Sirius Satellite Radio Inc.
XM Radio Inc.

April 18, 2002

Via Electronic Filing
Mr. William F. Caton
Acting Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: *Ex Parte* Presentations in:
ET Docket No. 98-42 - 1998 Biennial Regulatory Review—Amendment of Part 18 of the Commission's Rules to Update Regulations for RF Lighting Devices;
IB Docket No. 95-91 – Satellite DARS Terrestrial Repeaters.

Dear Mr. Caton:

On April 17, 2002, Carl Frank and John Papandrea of Wiley Rein & Fielding LLP, counsel for Sirius Satellite Radio Inc. ("Sirius"), Bruce Jacobs of Shaw Pittman LLP, counsel for XM Radio Inc. ("XM Radio"), and Lon Levin of XM Radio met with Bryan Tramont, Senior Legal Advisor to Commissioner Kathleen Q. Abernathy, to discuss issues relating to the above-captioned proceeding in which the Commission is considering rules for RF lighting in the 2.4 GHz band. The issues discussed are already on the record of this proceeding, and are summarized in the attached handout, which the parties provided to Mr. Tramont. In addition to discussing the issues outlined in the handout, Sirius and XM Radio also reiterated their willingness to undertake joint testing with Fusion, under real world conditions and using satellite DARS production-model receivers, as soon as possible, and to put the results of such tests on the record of this proceeding.

Sincerely,

/s/
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- Sirius/XM positions in RF lighting and terrestrial repeater proceedings are consistent

- In the repeater proceeding, the issue is the level of power of the repeaters in the DARS band (out-of-band to the WCS licensees). In the RF lighting proceeding, the issue is the energy from the RF lights in the DARS band (not in the ISM band).

- In the repeater proceeding, it is a simple and inexpensive matter for the WCS manufacturers to use filters or AGC to limit the susceptibility of their equipment to repeater energy that is outside the WCS band. In the RF lighting proceeding, it should be simple for Fusion or others to limit their out-of-band energy into the DARS band, using either better shielding of the magnetron (as recommended on the record by Dr. John Osepchuk), solid-state power supplies, or solid state 2.4 GHz emitters.

- What is a reasonable limit on RF lighting out-of-band emissions into the DARS band? This is an important question, given that the April 1998 NPRM both acknowledged that streetlamps were a major potential market for RF lighting and expressed concern that secondary OOB emissions from RF lights could interfere with DARS.

- 5.62 µV/m @ 3 m FCC standard imposed on WCS licensees to protect DARS receivers

- 8.6 µV/m @ 3 m Sirius/XM proposal, would protect DARS receivers up to 3 meters

- 159 µV/m @ 3 m Fusion proposal, would create 50 m "kill zone"

- 500 µV/m @ 3 m April 1998 NPRM, would create 180 m "kill zone"

(The above numbers assume an N/I of 6dB).

The record in the proceeding provide no justification for abandoning OOB emissions standard deemed necessary to protect satellite DARS just five years ago.

- Fusion has asked for a "safe harbor," which the FCC cannot lawfully establish for a secondary service. In any event, such a suggestion was not contained in the NPRM.

- Fusion has not revealed the details of its test, such as the test set-up, the test methodology, and the data the tests yielded. Without that information, it is impossible for the DARS Licensees to evaluate the tests, the purported results of which are radically different from the testing Fusion itself participated in in November 2000.