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March 19, 2007

Federal Communications Commission
Bureau / Office

Helen Domenici
Chief, International Bureau
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: *Request Of Sirius Satellite Radio Inc. For Special Temporary
Authorization Regarding Digital Audio Radio Service Terrestrial
Repeaters – File No. SAT–STA–20061207–00145*

Dear Ms. Domenici:

I am writing to advise the International Bureau that, subject to the caveats discussed below, the WCS Coalition will not be interposing any objection to a grant of the above-referenced request by Sirius Satellite Radio Inc. (“Sirius”) for a special temporary authority (“STA”) that will permit deployment of fifteen new Digital Audio Radio Service (“DARS”) terrestrial repeaters operating at no greater than 2,000 Watts EIRP.¹ As with any STA issued for Sirius’s terrestrial repeaters, any grant of Sirius’ request must be subject to an unqualified condition of non-interference to WCS licensees. To that point, Sirius has acknowledged that “[g]rant of the requested modification will not alter Sirius’ obligation to protect authorized radiocommunications facilities from interference.”² That obligation is an essential predicate to the Coalition’s position here, and without it the Coalition would object to a grant of Sirius’ request.

Consistent with its prior practice, Sirius also has indicated that its proposed repeaters will operate below 2000 watts EIRP, but has refused to specify whether it is referring to peak or average EIRP.³ The International Bureau is aware that the peak vs. average EIRP issue (along with the frequent refusal of Sirius and XM Radio Inc. (“XM”) to specify whether they are using one or the other) has been a matter of dispute between the Coalition and Sirius/XM, both in the context of the Commission’s pending DARS rulemaking (IB Docket No. 95-91) and with respect

¹ See Request of Sirius Satellite Radio Inc. for Special Temporary Authorization, File No. SAT-STA-20061207-00145 (filed Dec. 7, 2006).

² *Id.*, Attachment A, Exhibit 1 at 2.

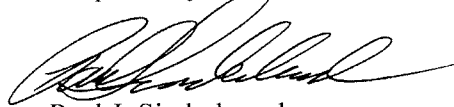
³ *Id.*, Attachment A, Exhibit 1 at 1.

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to Sirius/XM's individual STA requests. Recently, in issuing an STA for a terrestrial repeater XM had proposed to operate at weekly PGA Tour events at various locations, the International Bureau stated, *inter alia*, that "[t]he issue concerning EIRP raised by the WCS Coalition will be addressed in that proceeding. Operations prior to such action will be subject to [the condition of non-interference] below."⁴ Given the Bureau's grant of the STA over the WCS Coalition's objections regarding operations of no more than 2,000 Watts, it is apparent that the Bureau will defer any decision on the EIRP issue until it adopts final rules to govern DARS repeaters in IB Docket No. 95-91. The WCS Coalition will therefore defer from objecting to STA requests that propose operations of no more than 2,000 Watts, even if they do not specify peak or average EIRP. The WCS Coalition does respectfully request, however, that any future STAs issued for Sirius/XM's terrestrial repeaters include the italicized language noted above. Such language is essential to assure that all affected parties are on notice that the matter will be addressed in the rulemaking.

Should there be any questions concerning this matter, please contact the undersigned.

Respectfully submitted,



Paul J. Sinderbrand

Counsel to the WCS Coalition

cc: Stephen Duall
Carl Frank
Patrick L. Donnelly

⁴ See File No. SAT-STA-20061114-00138 (granted Feb. 7, 2007) (emphasis added).