EMS FR65-18-00NVL | 65 | 10 | 0 | 7000 | - | - | - | - | - | - | - | - | 96-49-19.68 | 32-55-43.02 | 300 | |
| | Saint Petersburg, FL | 1 | EMS FR90-17-00NVL | 90 | 220 | 0 | 6350 | - | - | - | - | - | - | - | - | 82-38-05.56 | 27-46-12.07 | 167 |
| | Norwalk, CT | 2 | EMS FR65-18-00NVL | 65 | 0 | 0 | 3600 | 65 | 50 | 0 | 3600 | - | - | - | - | 73-25-11.75 | 41-05-58.44 | 130 |



June 15, 2006

VIA E-MAIL

Mr. Robert Saunders
Bell South Wireless Cable, Inc.
754 Peachtree Street
14th Floor, Room D1487
Atlanta, GA 30308

**Re: Sirius Satellite Radio Inc.--Request to Modify Special
Temporary Authority to Operate Satellite DARS Terrestrial
Repeaters**

Dear Mr. Saunders:

Sirius is planning to modify its existing special temporary authority ("STA") in order to operate sixteen satellite digital audio radio service terrestrial repeaters located in the following cities: Boca Raton, FL; Clearwater, FL; Miami, FL; St. Petersburg, FL; Los Angeles, CA; Valencia, CA; New York, NY; Hill Side, NJ; Lake View, NJ; Jersey City, NJ; Rutherford, NJ; Dallas, TX; Norwalk, CT. The enclosed spreadsheet includes the proposed technical specifications for these repeaters.

We would like to represent that Bell South Wireless Cable, Inc. has no objection to Sirius' proposed modifications to its STA. Thus, we would appreciate a response from Bell South Wireless Cable, Inc. by June 22, 2006. If we do not receive a response by June 22, 2006, we will presume that Bell South Wireless Cable, Inc. had no objections to the proposed modifications.

Please feel free to contact me if you have any questions or need any additional information.

Sincerely,

\s\ Patrick L. Donnelly

Patrick L. Donnelly
Executive Vice President and General Counsel
Sirius Satellite Radio Inc.

CC (w/enclosure): Charles Cerino, Comcast WCS
Christina Burrow, Counsel to Comcast WCS
Scott Donohue, WCS Wireless License Subsidiary, LLC

Thomas Gutierrez, Counsel to WCS Wireless License
Subsidiary, LLC
Robert Saunders, Bell South Wireless Cable, Inc.
James G. Harralson, BellSouth Mobile Data, Inc.
Donald Brittingham, Verizon Laboratories, Inc.
Robin Cohen, Nextel Spectrum Acquisition, Corp.
Jennifer Richter, Counsel to NextWave Broadband, Inc.
Linda Woolcott, NextWave Broadband, Inc.

