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February 19, 2009

Marlene H. Dortch  
Office of the Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20054

Re: Sirius XM Radio Inc. Request for Clarification; Call Sign E080168  
File Nos. SES-LIC-20080714-00933, SES-AMD-20080822-01086 and  
SES-AMD-20090204-00145

Dear Ms. Dortch:

Sirius XM Radio Inc. (“Sirius XM”), by its attorneys, requests clarification of the scope of the above-referenced authorization for a fixed earth station in Ellenwood, GA (call sign E080168).<sup>1</sup> Specifically, Sirius XM seeks to confirm that the authorization permits use of the earth station’s C-band antennas for back-up Telemetry, Tracking, and Commanding (“TT&C”) of the in-orbit FM-1, -2, and -3 satellites pursuant to a waiver of Section 25.202(g) of the rules of the Federal Communications Commission (“FCC” or “Commission”).

In its application, as amended, Sirius XM requested a waiver of Section 25.202(g) of the Commission’s rules to allow the Ellenwood, GA earth station to provide back-up TT&C in the C-band for its three existing non-geostationary satellites.<sup>2</sup> Sirius XM explained that grant of the waiver would serve the public interest by, *inter alia*, “ensuring safe satellite operations during periodic maintenance of Sirius XM’s non-U.S. TT&C facilities.”<sup>3</sup> Condition 197 of the earth station authorization granted on February 17, 2009 waives Section 25.202(g) to permit C-band use for “emergency on-station TT&C” subject to non-interference and notification

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<sup>1</sup> See File Number SES-LIC-20080714-00933 (granted Feb. 17, 2009); Public Notice, Report No. SES-01114, Satellite Communications Service Information (released Feb. 18, 2009).

<sup>2</sup> See IBFS File No. SES-AMD-20080822-01086 (filed Aug. 22, 2008).

<sup>3</sup> *Id.* at Attachment D.

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procedures.<sup>4</sup> The emergency use specified in this condition appears to be narrower than the back-up authority sought by Sirius XM.

Accordingly, Sirius XM respectfully requests that the FCC clarify that the waiver of Section 25.202(g) includes use of the Ellenwood, GA earth station for back-up TT&C in the C-band as described in the amended application and is not limited to emergencies.<sup>5</sup>

Thank you for your time and attention to this matter.

Sincerely,



Jennifer D. Hindin  
Counsel for Sirius XM Radio Inc.

cc: Robert Nelson  
Stephen Duall  
Scott Kotler

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<sup>4</sup> See Condition 197, File No. SES-LIC-20080714-00933, call sign E080168.

<sup>5</sup> One way this clarification could be accomplished is by striking the word “emergency” in the opening paragraph and sub-sections (a) and (b) of Condition 197. To the extent necessary to facilitate prompt clarification of this authorization, Sirius XM is willing to comply with the notification provisions of sub-section (d) for both emergency and back-up use, which could be accomplished by striking the two occurrences of the word “emergency” in sub-section (d) as well.