

December 23, 2003

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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

Dear Ms. Dortch:

As a result of discussions between XM Radio Inc. (“XM Radio”) and the National Association of Broadcasters (“NAB”) concerning the Commission’s rules for operation of Satellite Digital Audio Radio Service (“SDARS”) repeaters, XM Radio and NAB hereby jointly propose the following language for the Commission’s repeater rules:

SDARS repeaters are restricted to the simultaneous transmission of the complete programming, and only that programming, transmitted by the satellite directly to SDARS subscribers’ receivers, and may not be used to distribute any information not also transmitted to all subscribers’ receivers.

This language assures that the repeaters transmit the same content to all receivers. XM Radio and NAB do not intend the term “transmitted to all subscribers’ receivers” to mean “received by all subscribers’ receivers.” Accordingly, this language allows the provision of services that are transmitted to all subscribers’ receivers by both the SDARS satellites and repeaters, but are not necessarily processed by a subscriber’s receiver if the subscriber has not paid an additional fee for additional services or the content is otherwise filtered or blocked. The proposed language is also intended to permit repeaters to transmit data intended solely for the internal monitoring and control of the repeater network.

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Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Lon C. Levin

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cc: Chairman Michael Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Commissioner Jonathan S. Adelstein
Donald Abelson, Chief, International Bureau
Kenneth Ferree, Chief, Media Bureau