

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of:	)	
	)	
Review of the Emergency Alert System	)	EB Docket No. 04-296
	)	
Amendments to Part 11 of the	)	
Commission's Rules	)	PS Docket No. 15-94
Regarding the Emergency Alert System	)	
	)	

To: The Commission

**SIRIUS XM RADIO INC. REPLY TO COMMENT**

Sirius XM Radio Inc. ("Sirius XM") hereby files its Reply in response to the Public Safety and Homeland Security Bureau's November 7, 2018 Public Notice in the above-referenced dockets.<sup>1</sup> The Public Notice sought comment on the filings made by Sirius XM to supplement its pending Petition for Partial Reconsideration and Clarification<sup>2</sup> (the "Petition") of the Commission's First Report and Order and Further Notice of Proposed Rulemaking<sup>3</sup> regarding the Emergency Alert System (the "EAS"). Only one comment was filed, and with this Reply the record is complete and ready for Commission action. In the absence of any opposition to Sirius XM, and for the reasons expressed in the Petition and related filings, the Commission should promptly grant the relief requested by Sirius XM.

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<sup>1</sup> *Public Safety and Homeland Security Bureau Seeks Comment on Filings by Sirius XM Radio Inc.*, Public Notice, DA 18-1140 (Nov. 7, 2018) (the "Public Notice").

<sup>2</sup> The Petition was originally filed by XM Radio Inc. ("XM Radio") on December 27, 2005, in EB Docket No. 04-296, with supporting comments filed by Sirius Satellite Radio Inc. ("Sirius"), prior to the 2008 merger of those two entities. For purposes of the instant filing, the petitioning entity is referred to as "Sirius XM."

<sup>3</sup> *Review of the Emergency Alert System*, First Report and Order and Further Notice of Proposed Rulemaking, 20 FCC Rcd 18625 (2005) (the "Order").

Specifically, Sirius XM notes that no party opposed granting the relief/clarifications requested by Sirius XM in its Petition and supplemental filings. The sole party filing in response to the Public Notice, Mr. Sean Donelan, submitted brief comments saying that he “generally support[ed] Sirius XM’s comments.”<sup>4</sup> In particular, he stated that he “support[s] Sirius XM Radio’s request [regarding the limited number of fulltime audio channels carried on the legacy XM Radio platform that do not trigger downstream EAS equipment tuned to these channels], although I think it is unnecessary . . . .”<sup>5</sup>

Although Mr. Donelan raises several other points, the Commission does not need to address these issues to provide SiriusXM the relief it requested. The Commission also does not need to condition a waiver as Mr. Donelan suggests, if a waiver is even deemed necessary, because Sirius XM already satisfies Mr. Donelan’s two proposed conditions. That is, and as Sirius XM explained in the Petition,<sup>6</sup> 1) the required EAS tests that are transmitted on each Sirius XM channel, including the four fulltime legacy XM channels that are the subject of Sirius XM’s 2018 supplemental filings, “sound like EAS messages to a human” and 2) the required EAS tests carried on all but the four fulltime legacy XM channels have the capability to activate the EAS decoders of downstream EAS participants. In particular, the free preview channels available on all satellite radio receivers that FEMA has designated as the exclusive alternative monitoring sources on the Sirius XM satellites (Sirius satellite network Channel 184 and XM satellite

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<sup>4</sup> Letter from Sean Donelan, to Marlene H. Dortch, Secretary, FCC, PS Docket No. 15-94, at 1 (Nov. 27, 2018) (“Donelan Comments”).

<sup>5</sup> *Id.* at 5.

<sup>6</sup> Further Supplement of Sirius XM Radio Inc. to Petition for Reconsideration and Request for Limited Waiver, EB Docket No. 04-296 & PS Docket No. 15-94, at 4-5 (Sept. 24, 2018) (the “Further Supplement”).

network Channel 1)<sup>7</sup> have the capability to activate the EAS decoders of downstream EAS participants.

SiriusXM submits one correction to Mr. Donelan’s comments. Mr. Donelan states that “Sirius XM Radio Inc. no longer includes revising EAS testing rules as part of its [requested relief].”<sup>8</sup> In fact, Sirius XM explained in the Further Supplement that “the requirement to carry weekly and monthly EAS tests on all Sirius XM channels has imposed an excessive, disproportionate, and unnecessary burden on Sirius XM and its subscribers. Sirius XM therefore requests that the Commission bring this obligation into line with EAS testing requirements it applies to [others].”<sup>9</sup>

Based on the justification provided by Sirius XM and the information already in the record demonstrating the need for the requested relief and the lack of any public interest harm that would be caused thereby, the Commission has all it needs to bring this matter to its conclusion. Sirius XM therefore respectfully requests that the Commission promptly reconsider the Order and grant the Petition as supplemented, including granting the limited waiver to the extent it is needed and bringing SDARS EAS testing requirements into line with those of other multichannel EAS participants.

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<sup>7</sup> See Letter from Antwane V. Johnson, IPAWS Division Director, Federal Emergency Management Agency, to James S. Blitz, V.P., Regulatory Counsel, Sirius XM Radio Inc. (Oct. 31, 2018) (submitted as Attachment A to Letter from James S. Blitz, V.P., Regulatory Counsel, Sirius XM Radio Inc., to Marlene H. Dortch, Secretary, FCC, EB Docket No. 04-296 & PS Docket No. 15-94 (Nov. 5, 2018)).

<sup>8</sup> Donelan Comments at 4.

<sup>9</sup> Further Supplement at 1 n.3.

Respectfully submitted,

Sirius XM Radio Inc.

/s/ James S. Blitz

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