

the public interest”³ Here, however, Sirius XM has made no showing of “extraordinary circumstances.” Rather, Sirius XM has filed two contradictory and confusing applications for special temporary authority in Cincinnati. The first STA request notifies the Commission that Sirius XM intends to shut down one previously authorized repeater, requests authority to reconfigure four existing repeaters and add a new repeater in Cincinnati all operating at a maximum power up to 2000 W average EIRP.⁴ However, that application is followed less than one month later by an STA request that uses the identical language regarding the changes in the June 60 Day STA application, but then requests increased EIRPs for three of the repeaters.⁵ The reason stated for the increased power was “...to improve the signal reception for Cincinnati area residents to levels closer to what they had prior to the loss of the CIN025C site and better the signal levels achievable under the Cincinnati 60 Day STA.”⁶ There is no explanation as to why the desired signal levels cannot be reached via additional 2000 W EIRP repeater sites in and around Cincinnati.

While Sirius XM indicates that these repeaters are currently authorized at higher powers, it appears that several of these repeaters have parameters different from those previously authorized by the Commission including three repeaters with slightly different coordinates, two repeaters with different antenna types listed, two repeaters with different antenna orientations, and two repeaters with different antenna heights. As such, these repeaters are not currently authorized, and the Commission should not be authorizing any new repeaters with an excess of 2000 W EIRP.

³ 47 C.F.R. § 25.120(b)(1) (emphasis added).

⁴ See File No. SAT-STA-20090612-00069 (the “June 60 Day STA”). This application was granted on July 9, 2009.

⁵ See File No. SAT-STA-20090701-00071 (the “July 180 Day STA”).

⁶ See July 180 Day STA at 3.

But the issue here is not whether Sirius XM should be allowed to operate repeaters. Rather, it is whether extraordinary circumstances justify a grant to Sirius XM of authority to operate repeaters above and beyond those the Commission has already authorized. Once again, Sirius XM provides no explanation as to why it cannot serve Cincinnati by deploying one or more additional repeaters operating at no more than 2000 W EIRP – repeaters it is free to deploy under its current STA without further Commission approval.⁷ The combination of the two STA requests is unclear, and some might suggest misleading. As such, the WCS Coalition hereby requests that the Commission hold the July 180 Day STA application in abeyance until further details are provided explaining why Sirius XM cannot provide service to Cincinnati utilizing 2000 W average EIRP repeaters. The Commission has previously warned Sirius XM that “[a] request for special temporary authority must contain . . . all facts sufficient to justify the temporary authority sought and the public interest therein.”⁸ In light of Sirius XM’s failure to provide that information, the Commission should not be required to conclude that there are extraordinary circumstances precluding Sirius XM from providing service in the Cincinnati area absent grant of the requested STA modification.

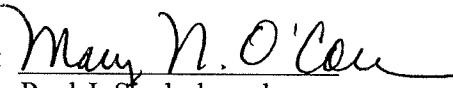
⁷ See *Sirius 2001 STA Grant Order*, 16 FCC Rcd at 16779.

⁸ XM Radio Inc., Sirius Satellite Radio Inc., *Order and Authorization*, 19 FCC Rcd 18140, 18142 (IB 2004) (citation omitted).

WHEREFORE, for the foregoing reasons, the Commission should hold Sirius XM's request for modification of its STAs in abeyance until additional information is provided to clarify the record with respect to the affected repeaters in Cincinnati, Ohio.

Respectfully submitted,

THE WCS COALITION

By: 
Paul J. Sinderbrand
Mary N. O'Connor

WILKINSON BARKER KNAUER, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037-1128
202.783.4141

Their Attorneys


August 10, 2009

CERTIFICATE OF SERVICE

I, Jennifer L. Canose, hereby certify that copies of the foregoing Informal Objection were served this 10th day August, 2009 to the following parties via first class mail of the United States Postal Service, postage prepaid, to the following addresses:

James S. Blitz
Sirius XM Radio, Inc.
1520 Eckington Place, NE
Washington, DC 20002

Robert L. Pettit
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006



Jennifer L. Canose