

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

July 31, 2008

WRITTEN EX PARTE

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Amendment of Part 27 of the Commission's Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band - WT Docket No. 07-293; Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band - IB Docket No. 95-91, GEN Docket No. 90-357, RM-8610

Dear Ms. Dortch:

On July 22, 2008, the WCS Coalition submitted an ex parte presentation – the 30th filing made by either the WCS Coalition or one of its members since the end of the comment cycle in the above captioned proceeding.¹ The Coalition's submission appears to have been part of its effort to link its "draft rules" proposed in the ex parte for use of WCS spectrum to the conditions the Commission was considering in the merger between Sirius Satellite Radio Inc. ("Sirius") and XM Satellite Radio Holdings Inc. ("XM"). Wisely, the Commission rejected this attempt and decided that rules affecting the co-existence of adjacent band services should be settled by science rather than politics.

The WCS Coalition rhetorically postures its "draft rules" as a change in its position, but in fact nothing material has changed at all. As Sirius and XM previously explained in their technical analyses in this proceeding,² the WCS Coalition position reflected in the "draft rules" would create significant and pervasive interference to satellite radio reception and Sirius continues to vigorously oppose their adoption.³ Furthermore, the WCS Coalition's proposal would subject Sirius' existing repeaters to a perpetual non-interference condition, effectively treating satellite radio as a secondary service nationwide, despite the Commission's recognition of satellite radio's need for terrestrial repeaters in the 2.3 GHz band. The WCS Coalition takes this position in spite of the fact

¹ See Letter from Paul J. Sinderbrand, Counsel, WCS Coalition to Marlene H. Dortch, Secretary, FCC (filed July 22, 2008).

² See e.g., Comments of Sirius Satellite Radio Inc., IB Dkt. No. 95-91, WC Dkt. No. 07-293 (filed Feb. 14, 2008); Comments of XM Radio Inc., IB Dkt. No. 95-91, WC Dkt. No. 07-293 (filed Feb. 14, 2008).

³ Following the recently consummated merger of XM and Sirius, XM became a wholly-owned subsidiary of Sirius.

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that WCS licensees have never provided any substantive showing of an interference threat to WCS operations from satellite radio repeaters. In contrast, Sirius and XM have submitted substantial technical data conclusively showing that ubiquitous mobile transmitters and their base stations, operating under the WCS Coalition's proposed new rules, would significantly disrupt satellite radio reception.

Sirius will continue to examine these issues on a technical basis and update the FCC with the results of its findings in the near future. We again repeat our request that the WCS licensees work with us to define adjacent band compatibility in technical terms.

Respectfully submitted,

/s/ Patrick L. Donnelly

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