



November 1, 2004

Via Electronic Filing

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

**Re: XM Radio Inc.
Written *Ex Parte* Presentation
MB Docket No. 04-160**

Dear Ms. Dortch:

In the above-captioned proceeding, the National Association of Broadcasters (“NAB”) is asking the Commission to, among other things, ban any satellite radio receiver technology that would allow content to be “aired on a receiver in one location that differs from the content that would be aired on a receiver in a different location.”¹ XM Radio Inc. (“XM”) urges the Commission to reject this proposal as it could potentially eliminate innovative and beneficial services that XM is already offering today.²

As XM explained to the Commission in June 2003, it offers consumers a real-time weather data service that allows pilots, mariners, and mobile emergency crews to access real-time graphical weather data relevant to their location, such as radar, wind-speed, and other information critical for navigation.³ As the attached Press Release from Garmin Ltd. states, this weather data service allows pilots “to make safer, more strategic decisions in flight to avoid potential weather hazards.”⁴

¹ National Association of Broadcasters, Petition for Declaratory Ruling, MB Docket No. 04-160 (April 14, 2004) (“*NAB Petition*”), at ii-iii, 2.

² See Opposition of Satellite Broadcasting and Communications Association, MB Docket No. 04-160 (June 4, 2004), at 6, 15-16.

³ See Letter from Lon C. Levin, XM Radio Inc., to Ms. Marlene H. Dortch, FCC, IB Docket No. 95-91 (June 23, 2003). XM has explained that this service is fully consistent with its authority to offer ancillary data services as well as its authority to use terrestrial repeaters to simultaneously retransmit programming that is transmitted by its satellites. *Id.* at 1.

⁴ See Press Release, *Garmin Unveils Next-Generation Weather Data for Popular Avionics* (October 21, 2004) (available at: <http://www.garmin.com/pressroom/aviation/102104.html>).

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Adoption of NAB's proposed prohibition on satellite radio receiver technology, however, could potentially preclude this innovative and beneficial service. XM continues to urge the Commission to reject NAB's Petition and to affirm instead that satellite radio providers are free to innovate and expand their service offerings to meet consumer demands consistent with the Commission's rules.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/Lon C. Levin
Lon C. Levin
Senior Vice President

cc: Catherine Crutcher Bohigian, FCC
Jon Cody, FCC
Stacy Robinson Fuller, FCC
Jordan Goldstein, FCC
Johanna Mikes Shelton, FCC
Kenneth Ferree, FCC
Rosalee Chiara, FCC
Stephen Duall, FCC

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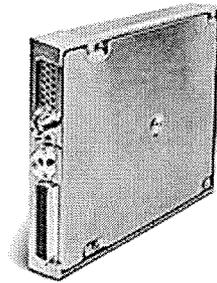
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Aviation

October 21, 2004

Garmin® Unveils Next-Generation Weather Data for Popular Avionics



OLATHE, Kan./October 21, 2004/PR Newswire — Garmin International Inc., a unit of Garmin Ltd. (Nasdaq: GRMN), today introduced the **GDL 69™**, a new remote sensor that receives broadcast weather data from the XM WX™ Satellite Weather service of XM Satellite Radio and delivers the data to Garmin's popular avionics systems. The GDL 69 brings highly reliable, near real-time weather information to industry-leading products such as the G1000™, MX20™, GNS 530™ and GNS 430™.

"The GDL 69 will delight our customers in every phase of flight, because it offers a broad array of weather services and a high level of detail graphically depicted on the displays of our most popular systems," said Gary Kelley, Garmin's director of marketing. "As a next-generation weather receiver, the GDL 69 provides greater situational awareness to pilots flying

Garmin-equipped aircraft and enables them to make safer, more strategic decisions in flight to avoid potential weather hazards."

The XM WX Satellite Weather service is broadcast in the S-band frequency over two powerful geosynchronous satellites to the GDL 69 for rapid-update, high-resolution weather information directly into the cockpit, at any altitude across the continental United States. The comprehensive weather data suite available through XM WX is supplied by WxWorx, an innovator in location-specific weather data and leading provider of analytical weather services to the broadcast media and emergency management industry.

