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File Number: SAT-STA-20081002-00198
Callsign:

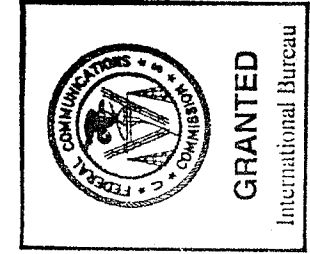
FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Request for Special Temporary Authority to Operate a Terrestrial Repeater in Cincinnati, OH

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		-

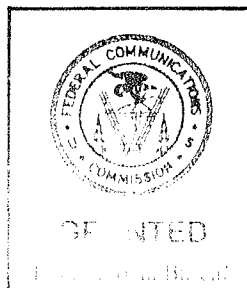


File # SAT-STA-20081002-00198
Call Sign _____ Grant Date 10/3/08
(or other identifier) _____
Term Dates From 10/4/08 To: 30 days
Approved: [Signature] with [Signature] [Signature]
Alicia Estrada Eads Branch

Application of XM Radio Inc.
IBFS File No. SAT-STA-20081002-00198

Special temporary authority (STA) is granted to XM Radio Inc. (XM) to continue to operate for a period of 30 days the Satellite Digital Audio Radio Service (SDARS) terrestrial repeater in Cincinnati, OH, specified in Attachment C to the Consent Decree adopted on July 25, 2008 (FCC 08-177) before bringing this repeater into compliance with existing authorized parameters. This grant of STA is subject to the terms and conditions below.

1. Any actions taken as a result of this STA are solely at the applicant's own risk. This STA shall not prejudice the outcome of the final rules adopted by the Commission in IB Docket No. 95-91. The issue concerning average versus peak EIRP raised by the WCS Coalition will be addressed in that proceeding. Operations prior to such action will be subject to condition 2 below.
2. Operation of terrestrial repeaters authorized pursuant to this STA is on a non-interference basis with respect to all permanently authorized radiocommunication facilities. XM shall provide the information and follow the process set forth in paragraphs 14 and 17 in 16 FCC Rcd 16773 (Int'l Bur. 2001) and 16 FCC Rcd 16781 (Int'l Bur. 2001), as modified by 16 FCC Rcd 18481 (Int'l Bur. 2001) and 16 FCC Rcd 18484 (Int'l Bur. 2001).
3. Terrestrial repeaters are restricted to the simultaneous retransmission of the complete programming, and only that programming, transmitted by the satellite directly to SDARS receivers.
4. Coordination of terrestrial repeater operations shall be completed with all affected Administrations prior to operation, in accordance with all applicable international agreements including those with Canada and Mexico.
5. Terrestrial repeaters shall comply with Part 17 of the Commission's rules - Construction, Marking, and Lighting of Antenna Structures.
6. 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.
7. The out-of-band emissions of terrestrial repeaters shall be limited to $75 + \log(\text{EIRP})$ dB less than the transmitter EIRP.



File # SAT - STA - 20081002-00198

Call Sign _____ Grant Date 10/3/08
(or other identifier)

Term Dates
From 10/4/08 To 30 days

Approved: [Signature]
C. Kathryn Medley
SAC, Cincinnati ENG BRANCH

2. Contact	
Name: James S. Blitz	Phone Number: 202-380-4000
Company: XM Satellite Radio Inc.	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:	Relationship: Same
(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?	
<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	
	7. Requested Extended Expiration Date

