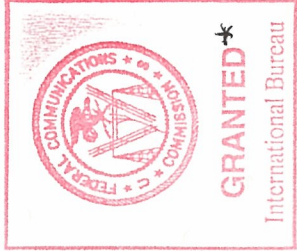


SAT-STA-20090904-00094

IB2009003815

Sirius XM Radio Inc.

Date & Time Filed: Sep 4 2009 2:59:03:630PM
File Number: SAT-STA-20090904-00094
Callsign:



File # SAT- STA- 20090904-00094
Call Sign (or other identifier) Grant Date 09/15/10
From 09/15/10 Term Dates see conditions
To: conditions
Approved: Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

FEDERAL COMMUNICATIONS COMMISSION
APPLICATION FOR SPACE STATION SPECIAL TEMPORARY AUTHORITY

FOR OFFICIAL USE ONLY

APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
Request for Extension of Special Temporary Authority to Operate Terrestrial Repeaters in Cincinnati, Ohio for 60 Days

1. Applicant

Name:	Sirius XM Radio Inc.	Phone Number:	212-584-5100
DBA Name:		Fax Number:	212-584-5353
Street:	1221 Avenue of the Americas 36th Floor	E-Mail:	
City:	New York	State:	NY
Country:	USA	Zipcode:	10020
Attention:	Patrick L. Donnelly		

Attachment to Grant
Application of Sirius XM Radio Inc. for Special Temporary Authority
IBFS File SAT-STA-20090904-00094

Special temporary authority (STA) is granted to Sirius XM Radio Inc. (Sirius XM), for a period of 60 days, to continue to operate two previously authorized terrestrial repeaters in Cincinnati, Ohio for use in the 2320-2345 MHz frequency band, as set forth in its application. This authorization is granted according to the technical parameters specified in Sirius XM's application and is subject to the 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.

2. SDARS terrestrial repeaters are restricted to the simultaneous retransmission of the complete programming, and only that programming, transmitted by the SDARS licensee's satellite(s) directly to the SDARS licensee's subscribers' receivers, and may not be used to distribute any information not also transmitted to all subscribers' receivers.

3. Coordination of the operations of the terrestrial repeaters shall be completed with all affected Administrations prior to operation, in accordance with all applicable international agreements including those with Canada and Mexico.

4. The terrestrial repeaters shall comply with Part 17 of the Commission's rules – Construction, Marking, and Lighting of Antenna Structures.

5. The 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.

6. Any SDARS terrestrial repeater operating at a power level greater than 2-watt average EIRP is required to attenuate its out-of-band emissions below the transmitter power P by a factor of not less than $90 + 10 \log (P)$ dB in a 1-megahertz bandwidth outside the 2320-2345 MHz band, where P is average transmitter output power in watts. Any SDARS terrestrial repeater operating at a power level equal to or less than 2-watt average EIRP is required to attenuate its out-of-band emissions below the transmitter power P by a factor of not less than $75 + 10 \log (P)$ dB in a 1-megahertz bandwidth outside the 2320-2345 MHz band, where P is average transmitter output power in watts.

7. This STA expires after 60 days, or on the date that permanent authority to operate the covered repeater operations becomes effective, whichever occurs first.

8. Sirius XM is granted 30 days from the date of the release of this authorization to decline the authorization as conditioned. Failure to respond within that period will constitute formal acceptance of the authorization as conditioned.

9. This action is taken on delegated authority pursuant to 47 C.F.R. § 0.261 and is effective upon release. Petitions for reconsideration under 47 C.F.R. § 1.106 or applications for review under 47 C.F.R. § 1.115 may be filed within 30 days of the date of the Public Notice announcing this action.



←with conditions

File # SAT-STA-20090904-00094

Call Sign _____ Grant Date 09/15/10

(or other identifier)

From 09/15/10 Term Dates See conditions
To: _____

Approved: _____

Stephen J. Duall
Stephen J. Duall
Chief, Satellite Policy Branch

2. Contact	
Name: James S. Blitz	Phone Number: 202-380-4000
Company: Sirius XM Radio Inc.	Fax Number: 202-380-4500
Street: 1500 Eckington Place NE	E-Mail: james.blitz@siriusxm.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 SATSTA2009061200069 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 CXW - Space Station (Non-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	

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.)

Sirius XM Radio Inc. (Sirius XM) requests extension of Special Temporary Authority (STA) granted on July 9, 2009 (File No. SAT-STA-20090612-00069) to operate terrestrial repeaters in Cincinnati, Ohio. Absent renewal, this STA will expire on September 7, 2009.

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
Vice President, Regulatory Counsel

12. Please supply any need attachments.

Attachment 1: Extension Request

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).

FCC NOTICE REQUIRED BY THE PAPERWORK REDUCTION ACT

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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.

SIRIUS XM

RADIO INC.

