

SIRIUS XM

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October 15, 2010

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 180-Day Special Temporary Authority
For Two New Repeaters in Falls Church, Virginia**

Dear Ms. Dortch:

Pursuant to Section 25.120(b)(2) of the Commission's rules, 47 C.F.R. § 25.120(b)(2), Sirius XM Radio Inc. ("Sirius XM"), a satellite radio licensee in the Satellite Digital Audio Radio Service ("SDARS"), hereby requests 180-Day Special Temporary Authority ("STA") for two terrestrial repeaters in Falls Church, Virginia.¹ Specifically, this application seeks authority to operate one repeater in the former Sirius Satellite Radio Inc. ("Sirius") frequency band (2320-2332.5 MHz) and one repeater in the former XM Radio Inc. ("XM") frequency band (2332.5-2345 MHz). Neither repeater will exceed 12 kw average EIRP, which is the maximum power level the Commission permits in its new rules for satellite radio terrestrial repeaters.² Sirius XM requires STA so that it can promptly return the Sirius network repeater to operation and minimize the disruption of service

¹ The Commission adopted formal rules for satellite radio terrestrial repeaters in *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 Polices for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band*, FCC 10-82 (released May 20, 2010) (the "May 20 Order"). The *May 20 Order* authorizes the Bureau "to continue to grant STAs for new or modified repeaters ... [until] any permanent authorization to operate SDARS repeaters becomes effective." See Para. 264. However, no such permanent authorization can become effective until after the new rules have been approved by the Office of Management and Budget, which has not yet occurred. See 75 Fed. Reg. 45058, 45058 (Aug. 2, 2010).

² 47 C.F.R. § 25.214(d)(1). The Commission concluded in the *May 20 Order* "that SDARS terrestrial repeaters can operate at an average EIRP of 12 kw with maximum PAPR of 13 dB without causing harmful interference to WCS base station receivers." *Id.* at Para. 243.

to the public. The XM network repeater will need to be relocated by October 31, 2010, due to the landlord's unexpected termination of the current site lease.³

The Commission has recognized that SDARS operators require terrestrial repeaters to provide high-quality service nationwide.⁴ Consistent with this policy, in September 2001, the Bureau granted STAs to Sirius XM to operate a nationwide network of terrestrial repeaters.⁵ In the years since, the Bureau has granted Sirius XM additional STAs to operate terrestrial repeaters, pending issuance of final rules governing the deployment and use of repeaters.⁶

Public Interest Considerations. Sirius XM has recently been informed by the landlord of the current site at which the XM repeater is located that its equipment needs to be removed from the location by October 31, 2010. Sirius XM plans to co-locate this repeater with a nearby Sirius network repeater but recently had to discontinue operations on the Sirius repeater when it noted minor discrepancies between the authorized site parameters and the site specifications. This STA

³ On October 12, 2010, Sirius XM filed a request to operate these two repeaters under 60-Day Special Temporary Authority pursuant to Section 25.120(b)(3) of the Commission's rules. See FCC File No. SAT-STA-20101012-00213. That request remains pending.

⁴ See *Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, Report and Order, Memorandum Opinion and Order, and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5754, 5770 ¶ 37 (1997).

⁵ See *Sirius Satellite Radio, Inc., Application for Special Temporary Authority to Operate Satellite Digital Audio Radio Service Complimentary Terrestrial Repeaters, Order and Authorization*, 16 FCC Rcd. 16773 ¶ 18 (2001) ("Sirius STA Order"). *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 ¶ 18 (2001) ("XM STA Order").

⁶ See, e.g., *Sirius Satellite Radio Inc.; Request to Modify Special Temporary Authority to Operate Additional Satellite Digital Audio Radio Service Terrestrial Repeaters, Order and Authorization*, 19 FCC Rcd. 18140 (2004) (granting File No. SAT-STA-20031106-00370, effective Sept. 15, 2004). Since that time, the Commission has extended the STA several times, pending the issuance of final rules governing the use of satellite DARS terrestrial repeaters. In September 2004, the Commission granted Sirius a new STA to operate for 180 days or until the Commission issues final rules governing the use of satellite DARS terrestrial repeaters. See *Sirius Satellite Radio Inc. Request to Modify Special Temporary Authority to Operate Satellite DARS Terrestrial Repeaters, Order and Authorization*, 19 FCC Rcd 18149 (2004). See also, *XM Radio, Inc.; Request for Special Temporary Authority to Operate Additional Satellite Digital Audio Radio Service Terrestrial Repeaters, Order and Authorization*, 19 FCC Rcd. 18140 (2004) (granting File No. SAT-STA-20031112-00371, effective Sept. 15, 2004); *Public Notice*, 2002 FCC Lexis 5670 (rel. Oct. 30, 2002) (granting XM an STA, File No. SAT-STA-20020815-00153, effective Sept. 30, 2002); *Public Notice*, 2003 FCC Lexis 4803 (rel. Aug. 29, 2002) (granting File No. SAT-STA-20030409-00076, effective June 26, 2003). The Commission has renewed all of these STA authorizations. See Report No: SAT-00722, DA No. 10-1756 (rel. Sept. 17, 2010).

