

March 8, 2002

Via Electronic Filing

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

**Re: *Ex Parte* Presentation
IB Docket No. 95-91**

Dear Mr. Caton:

On March 6, 2002, Lon Levin and Phil Barsky of XM Radio Inc. ("XM Radio"); Bruce Jacobs and David Konczal of Shaw Pittman LLP, counsel for XM Radio; Patrick Donnelly, Robert Briskman, and Mark Gaudino of Sirius Satellite Radio Inc. ("Sirius"); and Richard Wiley and Carl Frank of Wiley Rein and Fielding LLP, counsel for Sirius; met with Commissioner Michael Copps and Paul Margie, Legal Advisor to Commissioner Copps. XM Radio and Sirius discussed issues relating to the above-captioned proceeding in which the Commission is considering final rules for the operation of satellite digital audio radio service ("SDARS") terrestrial repeaters.

XM Radio and Sirius explained that inexpensive and readily available RF AGC for CPE and filters for base stations will solve the potential interference problems WCS licensees have identified with respect to higher power SDARS terrestrial repeaters. XM Radio and Sirius, which operate adjacent to each other, have deployed hundreds of repeaters throughout the country without causing interference to the base stations or user equipment that they each successfully operate using these exact techniques.

XM Radio and Sirius also addressed a recent letter filed by Verizon Communications ("Verizon") which makes unsupported claims that interference from SDARS higher power repeaters will prevent it from providing adequate service and that equipment needed to solve any interference from SDARS higher power repeaters will be expensive, making WCS deployment uneconomical.¹ XM Radio and Sirius explained that RF AGC for CPE is an integrated chip solution that costs nothing, filters for base stations are inexpensive, and that both techniques are standard in the wireless telecommunications industry. In fact, WCS licensees will need to

¹ Letter from Edward D. Young III, Verizon Communications, to Chairman Michael K. Powell, FCC, IB Docket 95-91 (March 4, 2002) ("Verizon Letter").

Mr. William F. Caton

March 8, 2002

Page 2

employ these exact techniques to avoid interference from other WCS licensees and from SDARS repeaters operating at 2 kW or less.

XM Radio and Sirius also explained that they have each done joint field tests with AT&T Wireless to determine the extent of any interference from SDARS higher power repeaters to WCS CPE. The results of these tests have been that WCS CPE and base stations have suffered no interference from SDARS higher power repeaters.

XM Radio and Sirius also responded Verizon's recent allegation that higher power SDARS repeaters were "never envisioned." Verizon Letter at 2. XM Radio and Sirius explained that this allegation is completely disingenuous and is characteristic of the blatant misinformation WCS licensees have presented to the Commission throughout this proceeding. The SDARS licensees have been completely candid over the years regarding their plans for higher power repeaters. As far back as the initial 1990 DARS application, the proposals for repeaters have included repeaters operating at sufficiently high power levels, in excess of 40 kW EIRP, to overcome blockage in urban areas. In addition, XM Radio distributed the attached timeline which demonstrates that the WCS licensees had three opportunities since 1997 to comment on SDARS repeater plans. The WCS licensees missed everyone of those opportunities. In fact, Verizon only began participating in this proceeding in July 2001 – *over four years after the Commission originally requested comment.*

XM Radio and Sirius further explained that the Commission recently established in the Lower 700 MHz proceeding a standard for non-interference between adjacent-band broadcast and Part 27 operations and there is no rational basis for the Commission to deviate from that standard with regard to Part 27 licensees in the S-band.

Finally, XM Radio and Sirius explained that requiring the SDARS licensees to reduce the power at which their repeaters operate will require a significant redesign of existing repeater networks, resulting in substantial costs and major disruptions of service. Moreover, a reduction in the use of higher power repeaters would require XM Radio and Sirius to deploy more lower power repeaters, which would increase potential interference to WCS receivers.

Please direct any questions regarding this matter to the undersigned.

Very truly yours,


Bruce D. Jacobs

cc: Commissioner Michael Copps
Paul Margie

Chronology of DARS Repeater Proceeding