Proposed Operation

| Market | No Of Sectors | Antenna Type | Sector 1 | | | | Sector 2 | | | | Sector 3 | | | | Coordinates | | Antenna Height (feet) |
|----------------------|---------------|-------------------|-------------------|-------------|----------|--------------|-------------------|-------------|----------|--------------|-------------------|-------------|----------|--------------|---------------|--------------|-----------------------|
| | | | Antenna Beamwidth | Orientation | Downlift | EIRP (Watts) | Antenna Beamwidth | Orientation | Downlift | EIRP (Watts) | Antenna Beamwidth | Orientation | Downlift | EIRP (Watts) | Longitude (W) | Latitude (N) | |
| Jersey City, NJ | 1 | EMS FR65-18-00NVL | 65 | 300 | 0 | 7000 | - | - | - | - | - | - | - | - | 74-03-00.04 | 40-43-44.81 | 85 |
| Cleawater, FL | 1 | EMS FR90-17-00NVL | 90 | 270 | 0 | 6350 | - | - | - | - | - | - | - | - | 82-44-54.40 | 27-58-40.10 | 125 |
| Los Angeles, CA | 3 | EMS FR65-18-00NVL | 65 | 85 | 0 | 2400 | 65 | 170 | 0 | 2400 | 65 | 305 | 0 | 2400 | 118-06-54.35 | 34-09-03.66 | 75 |
| Los Angeles, CA | 3 | EMS FR65-18-00NVL | 65 | 45 | 0 | 3600 | 65 | 100 | 0 | 3600 | 65 | 190 | 0 | 3600 | 117-48-36.00 | 34-02-52.00 | 70 |
| Los Angeles, CA | 2 | EMS FR65-18-00NVL | 65 | 90 | 0 | 3600 | 65 | 160 | 0 | 3600 | - | - | - | - | 118-07-52.5 | 33-56-12.12 | 80 |
| Los Angeles, CA | 2 | EMS FR65-18-00NVL | 65 | 190 | 0 | 3600 | 65 | 280 | 0 | 3600 | - | - | - | - | 118-29-30.11 | 34-00-58.50 | 105 |
| Valencia, CA | 2 | EMS FR65-18-00NVL | 65 | 160 | -3 | 3600 | 65 | 345 | 0 | 3600 | - | - | - | - | 118-34-29.7 | 34-24-52.2 | 64 |
| Miami, FL | 2 | EMS FR65-18-00NVL | 90 | 190 | 0 | 2850 | 90 | 350 | 0 | 2850 | - | - | - | - | 80-07-59.97 | 25-47-26.16 | 174 |
| New York, NY | 2 | EMS FR90-17-00NVL | 65 | 80 | 0 | 3600 | 65 | 170 | 0 | 3600 | - | - | - | - | 73-48-25.40 | 40-42-56.40 | 80 |
| Hillside, NJ | 2 | EMS FR65-18-00NVL | 65 | 230 | -3 | 3600 | 65 | 340 | -3 | 3600 | NA | NA | NA | NA | 74-13-16.43 | 40-43-51.22 | 95 |
| Rutherford, NJ | 2 | EMS FR65-18-00NVL | 65 | 20 | 0 | 3600 | 65 | 160 | 0 | 3600 | - | - | - | - | 74-07-34.8 | 40-49-47.5 | 100 |
| Lake View, NJ | 1 | EMS FR65-18-00NVL | 65 | 310 | 0 | 7000 | - | - | - | - | - | - | - | - | 74-10-05.19 | 40-54-03.29 | 110 |
| Boca Raton, FL | 2 | EMS FR65-18-00NVL | 65 | 30 | 0 | 3600 | 65 | 330 | 0 | 3600 | - | - | - | - | 80-05-04.63 | 26-21-02.19 | 123 |
| Dallas, TX | 1 | EMS FR65-18-00NVL | 65 | 10 | 0 | 7000 | - | - | - | - | - | - | - | - | 96-49-18.68 | 32-55-43.02 | 300 |
| Saint Petersburg, FL | 1 | EMS FR90-17-00NVL | 90 | 220 | 0 | 6350 | - | - | - | - | - | - | - | - | 82-36-05.56 | 27-46-12.07 | 167 |
| Norwalk, CT | 2 | EMS FR65-18-00NVL | 65 | 0 | 0 | 3600 | 65 | 50 | 0 | 3600 | - | - | - | - | 73-25-11.75 | 41-05-58.44 | 130 |

Exhibit 2

Harralson, James

From: Harralson, James
Sent: Wednesday, June 21, 2006 8:30 PM
To: 'Donnelly, Patrick'
Subject: RE: WCS Notifications

Dear Mr. Donnelly:

I will forward a more formal response when I return to my office, but I send this email to ensure that the position of BellSouth Mobile Data, Inc. is not misrepresented.

You are not authorized to represent that BellSouth Mobile Data, Inc. has no objection to the STA modifications described in your letter. While our investigation is continuing, we currently would expect to object.

I hope to contact you Friday regarding your offer to provide further information. As a matter of future practice, I also ask you to note that lack of a response by a date you specify should never be construed as acquiescence of BellSouth to a proposal.

Very truly yours,


James G. Harralson

Certificate of Service

I, Kenneth B. Wolin, a legal assistant at Rini Coran, PC, do hereby certify that on this 18th day of September, 2006, I caused copies of the foregoing "Petition to Dismiss or Deny" to be sent by United States Postal Service, First Class Mail, to the following:

Patrick L. Donnelly
Sirius Satellite Radio Inc.
1221 Avenue of the Americas
36th Floor
New York, NY 10020

Carl R. Frank
Wiley Rein & Fielding LLP
1776 K Street, N.W.
Washington, D.C. 20006


Kenneth B. Wolin