<p>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.)</p> <div style="border: 1px solid black; padding: 5px;"> <p>XM Radio Inc. (XM) requests Special Temporary Authority to continue to operate a terrestrial repeater in Cincinnati, OH for 30 days.</p> </div>					
<p>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.</p> <p style="text-align: right;"> <input checked="" type="radio"/> Yes <input type="radio"/> No </p>					
<p>10. Name of Person Signing</p> <p>James S. Blitz</p>	<p>11. Title of Person Signing</p> <p>Vice President, Regulatory Counsel</p>				
<p>12. Please supply any need attachments.</p> <table border="1" style="width: 100%;"> <tr> <td style="width: 50%;">Attachment 1: Narrative & Exhibits</td> <td style="width: 50%;">Attachment 2:</td> </tr> <tr> <td> </td> <td>Attachment 3:</td> </tr> </table>		Attachment 1: Narrative & Exhibits	Attachment 2:		Attachment 3:
Attachment 1: Narrative & Exhibits	Attachment 2:				
	Attachment 3:				
<p style="text-align: center;">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).</p>					

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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.

Request for Special Temporary Authority

XM Radio Inc. (“XM”), pursuant to 47 C.F.R. § 25.120¹ of the Commission's Rules, hereby requests Special Temporary Authority (“STA”) to continue to operate a single repeater in Cincinnati, OH at its current technical parameters² for 30-days while certain unanticipated leasing issues are resolved. As detailed below, XM faces extraordinary and unforeseen circumstances that support immediate grant of this STA.³

As the Commission is aware, XM entered into a Consent Decree which ended the Commission’s investigation into XM’s operation of certain terrestrial repeaters at technical parameters in variance from its existing STAs.⁴ As part of this Consent Decree, XM agreed to shut off fifty repeaters and bring an additional fifty repeaters into compliance with existing authorized parameters by October 4, 2008.⁵ The repeater that is the subject of this request was among the fifty that XM has been working diligently to bring into compliance and is designated as CIN025C on Attachment C of the *XM Radio Consent Decree*. Specifically, this repeater which is located in downtown Cincinnati, requires modifications to the antenna model and downtilt and a 50 foot increase in the antenna height to comply with the existing authorization.

Unfortunately, due to circumstances out of XM’s control, and despite XM’s diligent efforts, XM has been unable to implement the necessary modifications and will not be able to do so by the October 4 deadline. XM’s lease to use this tower precludes XM from making any changes to its facilities without the landlord’s express prior written consent. XM first contacted the landlord to procure its consent on July 28, 2008 – only days after the Commission adopted the *XM Radio Consent Decree* – expressly noting the likely need to perform a structural analysis in connection with the proposed changes.

Since that time, XM has continued negotiations with the landlord on legal issues relating to the lease. As of early this week, XM believed those issues had been resolved such that XM would be able to make the necessary modifications to bring this repeater into STA compliance before October 4. However, on September 30, the landlord informed XM that it would not consent to any changes to XM’s equipment on the tower

¹ Because XM is requesting STA for less than 30 days, the Commission can grant this application without placing it on Public Notice. 47 C.F.R. § 25.120(b)(4).

² The current technical parameters of this repeater are provided in Exhibit A.

³ See 47 C.F.R. § 25.120(a) (stating that an STA “request received within less than 3 working days [prior to the date of proposed construction or operation] may be accepted only upon due showing of extraordinary reasons for the delay in submitting the request which could not have been earlier foreseen by the applicant”).

⁴ *XM Radio, Inc.*, Consent Decree, File Nos. EB-06-SE-148 and EB-06-SE-356, 23 FCC Rcd 12327, FCC 08-177 (rel. Aug. 5, 2008) (“*XM Radio Consent Decree*”).

⁵ *XM Radio Consent Decree* at ¶ 9.

unless XM agreed to unreasonable terms regarding improvements to the tower's structural integrity that are well beyond XM's responsibility to finance. The landlord further informed XM that it would not know more about the tower's structural integrity and the need for any improvements until it had completed a structural analysis, which had not been conducted and could not be finalized until October 21, 2008 due to scheduling issues for the company that can perform the analysis most expeditiously.

As a result, the landlord has not consented to XM's proposed changes and it will be another three weeks before the parties can more fully understand the extent of structural improvements that may be needed to the tower. Moreover, due to concerns that have been raised about the tower's structural integrity, the landlord cannot provide assurances that it is safe for XM personnel to ascend the tower to make the necessary changes until that analysis has been completed.