The GDL 69 delivers a robust set of capabilities that includes:

- High-resolution NEXRAD weather data*
- METARs (in graphical or textual format)*
- Precipitation type (at surface)*
- TAFs*
- TFRs*
- Winds aloft (at altitude)
- Echo tops
- Lightning
- Storm-cell data (size, speed and direction)
- AIRMETs
- SIGMETs

XM offers these capabilities in two service packages for a monthly subscription fee. The Aviator Lite service plan (marked with *) is \$29.99 per month. The Aviator package includes all of the above services (and more) for a monthly fee of \$49.99. XM also charges a one-time activation fee of \$75.

For pilots who want additional value from XM Satellite Radio, Garmin also offers the **GDL 69A™**. This receiver combines XM WX's weather services with XM's digital audio entertainment, which provides 130-plus channels of music, news, talk, sports and information. The additional subscription price for these digital audio services is only \$6.95 per month as part of XM's Family Plan for multiple XM subscriptions.

Garmin will offer the GDL 69 and GDL 69A for the MX20 multi-functional display in November 2004 and the G1000 integrated glass cockpit later this year. The company expects to make the GDL 69 available for the GNS 430/530 integrated navigation systems in the first quarter of 2005. Initially, the GNS 430/530 will utilize the XM WX service to display only NEXRAD and METAR data. But when the GNS 430/530 are approved for WAAS and have received the requisite upgrade (price: \$1,500; timing: mid-2005), these products will offer

the extensive weather capabilities of the GDL 69 and the combined weather/audio features of the GDL 69A.

The GDL 69 and GDL 69A will be available at suggested retail prices of \$4,995 and \$5,775, respectively.

Garmin International Inc. is a member of the Garmin Ltd. (Nasdaq: GRMN) group of companies, which designs and manufactures navigation, communication and information devices — most of which are enabled by GPS technology. Garmin is a leader in the general aviation and consumer GPS markets and its products serve aviation, marine, outdoor recreation, automotive, wireless and OEM applications. Garmin Ltd. is incorporated in the Cayman Islands, and its principal subsidiaries are located in the United States, Taiwan and the United Kingdom. For more information, visit Garmin's virtual pressroom at <http://www.garmin.com/pressroom> or contact the Media Relations department at 913-397-8200. Garmin is a registered trademark, and GDL 69, G1000, MX20, GNS 530, GNS 430 and GDL 69A are trademarks of Garmin Ltd. or its subsidiaries.

XM Satellite Radio (Nasdaq: XMSR) is America's #1 satellite radio service with more than 2.5 million subscribers. Broadcasting live daily from studios in Washington, DC, New York City and Nashville, Tenn. at the Country Music Hall of Fame, XM's 2004 lineup includes more than 130 digital channels of choice from coast to coast: 68 one-hundred-percent commercial-free music channels, featuring hip hop to opera, classical to country, bluegrass to blues; more than 40 channels of premier sports, talk, comedy, children's and entertainment programming; and 21 channels of the most advanced traffic and weather information for major metropolitan areas nationwide and a dedicated public safety channel offering emergency information before, during and after natural disasters and other hazardous incidents to listeners across the country

Hardware and required monthly subscription sold separately. Subscription fee is consumer only. Other fees and taxes, including a one-time activation fee may apply. All programming fees and weather data subject to change. XM WX weather data displays and individual product availability vary by hardware equipment. Reception of the XM signal may vary depending on location. Subscriptions subject to Customer Agreement included with the XM Welcome Kit and available at xmradio.com. Available only in the 48 contiguous United States. For more information about the XM WX Satellite Weather service is available at XMWXweather.com. XM WX is a trademark of XM Satellite Radio Inc. ©2004 XM Satellite Radio Inc. All rights reserved.

Notice on forward-looking statements:

This release includes forward-looking statements regarding Garmin Ltd. and its business. Any statements regarding the company's product introductions and expected product availability dates are forward-looking statements. The forward-looking events discussed in this release may not occur and actual results could differ materially as a result of risk factors affecting Garmin, including (but not limited to) risk factors listed in the Annual Report on Form 10-K for the year ended December 27, 2003 filed by Garmin with the Securities and Exchange Commission (Commission file number 0-31983). A copy of Garmin's Form 10-K can be downloaded from <http://www.garmin.com/aboutGarmin/invRelations/finReports.html>.



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