will correct those parameters and reauthorize the two sites to allow the prompt resumption of service on the Sirius repeater and collocation of the XM repeater to the same site. Without these repeaters, Sirius XM cannot provide the signal quality that its Washington, D.C. area subscribers have come to expect.

Technical Information for the New Repeaters. The following technical information pertaining to the repeaters is provided in Exhibit A: (1) antenna type; (2) antenna orientation; (3) average EIRP; (4) height above ground level (“AGL”); and (5) antenna downtilt.⁷ Exhibits B and C consist respectively, of Google™ satellite images and topographic maps showing the location of the proposed facilities. The specification sheet for the antenna to be used by the repeater is attached as Exhibit D.

Interference Considerations. As proposed in this STA, the XM repeater will operate with an average EIRP of 2000 watts and the Sirius repeater will operate with an average EIRP of 6000 watts. Because Sirius XM has exclusive use of its licensed band, it is highly unlikely that these repeaters will create interference to other licensees.⁸ The WCS licensees have confirmed that operating terrestrial repeaters at an EIRP of 2 kW or less is not an interference concern⁹ and the Commission found in the *May 20 Order* that “repeaters operating at average 12-kW EIRP and a maximum PAPR of 13 dB will not cause substantially more interference to actual WCS operations than repeaters operating at 2-kw EIRP.”¹⁰ To the extent Sirius XM’s original 2001 STAs require it to coordinate with affected Wireless Communications Services (“WCS”) licensees prior to operating any repeater, Sirius XM is sending a copy of this STA application to Horizon Wi-Com LLC (“Horizon”) in satisfaction of this coordination requirement.¹¹ However, if prohibited

⁷ For purposes of Sirius XM’s repeater STA applications, “antenna downtilt” refers to an antenna’s mechanical downtilt, without reference to any electrical downtilt built into the antenna.

⁸ Pursuant to a prior STA, the Sirius network repeater that will operate at this location transmitted at 6000 watts EIRP from the time it began operating in 2002 until it was recently turned off. The instant application makes only very minor changes to site parameters which would not impact the repeater’s interference potential.

⁹ *XM STA Order* ¶ 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). XM agrees to these conditions.

¹⁰ See *May 20 Order*, Para. 241 and 47 C.F.R. § 25.214(d)(1).

¹¹ Despite the Bureau’s statement in the *XM STA Order* (at ¶ 14) and *Sirius STA Order* (at ¶ 14) that it expects “WCS licensees to provide a schedule or as much advance notice as possible of when their stations are to be placed in operation,” Sirius XM has not received information directly

interference does occur, Sirius XM will cease operation of the repeaters until such interference can be eliminated.¹²

Ownership and Control of Repeaters. Sirius XM will own the repeaters and it will be responsible for the repeaters' installation and operation.

Certifications. Sirius XM certifies that it will operate the repeaters subject to the conditions and certifications set forth in the *Sirius STA Order* and *XM STA Order* granting Sirius XM's September 2001 requests for STAs to operate terrestrial repeaters. Specifically, Sirius XM certifies the following:

