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May 7, 2010

Robert L. Pettit
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**VIA ELECTRONIC DELIVERY**

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

Re: Notice of *Ex Parte* Presentation
WT Docket No. 07-293

Dear Ms. Dortch,

On May 6, 2010, representatives of Sirius XM Radio Inc. ("Sirius XM") met with FCC staff members to discuss issues associated with the above-captioned proceeding.

Mel Karmazin and James S. Blitz of Sirius XM and Gregg Elias and myself of Wiley Rein LLP, counsel for Sirius XM, met with Commissioner Copps and his Chief of Staff John Giusti. During the meeting, we presented the positions of Sirius XM that have previously been submitted into the record of the proceeding cited above. In addition, we provided Commissioner Copps and Mr. Giusti with a new video depiction of the harmful effects on satellite radio from mobile WCS devices, and a packet of letters of support for Sirius XM Radio. The video was previously submitted in the record of this proceeding.[1] The packet of letters is attached for inclusion in the record of this proceeding.

Please contact the undersigned if there are any questions in this filing.

Respectfully,

*/S/ Robert L. Pettit*
Robert L. Pettit
Counsel for Sirius XM Radio Inc.

cc: Commissioner Michael Copps, John Giusti

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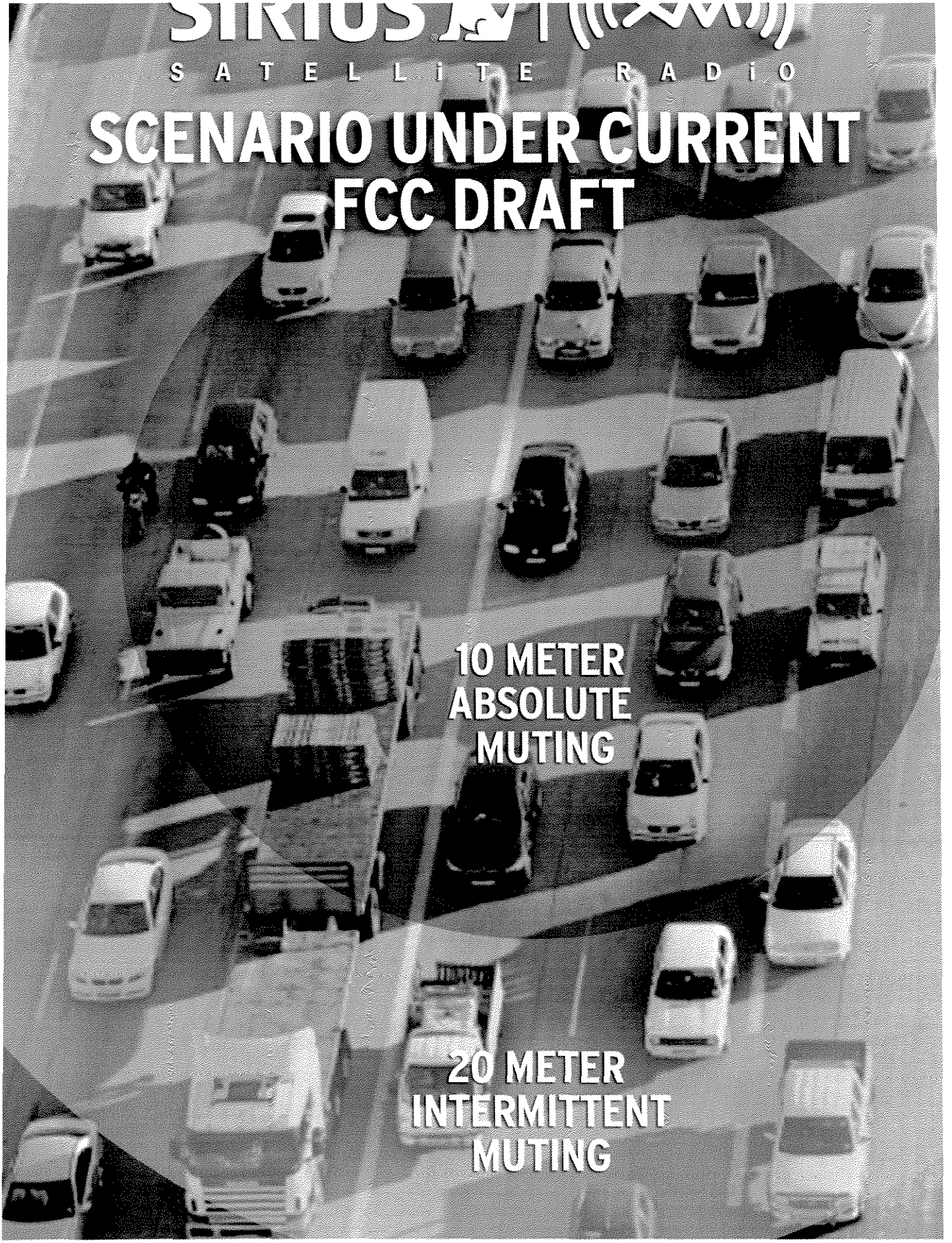
[1] *See* Letter from Robert L. Pettit, Counsel for Sirius XM Radio, to Marlene H. Dortch, WT Docket No. 07-293 (filed May 6, 2010).


