

Approved by OMB
3060-0678

Date & Time Filed: Jun 8 2007 2:30:32:950PM
File Number: SAT-STA-20070608-00079
Callsign: 52119

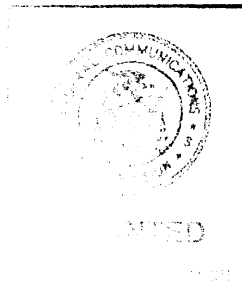
FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Request for Special Temporary Authority to Drift XM-2 to the 85.2WL Orbital Location

1. Applicant

Name:	XM Radio Inc.	Phone Number:	202-380-4000
DBA Name:		Fax Number:	202-380-4981
Street:	1500 Eckington Place, NE	E-Mail:	james.blitz@xmradio.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20002 -
Attention:	James S. Blitz		



File # SAT-STA-20070608-00079

Call Sign 52119 Grant Date 9/28/07
(or other identifier)

Term Dates
From 10/12/07 To: + 60 days

Approved: [Signature]

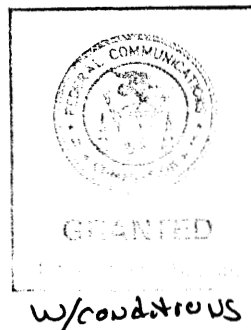
w/conditions

Policy Branch Chief

XM Radio Inc.
IBFS File No. SAT-STA-20070608-00079

The request of XM Radio Inc. (XM Radio) for special temporary authority (STA) IS GRANTED for a period of 60 days, effective October 12, 2007. Accordingly, XM Radio is authorized to operate the Telemetry, Tracking, and Command (TT&C) payloads of the XM-2 satellite (Call Sign S2119) during the drift from the 115.1° W.L. orbital location to the 85.2° W.L. orbital location, subject to the technical specifications set forth in its application, the Commission's rules, and the following conditions:

1. XM Radio shall coordinate all drift orbit TT&C operations with other potentially affected in-orbit operators.
2. During relocation of the XM-2 satellite, operations via the XM-2 shall be on a non-harmful interference basis, *i.e.*, XM Radio shall not cause interference to, and shall not claim protection from interference caused to it by, any other lawfully operating satellites.
3. In the event that any harmful interference is caused as a result of XM Radio's operations during the relocation of the XM-2 satellite, XM Radio shall cease operations immediately upon notification of such interference and shall inform the Commission in writing immediately of such an event.



File # SAT-STA-20070608-00079

Call Sign S2119 Grant Date 9/28/07
(or other file #) _____

From Dates
From 10/12/07 to + 60 days

Approved: Arthur S. Kee
Policy Branch Chief

2. Contact

Name:	Bruce D. Jacobs	Phone Number:	202-663-8000
Company:	Pillsbury Winthrop Shaw Pittman LLP	Fax Number:	202-663-8007
Street:	2300 N Street NW	E-Mail:	bruce.jacobs@pillsburylaw.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20037 -
Attention:		Relationship:	Legal Counsel

(If your application is related to an application filed with the Commission, enter either the file number or the IB Submission ID of the related application. Please enter only one.)

3. Reference File Number or Submission ID

4a. Is a fee submitted with this application?

- If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).
- Governmental Entity Noncommercial educational licensee
- Other (please explain):

4b. Fee Classification CRY – Space Station (Geostationary)

5. Type Request

- Change Station Location Extend Expiration Date Other

6. Temporary Orbit Location
85.2WL

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 requests Special Temporary Authority (STA) for up to sixty days to drift XM-2 to the 85.2WL orbital location.

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
James S. Blitz

11. Title of Person Signing
VP, Regulatory Counsel

12. Please supply any need attachments.

Attachment 1: Attachment A

Attachment 2:

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).

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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.

Attachment A

XM Radio Inc. (“XM”) hereby requests immediate Special Temporary Authority (“STA”) for up to sixty days to begin drifting XM-2 from the 115.1°W.L. orbital location to the 85.2°W.L. orbital location.¹ Grant of this STA will serve the public interest because it will permit greater continuity of service to XM subscribers in the event of a service outage for XM-3.

