

## REQUEST FOR SPECIAL TEMPORARY AUTHORITY

Sirius XM Radio Inc. (“Sirius XM”) hereby requests special temporary authority (“STA”) for a period of 30 days to permit its Ellenwood, Georgia earth station (Call Sign E080168) to provide launch and early orbit phase (“LEOP”) services to the XM-5 satellite licensed to XM Radio Inc. (“XM Radio”)<sup>1</sup> under Call Sign S2786.<sup>2</sup> Launch of XM-5 is scheduled to occur on October 14, and Sirius XM seeks expedited action on this request to accommodate that schedule. Grant of the requested STA will serve the public interest by facilitating the safe deployment of XM-5, which is intended to serve as an in-orbit spare to ensure service reliability for over 35 million listeners to XM Radio and Sirius XM.

Sirius XM will conduct LEOP operations for XM-5 in the satellite’s authorized telemetry, tracking & control (“TT&C”) bands:

Command: 7043.0 MHz and 7074 MHz

Telemetry: 2336.7, 2337.2, 2334.0, and 2342.5 MHz

Grant of this request will not cause harmful interference to other authorized communications systems. Sirius XM and XM Radio hold exclusive rights to the S-band satellite digital audio radio service (“SDARS”) frequencies. Sirius XM and XM Radio will coordinate the XM-5 LEOP operations internally to ensure that no interference is caused to any of the companies’ in-orbit satellites. No other satellite operators will be affected by the proposed use of these LEOP frequencies.

Similarly, grant of this request will not cause harmful interference to existing or proposed terrestrial facilities operating in the X-band frequencies. The E080168 earth station has

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<sup>1</sup> XM Radio is a wholly-owned subsidiary of Sirius XM.

<sup>2</sup> See File No. SAT-LOA-20090217-00025 (Call Sign S2786), grant-stamped Aug. 31, 2009.

been fully coordinated with terrestrial users. With one exception, the proposed use of E080168 for the XM-5 LEOP services will fully comply with the terms of the existing coordination for E080168. As discussed below, this exception does not require further coordination.

The exception concerns the upper command frequency for XM-5, 7074 MHz, which is 1.5 MHz beyond the upper bound of the frequency range for which E080168 was coordinated, 7072.5 MHz. Although E080168 has not been coordinated for this frequency, the E080168 antenna is located at the same facility in Ellenwood as XM Radio's E040204 earth station,<sup>3</sup> and the latter earth station has been fully coordinated with terrestrial licensees for the XM-5 TT&C frequencies proposed for use here. Command transmissions at 7074 MHz using the antenna licensed under E080168 will comply fully with the technical parameters for which E040204 was coordinated. Accordingly, no additional coordination should be required to permit temporary use of the E080168 antenna during the brief period of the requested STA.<sup>4</sup>

In the extremely unlikely event that harmful interference should occur due to transmissions to or from its earth station, Sirius XM will take all reasonable steps to eliminate the interference. The 24/7 contact person for the XM-5 LEOP mission is:

Don Jefferson, 973-970-0262 (cell)

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<sup>3</sup> The coordinates for E080168 and E040204 are the same, and the E080168 antenna proposed for LEOP use is within approximately 80 meters of the closest E040204 antenna at the facility.

<sup>4</sup> To the extent necessary, Sirius XM seeks a waiver of Section 25.203(c) to permit temporary use of call sign E080168 for LEOP operations with XM-5 as described herein without the requirement to conduct a prior coordination with terrestrial licensees or applicants. Grant of a waiver is justified here because it would not conflict with the underlying purpose of the rule's coordination requirement. *See PanAmSat Licensee Corp.*, 17 FCC Rcd 10483, 10492 (Sat. Div. 2002) ("the Commission may grant a waiver of its rules in a particular case if the relief requested would not undermine the policy objective of the rule in question and would otherwise serve the public interest") (footnotes omitted). Here, the purpose of the rule is to avoid interference to terrestrial licensees, and that purpose is achieved because the antenna to be used is co-located with facilities that have previously been coordinated with terrestrial licensees for the frequencies and power levels proposed.

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. § 862.

For the foregoing reasons, Sirius XM respectfully requests expedited grant of authority for use of the E080168 earth station to provide LEOP services for XM-5.