

SIRIUS SATELLITE RADIO INC.
1221 Avenue of the Americas, 36th Floor
New York, NY 10020

XM RADIO INC.
1500 Eckington Place, NE
Washington, DC 20002

February 28, 2008

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

Re: IB Docket No. 95-91, WT Docket No. 07-293, GEN. Docket No. 90-357, RM No. 8610

Dear Ms. Dortch:

XM Radio Inc. (“XM”) and Sirius Satellite Radio Inc. (“Sirius”) are writing to request that, as a means of expediting resolution of the above-referenced dockets, the Commission require and oversee the joint testing of potential interference between WCS and satellite radio systems.

Based on the comments that already have been submitted in this proceeding, we believe a Commission-supervised joint testing process would yield useful data to help the Commission resolve technical issues and complete final action more rapidly. Such tests could be done quickly, with Commission input regarding test design and general oversight of the actual testing. While we would welcome direct Commission involvement in the testing itself, we are prepared to help fund work by a third party – who would be mutually selected by XM, Sirius, and the WCS Coalition – to conduct the tests and report the results to the Commission on the record of this proceeding.

In an effort to provide the Commission with a complete record necessary to resolve this rulemaking expeditiously, Sirius previously obtained experimental Special Temporary Authority (“STA”)¹ to conduct tests measuring how recently proposed mobile WiMax WCS operations would impact satellite radio reception by our customers.

¹ Sirius Satellite Radio Inc., File No. 0591-EX-ST-2007 (Call Sign WD9XDT) (granted Jan. 23, 2008).

SIRIUS SATELLITE RADIO INC.

XM RADIO INC.

Concurrently, the WCS Coalition was granted an experimental STA to perform its own testing.²

The extensive tests conducted by Sirius and XM demonstrated the harmful effect of mobile WiMax WCS operations on satellite radio reception by consumers. Moreover, we also have analyzed the potential impact that satellite radio repeaters may have on WCS WiMax operations. In our respective comments filed in this proceeding on February 14 we supplied the Commission with test data and related analysis confirming our technical proposals.

In contrast, the WCS Coalition's Comments³ provide the Commission with no actual test data, relying instead on only theoretical models with unrealistic assumptions. The Coalition's comments explain that, to this point, the only studies the WCS parties have performed are "preliminary field tests" yielding only a "preliminary analysis."⁴

To be clear, the test data that XM and Sirius have supplied is more than sufficient to permit the Commission to adopt final rules for satellite radio repeaters, and to evaluate the harm to satellite radio reception were the Commission to modify the limitations in the WCS rules as requested by WCS spectrum owners. However, as indicated in the comments that XM and Sirius each filed in this proceeding,⁵ we are willing to do more to address any Commission questions that may remain, especially if doing so will expedite final action in this docket.

Specifically, XM and Sirius are prepared to meet with the WCS spectrum holders now, ideally under the Commission's direction, to develop an appropriate test plan that would examine both the impact on satellite radio receivers of WCS WiMax base stations and terminals operating as proposed by the WCS Coalition, and the impact of satellite radio repeaters on WCS operations under the current and Coalition-proposed rules. XM and Sirius are willing to pay the satellite radio industry's fair share of the cost of such testing by a mutually-acceptable third party. We believe that the test data will confirm the results we already have found in our bench and field tests to date. However, XM and Sirius are willing to cooperate fully in preparing a joint test plan with the WCS licensees.

² Wireless Communications Association International, Inc., File No. 0611-EX-ST-2007 (Call Sign WD9XDU) (granted Jan. 23, 2008).

³ No individual WCS licensee filed comments in this proceeding.

⁴ WCS Coalition Comments at 18, 31

⁵ See XM Comments at 28 and n. 56; Sirius Comments at 24. After the Notice of Proposed Rulemaking was released, we invited the WCS licensees to develop mutually-acceptable joint test plans in coordination with and under the guidance of the Commission staff. However, no such meetings have occurred.

SIRIUS SATELLITE RADIO INC.

XM RADIO INC.

We will join promptly in such tests, and will support the resulting test data (regardless of the outcome) in the record here.

XM and Sirius are prepared to take part in a meeting with the Commission staff and the WCS licensees to discuss this matter as soon as possible. We do not believe initial work on joint testing needs to wait for the filing of reply comments in this proceeding, scheduled for March 17. In our reply comments, XM and Sirius expect to address the flaws in the theoretical assumptions made by the WCS Coalition in its Comments; we expect the WCS Coalition will attempt to construct arguments against the test results supplied by the satellite radio operators. We are confident of the reliability of our data, which confirms the positions articulated in our Comments. However, insofar as joint testing under the Commission's supervision can expedite the final rules that all parties (and satellite radio consumers) desire, such testing clearly would be in the public interest.

XM and Sirius are serving copies of this letter on all parties in the docket, and look forward to a meeting to discuss joint testing very soon. We appreciate the Commission's work to resolve this docket, and hope other parties welcome our proposal in the same spirit of good faith that it is offered here.

Sincerely,

/s/ Patrick L. Donnelly
Patrick L. Donnelly
Executive Vice President, General Counsel
& Secretary
Sirius Satellite Radio Inc.
1221 Avenue of the Americas, 36th Floor
New York, NY 10020
(212) 584-5100

/s/ James S. Blitz
James S. Blitz
Vice President, Regulatory Counsel
XM Radio Inc.
1500 Eckington Place, NE
Washington, DC 20002
(202) 380-4000

cc: Julius Knapp
Helen Domenici
Fred Campbell
Steven Spaeth
Stephen Duall

All Commenting Parties