



May 28, 2002

**Ex Parte Communication**

Marlene H. Dortch  
Secretary  
Federal Communication Commission  
445 12<sup>th</sup> Street, SW  
Washington, D.C. 20445

Re: IB Docket No. 95-91

Dear Ms. Dortch:

Radio One, Inc. (“Radio One”) submits this letter to supplement the record in response to the Commission’s request for comment on the permanent authorization of terrestrial repeater networks for Satellite Digital Audio Radio Service (“SDARS”) systems. Should the commission adopt permanent SDARS repeater rules, Radio One strongly believes that such rules should specifically and clearly prohibit the use by SDARS licensees of their respective terrestrial repeater networks to provide localized programming content to their subscribers.

Radio One owns and/or operates 65 radio stations located in 22 of the largest markets in the United States. Radio One also programs five channels on the XM Satellite Radio, Inc. (“XM”) system. As a strategic partner of XM, Radio One supports the development of SDARS to provide satellite-delivered, national programming. Like other terrestrial broadcasters, however, Radio One has been concerned that the extensive terrestrial repeater networks deployed by the SDARS licensees could be used by the SDARS licensees not merely to fill gaps in their satellite coverage, but also as a means to offer locally differentiated, rather than national, programming.

Despite the SDARS licensees’ representations that the repeater networks would not be used to provide geographically localized content, terrestrial broadcasters’ concerns in this regard have been further legitimized by news of a patent recently issued to XM. The patent contains a description of the limitations of the current SDARS networks regarding local content, and the impact this patent could have in addressing those limitations:

Although the nationwide coverage area comprises a plurality of distinct geographic areas (e.g., the northeast, the southwest, and so on), the ability to provide geographic specific service is not inherent with the above-described system architecture. That is, all receivers or subscribers receive the same broadcast data regardless of their geographic location. Accordingly, this inhibits the transmission/reception of geographically targeted data such as a local weather forecasts, news, advertisements, and so on.

Accordingly, it is an object of the present invention to provide a method and system for providing geographic specific services to receivers in an SDARS network, wherein a

receiver can provide different types of broadcast information to a user based on the geographic location of the receiver.

U.S. Patent No. 6,347,216, issued February 12, 2002, *Method and System for Providing Geographic Specific Services in a Satellite Communications Network*, page 2.

In a letter to the Commission dated March 7, 2002, responding to a letter filed with the Commission on March 4, 2002, by the National Association of Broadcasters (“NAB”), XM Radio affirmed that XM had not changed its position regarding the nature of its use of terrestrial repeaters, indicating that it “supports the Commission’s proposal to limit transmissions from repeaters to only the programming that is transmitted by an authorized DARS satellite and to require that the satellite and repeater signal are received nearly simultaneously by subscribers.”

As the NAB pointed out in its March 14, 2002 follow-up letter to the Commission, this stated position of XM, and the similar position taken by Sirius Satellite Radio, Inc. (“Sirius”), still leave a significant ambiguity as to the possible use of the terrestrial repeater networks to provide local programming. If the system envisioned by XM’s patent, or a similar system, were implemented by an SDARS licensee, there would be literal consistency with the SDARS licensees’ public position, since the programming would in fact “originate” at the satellite, rather than the repeater. Nonetheless, however, the SDARS licensees would be offering programming that varied by the geographical location of the subscriber, in contradiction to the Commission’s intent that only national programming be offered through the SDARS service.

To put to rest any remaining concerns about the possible use of terrestrial repeaters to provide localized programming content as part of the SDARS service, Radio One therefore supports NAB’s proposal that, to the extent the Commission grants any permanent terrestrial repeater licenses to XM and/or Sirius, such licenses should include restrictions in substance similar to those proposed by NAB:

SDARS terrestrial repeaters may not originate any programming, are restricted to the simultaneous retransmission of the complete programming and only that programming by the satellite directly to the SDARS subscribers’ receivers, and may not be used in any manner to facilitate the provision of locally differentiated services by SDARS licensees.

Respectfully submitted,

RADIO ONE, INC.

By: Michael G. Plantamura  
Associate General Counsel

cc. The Honorable Michael Powell  
The Honorable Kathleen Q. Abernathy  
The Honorable Michael J. Copps  
The Honorable Kevin Martin  
Donald Abelson, Chief, International Bureau  
Kenneth Ferree, Chief, Media Bureau