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November 5, 2001

Carl R. Frank
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VIA HAND DELIVERY

Magalie Roman Salas, Secretary
Federal Communications Commission
445 12th Street, SW
12th Street Lobby, TW-A325
Washington, DC 20054

Re: *Ex Parte* Presentation in ET Docket No. 98-42

Dear Ms. Salas:

On Friday, November 2, 2001, Robert Briskman, Carl Frank, and John Papandrea, representing Sirius Satellite Radio Inc. ("Sirius") met with Julius Knapp, John Reed, Michael Marcus, Hugh Van Tuyl, Karen Rackley, and Bruce Romano of the FCC's Office of Engineering and Technology ("OET"). Phil Barsky of XM Radio Inc. ("XM Radio") participated in the meeting via telephone.

The purpose of the meeting was to discuss the status of the rule-making in ET Docket 98-42 and the various legal and technical issues it raises. Specifically, the representatives of Sirius and XM Radio discussed technical issues raised by the engineering study prepared by Dr. John Osepchuk and filed in this docket by Sirius and XM Radio on November 1, 2001. The representatives of Sirius and XM Radio summarized Dr. Osepchuk's technical recommendations that Fusion Lighting, Inc. ("Fusion") could implement to reduce out-of-band emissions and interference to the operations of Sirius and XM Radio without significantly reducing the luminous capabilities of its lights. XM Radio also reminded OET staff that certain sodium vapor lamps are possibly just as efficient as Fusion's RF lights.

The representatives of Sirius and XM Radio also explained that the Communications Act of 1934 and Part 18 of the Commission's Rules make clear that ISM equipment, such as Fusion's lights, can only operate if it does not interfere with licensed services, such as satellite DARS. Sirius and XM Radio also noted that, in the event of interference, the Communications Act and the FCC's Rules require Fusion to redesign its lights to mitigate this interference. The DARS licensees then reminded OET staff that the FCC is legally obligated to promulgate rules that protect DARS operations, even if these rules are unsatisfactory to Fusion.

The DARS licensees also noted that they are ready and willing to test actual production model DARS receivers with production model Fusion lamps, but that

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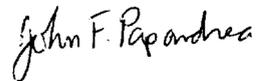
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Fusion has informed XM Radio that it does not have any new production lamps that can be tested at the present time. Instead, Fusion has proposed testing DARS receivers on prototype Fusion lights installed at the Department of Energy building and at the Air and Space Museum, even though these lights have switched mode power supplies and are not models Fusion plans to market due to their high cost. The DARS licensees stated that it would be pointless to retest these lights using DARS production receivers because Fusion has previously stated, on the record in this proceeding, that these prototypes would not be built. The DARS licensees noted that Fusion's inability to provide new production models for testing is further evidence that Fusion's business is stalled.

All parties in ET Docket No. 98-42 have received a copy of this letter. Should you have any questions regarding the above-discussed meeting with FCC staff on RF lighting issues, please contact the undersigned.

Respectfully yours,



Carl R. Frank
John F. Papandrea
Counsel to Sirius Satellite Radio Inc.

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cc: Donald Abelson
Rosalee Chiara
Ronald Chase
Bruce Franca
Anna Gomez
Linda Haller
Ira Keltz
Julius Knapp
Michael Marcus
Geraldine Matise
Rockie Patterson
Bruce Romano
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