

March 11, 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 8, 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 and Robert Briskman of Sirius Satellite Radio Inc. ("Sirius"); and Richard Wiley and Carl Frank of Wiley Rein and Fielding LLP, counsel for Sirius; met with Commissioner Kathleen Abernathy to discuss 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 claims of WCS licensees that interference from SDARS higher power repeaters will prevent them from providing adequate service and that equipment needed to solve any interference from SDARS higher power repeaters will be expensive, making WCS deployment uneconomical. XM Radio and Sirius explained that RF AGC for CPE is an integrated chip solution that is available at no additional cost, filters for base stations are inexpensive, and that both techniques are standard in the wireless telecommunications industry. In fact, WCS licensees will need to 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

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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 explained that they have been completely candid over the years regarding their plans for higher power repeaters. As far back as the initial 1990 SDARS 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. WCS licensees had three opportunities since 1997 to comment on SDARS repeater plans. The WCS licensees missed every one of those opportunities.

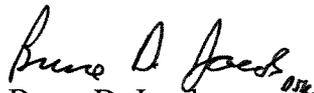
XM Radio and Sirius further explained that the Commission recently established in the Lower 700 MHz proceeding a standard for non-interference between adjacent-band broadcast and Part 27 operations and there is no rational basis for the Commission to deviate from that standard with regard to Part 27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

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.

Finally, XM Radio and Sirius explained that they each proceeded at their own risk in the construction of their terrestrial repeaters and that no authority from the Commission was needed for such construction. In addition, XM Radio and Sirius explained that they each properly obtained experimental licenses to test their repeaters and that they fully complied with the terms of their licenses. The SDARS licensees' construction and operation of terrestrial repeaters have been fully lawful.

Please direct any questions regarding this matter to the undersigned.

Very truly yours,

  
Bruce D. Jacobs

cc: Commissioner Kathleen Q. Abernathy  
Bryan Tramont