- (1) Sirius XM will operate this repeater at its own risk, and such operation shall not prejudice the outcome of the final rules adopted by the Commission in GEN Docket 95-91;
- (2) Sirius XM will operate these facilities on a non-interference basis with respect to all permanently authorized radiocommunication facilities;
- (3) The facilities will be restricted to the simultaneous retransmission of the complete programming, and only that programming, transmitted by the satellite directly to SDARS receivers;
- (4) Where applicable, coordination of the facilities will be completed with all affected Administrations prior to operation, in accordance with all applicable international agreements including those with Canada and Mexico;
- (5) The facilities will comply with Part 17 of the Commission's rules – Construction, Marking, and Lighting of Antenna Structures;
- (6) The facilities will comply with Part 1 of the Commission's rules, Subpart I - Procedures Implementing the National Environmental Policy Act of 1969, including the guidelines for

from any WCS licensee regarding plans for WCS deployment in these markets. However, Sirius XM's own review of Commission files shows that Horizon has certified that it operates a WCS station serving the Washington, DC metro area, Call Sign KNLB315. It is not clear from the certification whether the base station is receiving transmissions from CPE or is engaged in transmit-only operations. If only the latter, potential interference to the base station is not an issue. In any event, Sirius XM has conducted an interference analysis and determined that its proposed repeaters will not create any interference concern for Horizon's operating WCS site beyond any concerns that may exist from Sirius XM's existing repeaters in the vicinity, none of which have been the subject of any interference complaints from WCS licensees or users.

¹² The design of these repeaters includes several automated shutdown mechanisms that are triggered in the event of equipment major malfunctions. The transmit chain also includes a transmit output coupler which feeds a self-monitoring system detecting any transmission anomalies. Any such anomalies are automatically reported back to Sirius XM's National Repeater Control Center (202-380-4725), which is available on a continuous basis to receive any reports of any suspected interference and take immediate corrective action.

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 the facility will be limited to 75+10log (EIRP) dB less than the transmitter EIRP;

(8) Sirius XM will operate this repeater according to the technical parameters provided in this application;

(9) Sirius XM will maintain full ownership and operational control of this repeater; and

(10) Sirius XM will immediately shut down this repeater upon a complaint of interference, upon direction from the Commission, or upon finding that a facility has not been properly installed.

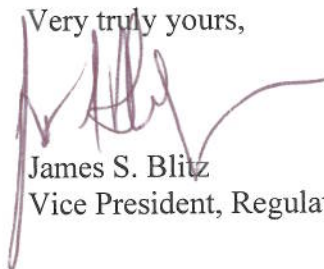
Granting this request will not alter Sirius XM's obligation to protect authorized radio-communications facilities from interference, nor will it prejudice the outcome of the Commission's ongoing rulemaking pertaining to the deployment and operation of terrestrial repeaters.

Sirius XM hereby certifies that no party to this application is subject to a denial of Federal benefits pursuant to Section 5301 of the Anti-Drug Abuse Act of 1988, 21 U.S.C. § 853(a).

Sirius XM is submitting payment to the Federal Communications Commission in the amount of Two Thousand Eight Hundred Sixty Dollars (\$2860.00) -- the filing fee applicable to requests for STAs for non-geostationary ("NGSO") satellites.¹³

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)

¹³ See International and Satellite Services Fee Filing Guide (February 2009).

Exhibit A

Technical parameters for repeaters

| CITY | NETWORK AND ANTENNA NUMBER | SITE LATITUDE (N) | SITE LONGITUDE (W) | ANTENNA TYPE | ANTENNA ORIENTATION (AZIMUTH) | ANTENNA HEIGHT (FT. AGL) | ANTENNA DOWNTILT (DEGREES) | TOTAL AVERAGE EIRP(W) |
|------------------|---|----------------------------------|-----------------------------------|-------------------------|--|---|---|--------------------------------------|
| Falls Church, VA | Sirius 46-23 | 38-50-33 | 77-06-58 | EMS FR90-17-00NVL | 240 | 203 | 0 | 6000 |
| Falls Church, VA | XM WDC231S | 38-50-33 | 77-06-58 | TA-2350-DAB-T2 | 0 | 210 | 0 | 2000 |