Background. XM currently holds licenses to operate four satellites for the provision of Satellite Digital Audio Radio Service. Each of XM’s satellites is authorized to use S-band frequencies for service links (2332.5-2345 MHz) and X-band frequencies for feeder links (7025-7075 MHz). At present, XM provides service through XM-3 at 85.1°W.L and XM-4 at 115°W.L.² XM-1 and XM-2 serve as in-orbit spares and are both currently located at 115.1°W.L.³ Pursuant to STA granted August 15, 2006, File No. SAT-STA-20060501-00051, XM-1 is temporarily located at 115.1°W.L. and soon will begin drifting to its authorized orbital location at 85.2°W.L.⁴

Temporary Service Outage of XM-3. On Monday, May 21, 2007, the XM-3 satellite suffered a temporary service outage during the process of uploading operational information to the redundant satellite control processor (“SCP”) following a Sunday night

¹ XM intends to submit soon a modification application to operate XM-2 as a spare at the 85.2°W.L. orbital location.

² See *XM Radio Inc.*, 20 FCC Rcd 1620 (2005).

³ See *id.*; File No. SAT-STA-20070223-00039. As XM has disclosed previously, both XM-1 and XM-2 suffer from premature solar array degradation common to all Boeing spacecraft with solar array concentrators (*i.e.*, the first five launched Boeing 702 spacecraft and the first launched Boeing geo-mobile (GEM) spacecraft). See XM Radio Inc., Annual Report (June 30, 2004).

⁴ See File No. SAT-STA-20070223-00039 (May 1, 2007) (extending until August 6, 2007, XM’s authority to operate XM-1 at 115.1°W.L. and to subsequently drift XM-1 to 85.2°W.L.).

autonomous switch from the primary to the redundant SCP. Some XM customers experienced service disruptions or degraded service from both XM-3 and the repeater network, which receives and repeats only the signal from the XM-3 satellite. Full signal strength was restored the following morning, May 22, 2007.

XM-3 is presently stable and providing full service to XM customers. However, XM seeks to locate both the XM-1 and XM-2 satellites near XM-3 as soon as possible to optimize XM's ability to provide service to its customers through its satellite and repeater network in the event of another XM-3 outage.

XM will operate only XM-2's command and telemetry system during the satellite's relocation to 85.2°W.L. and will not operate the satellite's communications payload during the drift or at the 85.2°W.L. orbital location, unless and until XM is so authorized by the Commission.⁵ XM will coordinate its TT&C operations with other operators to ensure that no harmful interference results to other operators as XM-2 drifts to 85.2°W.L. XM will also coordinate with other space station operators to the extent XM-2 is expected to pass through their station keeping volumes as it drifts to 85.2°W.L. XM is unaware of any satellites that are operational or planned to be deployed at or near the 85°W.L. orbital location whose station-keeping box will overlap with XM-2 at 85.2°W.L.

Schedule S Submission. In this application, XM seeks only to relocate XM-2 to 85.2°W.L., which will have no impact on the existing interference environment. Accordingly, the information requested in Schedule S is not relevant. Moreover, the FCC

⁵ XM will soon file an STA request to conduct telemetry, tracking, and control ("TT&C") operations for XM-2 from one of its earth stations (call sign E040204).

routinely grants STAs for the relocation of a satellite without the submission of a Schedule S.⁶

Section 304 Waiver. In accordance with Section 304 of the Communications Act of 1934, as amended, 47 U.S.C. § 304, XM hereby waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

⁶ See, e.g., SAT-STA-20050321-00068 (March 21, 2005); SAT-STA-20061213-00149 (December 13, 2006); SAT-STA-20060330-00034 (March 30, 2006). To the extent necessary, for the reasons stated herein, XM requests a waiver of the Commission's rules if those rules require submission of a Schedule S with an application for STA to begin drifting to another orbital location. See 47 C.F.R. §1.3; see also *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969).