1500 Eckington Place, N.E.
Washington, D.C. 20002
Tel: 202-380-4000
Fax: 202-380-4500
www.sirius.com www.xmradio.com

September 4, 2009

Via IBFS

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: Sirius XM Radio Inc.
Request for Extension of 60-Day Special Temporary Authority for
Terrestrial Repeaters in Cincinnati, Ohio
File No. SAT-STA-20090612-00069**

Dear Ms. Dortch:

Pursuant to Section 25.120(b)(3) of the Commission's Rules, 47 C.F.R. § 25.120(b)(3), Sirius XM Radio Inc. ("Sirius XM"), a satellite radio licensee in the Satellite Digital Audio Radio Service, hereby requests extension of the above-referenced Special Temporary Authority ("STA") to operate five low power terrestrial repeaters in Sirius XM's licensed frequency band, each of which has average Effective Isotropically Radiated Power ("EIRP") of up to 2000 watts, in the area of Cincinnati, Ohio.¹ Sirius XM requests that the Commission renew this STA for a period of 60 days or until the Commission issues a blanket license for terrestrial repeaters in the satellite radio band.²

¹ Under Section 25.120(b)(3) of the Rules, the Commission may grant an application for a 60 Day STA without placing it on Public Notice. On June 1, 2009, Sirius XM filed a separate request pursuant to Section 25.120(b)(2) of the Commission's Rules to operate its Cincinnati market repeaters under a 180-Day Special Temporary Authority with somewhat different parameters than those sought herein. *See* File No. SAT-STA-20090701-00071. That STA application remains pending and is not affected by the instant request.

² Absent renewal, this STA is scheduled to expire on September 7, 2009. However because this request is timely, pursuant to Section 1.62 of the Rules, this STA will continue in

Ms. Marlene H. Dortch
September 4, 2009
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Sirius XM currently operates these repeaters in connection with both the Sirius frequency band (2320-2332.5 MHz) and the XM Radio Inc. ("XM") frequency band (2332.5-2345 MHz), pursuant to the STA granted by the International Bureau on July 9, 2009. Sirius XM has not changed technical parameters for the repeaters since the original grant of the STA and is not herein requesting modification of any of those parameters. Renewing this STA will serve the public interest by allowing Sirius XM to continue to provide a quality signal to its subscribers in Cincinnati, Ohio.

Sirius XM has been using the repeaters authorized in the above-referenced STA for 60 days and is not aware of any incidents where the equipment has caused any interference to other radio services. Sirius XM emphasizes that the repeaters operate at a power level of not more than 2000 watts, at a level which is unlikely to cause any interference. As the Bureau acknowledged in granting Sirius XM's original repeater STA requests, and the WCS licensees have confirmed, operating satellite radio terrestrial repeaters at an EIRP of 2000 watts or less does not pose interference concerns.³

Sirius XM will continue to comply with the conditions the Commission imposed in granting the above-referenced STA to operate the repeaters. These conditions and the technical parameters of the repeaters have provided sufficient protection to other radio services. Therefore, prompt grant of Sirius XM's extension request will allow for the continued reception of the SDARS signal in Cincinnati, Ohio.

effect without further action by the Commission until such time as the Commission shall make a final determination with respect to this request. 47 C.F.R. § 1.62.

³ See *XM Radio, Inc., Application for Special Temporary Authority to Operate Satellite Digital Audio Radio Service Complimentary Terrestrial Repeaters, Order and Authorization*, 16 FCC Rcd. 16781 ¶ 12 ("The comments from WCS licensees express concern about blanketing interference from DARS repeaters that operate with an Equivalent Isotropically Radiated Power (EIRP) above 2 kW."). Moreover, in March 2007, the WCS Coalition said that it will defer from objecting to STA requests that propose operations of no more than 2,000 watts EIRP, even if they do not specify peak or average EIRP, provided that grant of the STA (i) is conditioned on operation on a non-interference basis; and (ii) is subject to the condition that the issue of peak versus average EIRP will be addressed in the pending DARS rulemaking (IB Docket No. 95-91). See Letter from Paul J. Sinderbrand, Counsel to the WCS Coalition, to Ms. Helen Domenici, FCC, File No. SAT-STA-20061207-00145 (March 19, 2007). Sirius XM agrees to these conditions.

Ms. Marlene H. Dortch
September 4, 2009
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Please direct any questions regarding this matter to the undersigned.

Very truly yours,



James S. Blitz
Vice President, Regulatory Counsel

cc: Stephen Duall, FCC International Bureau
Jay Whaley, FCC International Bureau
Sankar Persaud, FCC International Bureau

Rajendra Singh, Horizon Wi-Com LLC (rsingh@tvllc.com)
Thomas Gutierrez, Lukas, Nace, Gutierrez & Sachs (tgutierrez@fcclaw.com)