SIRIUS
SATELLITE RADIO
SCENARIO UNDER CURRENT
FCC DRAFT
10 METER
ABSOLUTE
MUTING
20 METER
INTERMITTENT
MUTING

April 23, 2010

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

Re: IB Docket No. 95-91, WT Docket, No. 07-293, and
GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

The Ford Motor Company, wishes to express its concern with the recently proposed changes to the WCS service rules.[1] In our earlier filing in this proceeding, we expressed our concern that allowing mobile transmissions in the WCS band creates a significant risk of interference to in-vehicle reception of satellite radio and we asked the Commission to invite comment on specific proposals before it modifies the WCS rules.

We appreciate this opportunity to provide this further input because we strongly disagree with the staff's current proposal. We are concerned that satellite radio reception will be degraded by WCS mobile operations absent effective safeguards. Ford has installed millions of satellite radios in our vehicles based on the reasonable expectation that the Commission would not allow mobile WCS devices that may interfere with reception. In addition, Sirius XM has spent billions of dollars developing networks on this same understanding.

If the Commission modifies the WCS rules as proposed, it should also adopt provisions that will effectively protect satellite radio listeners who experience interference from WCS operations. As an integral part of modified WCS rules, the Commission should require any WCS operator causing interference to satellite radio to promptly eliminate the interference or discontinue its operations. The Commission should also adopt a streamlined process to ensure that consumers have an effective remedy if the situation requires government intervention.

Other automobile manufacturers and trade associations have already gone on record in this proceeding with similar concerns. Our position reflects the importance of

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[1] Commission Staff Requests That Interested Parties Supplement the Record On Draft Interference Rules For Wireless Communications Service and Satellite Digital Audio Radio Service (DA 10-592, released April 2, 2010)

satellite radio to our customers and the challenges WCS rule changes would present to us, just at the time we are all working to recover from the economic recession. We hope any revisions to the WCS rules will fully protect the millions of consumers who rely on satellite radio in their automobiles.

Sincerely,

Edward Pleet
Manager, Connected Services
Ford Motor Company

cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp

EX PARTE OR LATE FILED

Received & Inspected

JAN 22 2010

FCC Mail Room

GM

400 Renaissance Center
MC 482-D24-B48
Detroit, MI 48265

January 20, 2010

ORIGINAL

EX PARTE OR LATE FILED

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

Re: Written Ex Parte Presentation in IB Docket No. 95-91 and WT Docket No. 07-293, and GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

As the FCC continues its deliberations on the matter of modifying the technical specifications for the 2.3 GHz Wireless Communications Service ("WCS"), General Motors ("GM") would like to call to your attention our Ex Parte filing back on November 21, 2008. GM would like to reiterate our concern on behalf of our nearly seven million owners of GM vehicles equipped with satellite radio. We believe there is a potential for harmful interference to in-vehicle reception by allowing WCS to operate on frequencies immediately adjacent to these vehicles' satellite radio receivers.

We appreciate the Commission's consideration of these concerns and urge you to protect millions of consumers who rely on satellite radio.

Respectfully submitted,

Gregory A. Ross
Director – Satellite Services
General Motors North American Operations

Joanne M. Finnorn
Attorney
General Motors Legal Staff

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November 21, 2008

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

Re: Written Ex Parte Presentation in IB Docket No. 95-91 and WT Docket No. 07-293.

Dear Ms. Dortch:

The FCC's proceeding to modify the technical specifications for the 2.3 GHz Wireless Communications Service ("WCS") is critical to General Motors and the nearly seven million owners of General Motors vehicles equipped with satellite radio. Operating on frequencies immediately adjacent to these vehicles' satellite radio receivers, WCS devices must not be allowed to become a potential source of harmful interference to in-vehicle reception.