Exhibit B

Google™ Satellite Image of Repeater Location

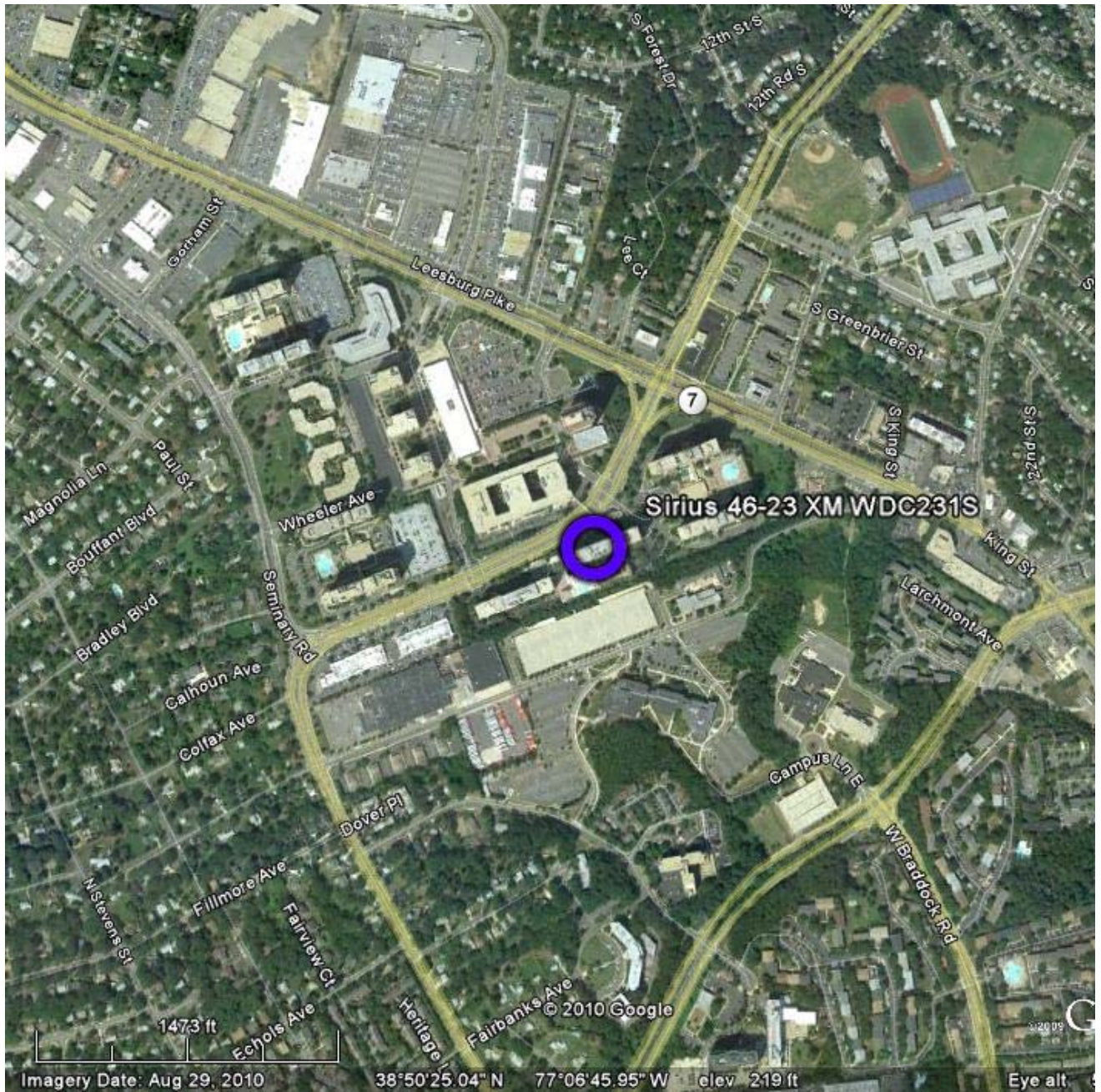


Exhibit C

Topographic Map of Repeater Location



Exhibit D

Antenna Specification Sheet for Repeater



FR90-17-XXXVL

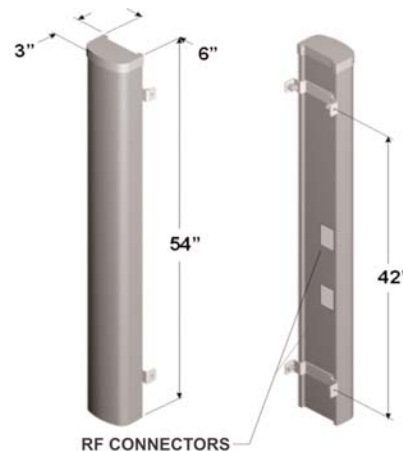
DualPol® Polarization

2305 MHz - 2360 MHz

OptiFill™
Suppressor™

Electrical Specifications

| | |
|-----------------------------|-------------------------------------|
| Azimuth Beamwidth (-3 dB) | 90° ± 5° |
| Elevation Beamwidth (-3 dB) | 5.6° |
| Elevation Sidelobes (Upper) | > 20 dB |
| Gain | 16.6 dBi (14.5 dBd) |
| Polarization | Slant, ±45° |
| Front-to-Back Ratio | > 25 dB (> 30 dB Typ.) |
| Electrical Downtilt Options | 0° |
| VSWR | 1.33:1 Max (1.22:1 Typ) |
| Connectors | 2; 7-16 DIN (female), or Type N |
| Power Handling | 250 Watts CW |
| Passive Intermodulation | < -147 dBc [2 x 20 W (+ 43 dBm)] |
| Lightning Protection | Chassis Ground |



