



SatCom Law LLC
1317 F St. NW, Suite 400
Washington, D.C. 20004
T 202.599.0975
www.satcomlaw.com

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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, IB Docket No. 18-313

Dear Ms. Dortch:

Sirius XM Radio Inc. ("Sirius XM"), which provides satellite digital audio radio service ("SDARS") to approximately 33.7 million U.S. customers, commends the Commission's intention to issue a Notice of Proposed Rulemaking initiating a comprehensive update to its orbital debris mitigation rules.¹ However, Sirius XM requests that the Commission modify the Draft NPRM in one respect to ensure that the proposed rule revisions consider and fairly address SDARS licensing and operations.

Specifically, Sirius XM is concerned that the Draft NPRM's proposal to limit license extensions for geostationary orbit ("GSO") satellites to no more than five years² would disproportionately burden SDARS licensees. The Commission notes in its discussion of this issue that "[w]ith some exceptions, [satellite] licenses are typically issued for a period of 15 years."³ SDARS represents one of these "exceptions;" *i.e.*, Section 25.121 of the rules limits SDARS spacecraft to a maximum license period of eight years.⁴ The practical impact of this limit is that an application to extend an initial SDARS license must be filed at a point when a non-SDARS satellite licensee would be only halfway through its license term, even though the design life of an SDARS GSO satellite is no different than that of GSO spacecraft used for other services.

Current Commission practice ameliorates the impact of this disconnect between the maximum SDARS license term and SDARS satellite life expectancies by typically granting initial extensions of SDARS space station licenses for eight years.⁵ The Draft NPRM's proposal to

¹ *Mitigation of Orbital Debris in the New Space Age*, Draft Notice of Proposed Rulemaking, IB Docket No. 18-313, FCC-CIRC1811-02 (rel. Oct. 25, 2018) ("Draft NPRM").

² *Id.* at ¶ 57.

³ *Id.* at ¶ 54 n.123, citing 47 C.F.R. § 25.121.

⁴ 47 C.F.R. § 25.121(a)(2).

⁵ Indeed, the Commission extended the license term for the XM-5 satellite by eight years in a grant issued just last week. See *XM Radio LLC*, Call Sign S2786, File No. SAT-MOD-20180831-00065, grant-stamped Nov. 1, 2018.

limit all GSO satellite extensions to only five years would not only disproportionately impact SDARS licensees, given the shorter license term applicable to SDARS, but it would also modify an established Commission licensing practice.

Sirius XM therefore asks the Commission to modify the Draft NPRM by revising the language of proposed new Section 25.121(f) as follows (added language is indicated by underlining):

(f) *Geostationary Satellite License Term Extensions*. License term extensions for geostationary space stations may be authorized by grant of a modification application in increments of five years or less, except that the initial license term extension for an SDARS space station may be up to eight years.

By making this minor change to the Draft NPRM, the Commission can align its proposed rule with existing precedent and avoid imposing a disproportional burden on SDARS licensees.

Please address any questions regarding these matters to the undersigned.

Respectfully submitted,

/s/ *Karis A. Hastings*

Karis A. Hastings
Counsel for Sirius XM
karis@satcomlaw.com