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October 16, 2018

By Electronic Filing

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

Re: Written *Ex Parte* Presentation, ET Docket No. 18-295 & GN Docket No. 17-183

Dear Ms. Dortch:

Sirius XM Radio Inc. (“Sirius XM”) relies on the 7025-7075 MHz band as the sole feeder link spectrum that it is licensed to use – and that its satellites are designed to use – to provide satellite digital audio radio service (“SDARS”) to over 33.5 million U.S. customers plus over 2.6 million in Canada. Sirius XM therefore has a strong interest in the proposals allowing for unlicensed use of that spectrum and the impact such use could have on its customers, as the Commission is currently considering in the draft Notice of Proposed Rulemaking.¹ Given the critical importance of its feeder link operations, Sirius XM urges the Commission to retain the significant measures included in the Draft NPRM designed to reduce interference risks from unlicensed devices in this band segment and to consider additional options for ensuring that any authorized unlicensed operations do not disrupt Sirius XM’s ability to continue providing high-quality service to consumers.

In its prior filings in this proceeding, Sirius XM has emphasized that efforts to meet demand for additional spectrum for terrestrial broadband must not come at the expense of valuable incumbent services or frustrate existing licensees’ legitimate expectations when they purchased spectrum and built out their systems.² Sirius XM is pleased to see that the Draft NPRM acknowledges the importance of ensuring compatibility of new operations with existing spectrum uses.³ As the Draft NPRM recognizes, Sirius XM has presented technical data to highlight its concerns that a proliferation of unlicensed devices transmitting in SDARS feeder

¹ *Unlicensed Use of the 6 GHz Band*, Draft Notice of Proposed Rulemaking, ET Docket No. 18-295, GN Docket No. 17-183, FCC-CIRC1810-01 (October 2, 2018) (“Draft NPRM”).

² Comments of Sirius XM Radio Inc., GN Docket No. 17-183, filed Oct. 2, 2017, at 12.

³ Draft NPRM at ¶ 2.

link spectrum would cause harmful interference to Sirius XM's service.⁴ In laying out a possible regulatory framework for the 6.875-7.125 GHz "U-NII-8 band," the Draft NPRM appropriately focuses on tailoring the rules to reflect protection requirements for current licensees in that spectrum.

In particular, Sirius XM strongly supports the proposal in the Draft NPRM to limit unlicensed use of the U-NII-8 band to indoor operations only and impose restrictive power limits in order to reduce the threat of harmful interference to SDARS feeder links.⁵ Such restrictions are essential to minimize the possibility that emissions from unlicensed devices would degrade the quality of the feeder link signal received at SDARS space stations and ultimately impact Sirius XM's customers.

Sirius XM believes, however, that it is premature for the Commission to assume that if indoor-only restrictions and power limits are in place, other interference mitigation techniques to protect SDARS may be unnecessary.⁶ Given the significant harm that could result from unlicensed devices using SDARS feeder link spectrum and the impracticality of constraining the use of those devices after they are in consumers' hands, the Commission should take additional steps to ensure that any instances of harmful interference that occur will be resolved expeditiously. The Draft NPRM itself suggests the need for such measures,⁷ and Sirius XM supports these proposals.

In addition, however, Sirius XM urges the Commission to consider adopting a benchmark for the maximum aggregate increase in the uplink noise floor that unlicensed devices operating in the U-NII-8 band may cause, coupled with a prohibition against the manufacture, importation, or sale of additional unlicensed devices in the band after that benchmark is reached.⁸ Sirius XM is evaluating other possible approaches to limit the interference threat to SDARS operations and redress any interference events that arise, and will address these matters further in its response to the NPRM.

⁴ *Id.* at ¶ 66 & n.147, *citing Ex Parte* Filing of Sirius XM, GN Docket No. 17-183, filed June 22, 2018, at 9. Other satellite operators have similarly emphasized the risk of harmful aggregate interference to satellite reception in the 6 GHz frequencies. *See* Draft NPRM at ¶ 55 & n.127, *citing* Comments of the Satellite Industry Association, GN Docket No. 17-183, filed Oct. 2, 2017, at 41-44.

⁵ Draft NPRM at ¶ 66.

⁶ *See id.* at ¶ 65.

⁷ *Id.* at ¶¶ 84-89.

⁸ Globalstar, a mobile satellite services provider that has raised concerns regarding the threat to its services posed by unlicensed operations in the U-NII-1 band, has asked the Commission to adopt a similar approach to limit the potential harm from unlicensed device proliferation in those frequencies, based on increases in the noise floor that it has detected and documented. *See* Globalstar, Inc. Petition for Notice of Inquiry, RM-11808, filed May 21, 2018, at 25.

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Please address any questions regarding these matters to the undersigned.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James S. Blitz", followed by a long horizontal line extending to the right.

James S. Blitz

Vice President, Regulatory Counsel