Satellite radio programming has proven popular with car buyers; millions of owners having experienced the technology are now subscribers to this important new source of in-vehicle entertainment options.[1] Indeed, automakers have installed and customers have purchased more than twenty million vehicles with satellite radio receivers. Our customers enjoy the variety of programming as well as the high-quality audio that satellite radio offers.

Customers have routinely stated on feedback surveys that their reason for subscribing is the ubiquitous coverage and superior sound quality of satellite radio. Vehicle purchasers have high expectations with satellite radio services in their motor vehicles.

These high expectations will likely be frustrated if the FCC takes an action that would potentially create harmful interference. The proposed rule in the captioned proceedings could significantly impair sound quality by facilitating mobile WCS devices.

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[1] It is important to note that Sirius XM also provide potentially life-saving emergency broadcasting information regardless of whether a vehicle is subscribed. With its satellite-based broadcasting capability, vehicle owners have unparalleled access to crisis information when traditional terrestrial based broadcasting may be lost or limited by damage. General Motors believes the Commission should be especially mindful of the impacts of potential harmful interference with this capability.

Notably, this is a use that was specifically discouraged due to interference concerns when WCS licenses were auctioned by the FCC.[2]

General Motors therefore urges the FCC to be extremely cautious and ensure that satellite radio performance is not degraded by inappropriately changing the established rules for WCS operations. Sirius XM Radio has spent billions of dollars developing networks that - to the best of our knowledge- are based on the understanding that mobile WCS devices would not be allowed to interfere.

Satellite radio is unique among FCC-regulated entities and requires a different level of protection from that provided to other wireless devices such as, for example, cell phones. We ask that the Commission keep in mind the following facts:

- Satellite radio represents an extremely dense concentration of customers in a narrow frequency band (more than 18 million subscribers in 25 MHz), thus amplifying the impact of any interference or signal degradation.

- Satellite radio provides high-quality audio and music where drop-outs and interruptions of the duration and frequency that WCS mobile operations may cause are neither expected nor tolerated by subscribers, in large part because competing non-subscription audio services typically provide error-free service.

- Importantly, satellite radio originates from space-based platforms that provide a relatively low-powered signal to receivers tens of thousands of miles away (thus necessitating receivers more susceptible to impairment from out-of- band emissions). Because repeaters are not available in the vast majority of the country, the satellite signal strength is not being augmented or increased by terrestrial means.

- Unlike mobile handheld devices, most satellite radio antennas are located on top of vehicles and are typically unshielded (thus providing less protection from sources of interference).

- Satellite radios do not use spread spectrum technologies which inherently reduce the impact of interference data packets (thus presenting a signal overload threshold lower than, for example, the typical cell phone).

---

[2] Amendment of the Commission's Rules to Establish Part 27, the Wireless Communications Service, Report and Order, FCC 97-50, 12 FCC Rcd 10785, ¶¶ 136, 138 (1997)

We appreciate the Commission's consideration of these concerns and urge the Commission to ensure that the actions taken fully protect GM and the millions of consumers who purchase and enjoy satellite radio services.

Respectfully submitted,

Richard M. Lee
Executive Director – Satellite Radio Services
General Motors North American Operations

Joanne M. Finnorn
Attorney
General Motors Legal Staff

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Alliance OF AUTOMOBILE MANUFACTURERS

ORIGINAL

Received & Inspected
MAR - 9 2010
FCC Mail Room

March 3, 2010

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

EX PARTE OR LATE FILED

Re: Written Ex Parte Presentation in IB Docket No. 95-91, WT Docket No. 07-293, and GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

On behalf of the members of the Alliance of Automobile Manufacturers (Alliance) who are BMW Group, Chrysler LLC, Ford Motor Company, General Motors LLC, JaguarLandRover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, and Volkswagen, submits the following comments for your consideration regarding potential changes to the WCS band that could have a detrimental effect on satellite radio service, which is offered on many vehicles sold by Alliance members.

Satellite radio has proven to be an extremely popular feature for automobile buyers who enjoy the variety of programming as well as the high-quality audio that satellite radio offers. A large percentage of new vehicles currently ship with a satellite radio installed and that percentage is expected to increase in the coming years.

As the FCC moves ahead in crafting its National Broadband Plan, the Alliance understands the importance of identifying additional spectrum to help satisfy the country's broadband needs. However, the FCC should not try to meet that need by changing rules for the 2.3 GHz Wireless Communications Service ("WCS") to allow mobile transmissions in that band. Operating on frequencies immediately adjacent to millions of satellite radios, WCS transmissions would create a significant potential risk of interference to in-vehicle reception.