Mechanical Specifications

| | |
|-------------------------------------|--|
| Dimensions (L x W x D) | 54 in x 6 in x 3 in (137.2 cm x 15.2 cm x 7.6 cm) |
| Rated Wind Velocity | 150 mph (241 km/hr) |
| Equivalent Flat Plate Area | 2.3 ft² (.21 m²) |
| Front Wind Load @ 100 mph (161 kph) | 66 lbs (294 N) |
| Side Wind Load @ 100 mph (161 kph) | 33 lbs (147 N) |
| Weight (Without Mounting Options) | 13 lbs (6.0 kg) |

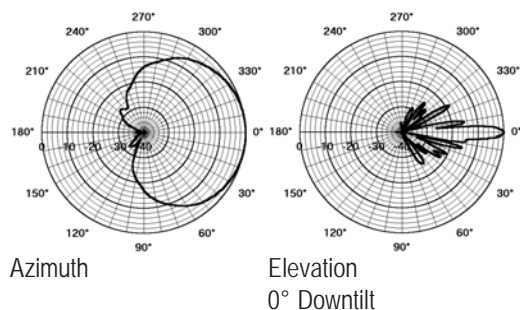
Mounting Options

MTG-P00-10, MTG-S02-10, MTG-DXX-20*, MTG-CXX-10*, MTG-C02-10, MTG-TXX-10*



Note: *Model number shown represents a series of products. See Mounting Options section for specific model number.

Patterns



Revised 09/03/04

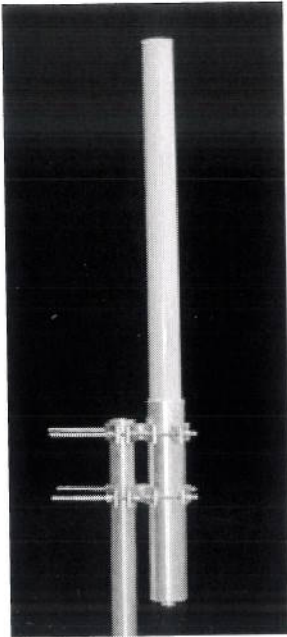
EMS' antennas are protected by one or more of the following U.S. patents: 5,844,529; 6,067,053; 6,462,710; 6,392,600; 6,069,590; 5,966,102; 5,757,246. EMS' antenna designs may also be covered by pending U.S. patent applications and by pending & awarded international patents.



TA-2350-DAB

Medium Power Omnidirectional

2330-2345 MHz



The TA-2350-DAB is a medium power vertically polarized omnidirectional antenna specifically designed for Digital Audio Broadcast transmission. The antenna consists of a phased corporately fed broadband dipole array which is configured to provide electrical beam downtilt and null fill. The antenna elements are at DC ground to aid in lightning protection.

Electrical Specifications

Frequency Range: 2330-2345 MHz
Gain: 10 dBi
VSWR: 1.4:1 max.
Polarization: Vertical
Power Rating: 200 W avg., 800 W peak
H-Plane Beamwidth: 360 degrees
E-Plane Beamwidth: 8 degrees
Electrical_Downtilt: 2, 4, 6 degrees
Cross Pol. Discrimination: 20 dB min.
Null Fill: -20 dB (1st Null)
Impedance: 50 ohms nominal
Termination: 7/16 DIN female

Typical mid band values. (For details , contact factory)

Mechanical Specifications

Length: 70 in. (1778 mm)
Diameter: 2.25 in. (57 mm)
Weight (Incl. Clamps): 15 lb. (6.8 kg)
Rated Wind Velocity: 125 mph (200 km/h)
Hor. Thrust at rated wind: 31 lb. (14 kg)
Mounting Pipe: 1.75 - 4.0 in. (44.5 - 102 mm)

Materials

Radiating Elements: Nickel plated copper array
Radome: Gray UV stabilized fiberglass
Clamps: HDG steel

E-Plane