XM hereby requests that the Commission allow it to continue to operate this repeater at the current technical parameters for an additional 30 days while it continues to negotiate these issues with the tower owner and obtains an updated structural analysis. This 30-day STA will allow XM to avoid shutting down the repeater, which is essential to providing uninterrupted service to XM subscribers in downtown Cincinnati. If XM is required to shut down this repeater without an adequate alternative site, thousands of subscribers could lose reliable service, yet absent grant of this STA, temporarily shutting down the repeater is the only other way that XM can comply with the Consent Decree.

XM does not anticipate any in-band or out of band interference from the continued operation of this repeater which has operated at the requested parameters for nearly 7 years. Indeed, XM has never received any complaint of interference regarding the operation of this repeater. Therefore, XM respectfully requests that the Commission promptly grant its proposed STA.

XM understands that the operation of this repeater continues to be subject to the conditions placed upon that operation by the *2004 STA Grant Order*.⁶ Grant of the requested STA will not alter XM's obligations to protect authorized radiocommunications facilities from interference. Further, the final characteristics of this and the other XM terrestrial repeaters remain subject to the outcome of the Commission's rulemaking proceeding.⁷

⁶ See *XM Radio Inc. Request to Modify Special Temporary Authority To Operate Satellite Digital Audio Radio Service Terrestrial Repeaters*, Order and Authorization, 19 FCC Rcd 18140 (2004) ("2004 STA Grant Order").

⁷ See *Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, WT Docket No. 07-293, IB Docket No. 95-91, Notice of Proposed Rulemaking and Further Notice of Proposed Rulemaking, 22 FCC Rcd 22123 (2007).

EXHIBIT A

CITY	SITE NO.	ANTENNA NO.	LATITUDE	LONGITUDE	ANTENNA TYPE	ANT ORIENTATION (DEG AZ)	ANT. HEIGHT (FT. AGL)	ANT. DOWNTILT	TOTAL AVERAGE EIRP (W)
Cincinnati	CIN025C	Tx1	39-06-59 N	84-30-07 W	HMD8-V360-R05-H	0	790	0	5738

Antenna Type: HMD8V360-R05-H



Description: HMD Antenna, R Band Narrow, 8 Bay, Vertical
Polarization, Omnidirectional Pattern, High Power, 0.5
Degrees Beamtilt

Electrical Specifications

Frequency Designation	R Band Narrow
Frequency Band, MHz	2320 - 2345
Number of Bays	8
Gain, dBi	11.0
Azimuth Pattern Type	Omnidirectional
Elevation Beamwidth, degrees	7
Polarization Type	Single, Vertical
Beamtilt, degrees	0.5
Impedance, nominal ohms	50
Return Loss, dB (VSWR)	> 14 (< 1.5)
Maximum Input Power, Watts	1000 **
Lightning Protection	Top Mounted Finial Included
Connector	7/8 " EIA
Connector Position	Bottom

Mechanical Specifications

Dimensions H x Radome Diameter, mm (in)	1118 (44.0) x 127 (5.0)
Weight, kg (lb)	25.0 (55.0)
Radome Material	Fiberglass, Pressurizable
Radome Color	White
Pressurization, kPa (lb / sq in)	70 (10)

Environmental Specifications

Survival Wind Speed, km/h (mph)	180 (112)
Wind Shear, N (lbf)	614 (138)
Overturning Moment, N.m (ft-lb)	495 (367)
Temperature Range	-40° C to +50° C **
Humidity	Up to 100%

Mounting Information

Mount Type *	A Type Special With Adjustment
Mount Description	Side Mounted at Top of Tower
Mounting Pipe Diameter, mm (in)	76 (3.0)

* See Catalog 38, pp 305 to 310 for further information

** Maximum input power derates linearly from 1000 to 750 watts as temperature increases from 25 to 50° C