We urge the FCC to be cautious and ensure that satellite radio is not degraded by changing the established rules for WCS operations. Alliance members and other automakers have installed tens of millions of satellite radios in their vehicles with that same understanding. Unlike cell phones, automobiles are not discarded every year or two – these satellite radios will remain operational and in circulation for years to come.

Any loosening of the WCS rules must not cause interference to satellite radio consumers. Regulating to minimize interference is, of course, one of the FCC's primary statutory obligations, and we expect that the Commission will execute its role with appropriate technical diligence. Satellite radio is unique among FCC-regulated entities and requires different levels of protection from that provided to cell phones. We ask that the Commission keep in mind the following facts:



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- Satellite radio represents an extremely dense concentration of customers in a narrow frequency band (nearly 40 million listeners in 25 MHz, listening over 20 hours per week on average), thus amplifying the impact of any interference or signal degradation.

- Unlike cell phone service where momentary blips or degradation are easily overcome, satellite radio provides high-quality audio and music; drop-outs and interruptions are neither expected nor tolerated by subscribers, in large part because competing audio services typically provide error-free service.

- Satellite radio originates from space-based platforms that provide a relatively low-powered signal to receivers tens of thousands of miles away (thus necessitating receivers more susceptible to impairment from out-of- band emissions). The satellite signal strength cannot be augmented or increased by terrestrial means in most areas of the country.

- Unlike mobile handheld devices, most satellite radio antennas are located on top of vehicles and are typically unshielded (thus providing less protection from sources of interference).

Finally, we urge you to give the public the opportunity to review and comment on specific rules addressing changes to the WCS rules before the Commission adopts those rules. A comment period provides transparency in the conduct of Commission proceedings and helps ensure that your actions in this matter will fully protect the millions of consumers who rely on satellite radio in their automobiles.

Thank you for considering our views and recommendations and we will continue to review the docket for this proceeding.

Sincerely,

Robert Strassburger
Vice President
Vehicle Safety and Harmonization

cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp
Mr. Blair Levin

Chairman
S. BECKER
Honda

President
M. STANTON

VEHICLE MANUFACTURERS
Aston Martin
Ferrari
Honda
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Mahindra
Maserati
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Peugeot
Subaru
Suzuki
Toyota

AFFILIATES
ADVICS
Bosch
Delphi
Denso
JAMA

April 23, 2010

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

Re: IB Docket No. 95-91, WT Docket, No. 07-293, and
GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

The Technical Affairs Committee of the Association of International Automobile Manufacturers, Inc. (AIAM)[1] wishes to express its concern with the recently proposed changes to the WCS service rules.[2] In our earlier filing in this proceeding, AIAM said that allowing mobile transmissions in the WCS band creates a significant risk of interference to in-vehicle reception and we asked the Commission to invite comment on specific proposals before it modifies the WCS rules. We appreciate this opportunity to provide this further input.

AIAM is concerned that the current proposal for changes to the WCS service rules disregards extensive evidence in the record demonstrating that absent effective safeguards, satellite radio reception will be degraded by WCS mobile operations. Sirius XM has spent billions of dollars developing networks that are based on its reasonable expectation that the Commission would not allow mobile WCS devices. Automakers have installed tens of millions of satellite radios in their vehicles with that same understanding.

If the Commission loosens the WCS rules, it should also adopt provisions that will effectively protect satellite radio listeners who experience interference

[1] AIAM Technical Affairs Committee members are American Honda Motor Co., American Suzuki Motor Corp., Aston Martin Lagonda of North America, Inc., Ferrari North America, Inc., Hyundai Motor America, Isuzu Motors America LLC, Kia Motors America, Inc., Mahindra & Mahindra Ltd., Maserati North America, Inc., McLaren Automotive Ltd., Nissan North America, Inc., Peugeot Motors of America, Subaru of America, ADVICS North America, Inc., Delphi Corporation, Denso International America, Inc., and Robert Bosch Corporation.

[2] Commission Staff Requests That Interested Parties Supplement the Record On Draft Interference Rules For Wireless Communications Service and Satellite Digital Audio Radio Service (DA 10-592, released April 2, 2010)

ASSOCIATION OF INTERNATIONAL AUTOMOBILE MANUFACTURERS, INC.
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from WCS operations. As an integral part of modified WCS rules, the Commission should require any WCS operator causing interference to satellite radio to promptly eliminate the interference or discontinue its operations. The Commission should also adopt a streamlined process to ensure that consumers have an effective remedy if the situation requires government intervention.

Other automobile manufacturers and trade associations have already gone on record in this proceeding with similar concerns. Our common position reflects the importance of satellite radio to our customers and the challenges WCS rule changes would present to us. We hope any revisions to the WCS rules will fully protect the millions of consumers who rely on satellite radio in their automobiles.

Sincerely,

Michael X. Cammisa

Michael X. Cammisa
Director, Safety

cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp

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April 23, 2010

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

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

Dear Ms. Dortch:

Hyundai Motor America to express its concern with the recently proposed changes to the WCS service rules.[1] In our previous filings in this proceeding, we said that allowing mobile transmissions in the WCS band creates a significant risk of interference to in-vehicle reception and we asked the Commission to invite comment on specific proposals before it modifies the WCS rules.

We appreciate this opportunity to provide this further input. However, we strongly disagree with the staff's current proposal, which disregards extensive evidence in the record demonstrating that absent effective safeguards, satellite radio reception will be degraded by WCS mobile operations. Sirius XM has spent billions of dollars developing networks that are based on its reasonable expectation that the Commission would not allow mobile WCS devices. Automakers have installed tens of millions of satellite radios in their vehicles with that same understanding.

If the Commission loosens the WCS rules, it should also adopt provisions that will effectively protect satellite radio listeners who experience interference from WCS operations. As an integral part of modified WCS rules, the Commission should require any WCS operator causing interference to satellite radio to promptly eliminate the interference or discontinue its operations. The Commission should also adopt a streamlined process to ensure that consumers have an effective remedy if the situation requires government intervention.

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[1] Commission Staff Requests That Interested Parties Supplement the Record On Draft Interference Rules For Wireless Communications Service and Satellite Digital Audio Radio Service (DA 10-592, released April 2, 2010). The deadline for filing comments has been extended to April 23, 2010.

HYUNDAI

Other automobile manufacturers and trade associations have already gone on record in this proceeding with similar concerns. Our common position reflects the importance of satellite radio to our customers and the challenges WCS rule changes would present to us, just at the time we are all working to recover from the economic recession. We hope any revisions to the WCS rules will fully protect the millions of consumers who rely on satellite radio in their automobiles.

Sincerely,

Frank T. Ferrara
Executive Vice President
Corporate Planning and
Customer Satisfaction

cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp

Mercedes-Benz

Mercedes-Benz USA, LLC
A Daimler Company

April 19, 2010

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

Re: IB Docket No. 95-91, WT Docket, No. 07-293, and
GN Docket Nos. 09-47, 09-51, and 09-137

Dear Ms. Dortch:

Mercedes-Benz USA, LLC (MBUSA), on behalf of our parent company, Daimler AG, wishes to express its concern with the recently proposed changes to the WCS service rules.[1] Also, we support the comments filed by the two main US automotive trade associations, the Alliance of Automobile Manufacturers (Alliance),"[2] and the Association of International Automobile Manufacturers (AIAM)[3]. In our earlier filing in this proceeding, we said that allowing mobile transmissions in the WCS band creates a significant risk of interference to in-vehicle reception and we asked the Commission to invite comment on specific proposals before it modifies the WCS rules.

We appreciate this opportunity to provide this further input. However, we strongly disagree with the staff's current proposal, which disregards extensive evidence in the record demonstrating that absent effective safeguards, satellite radio reception will be degraded by WCS mobile operations. Sirius XM has spent billions of dollars developing networks that are based on its reasonable expectation that the Commission would not allow mobile WCS devices. Automakers have installed tens of millions of

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[1] Commission Staff Requests That Interested Parties Supplement the Record On Draft Interference Rules For Wireless Communications Service and Satellite Digital Audio Radio Service (DA 10-592, released April 2, 2010)

[2] The Alliance is a trade association whose members are: BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors LLC, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, and Volkswagen.

[3] The AIAM is a trade association members are: Aston Martin, Advios, Bosch, Delphi, Denso, Ferrari, Maserati, Honda, Hyundai, Isuzu, JAMA, Kia, Mahindra, Mitsubishi Motors, McLaren Automotive, Nissan, Peugeot, Subaru, Suzuki, and Toyota.

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One Mercedes Drive
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Fax (201) 573-0117
www.MBUSA.com

satellite radios in their vehicles with that same understanding. Currently there are **over 800,000 Mercedes-Benz vehicles** with SDARS already on the road.

If the Commission loosens the WCS rules, it should also adopt provisions that will effectively protect satellite radio listeners who experience interference from WCS operations. As an integral part of modified WCS rules, the Commission should require any WCS operator causing interference to satellite radio to promptly eliminate the interference or discontinue its operations. The Commission should also adopt a streamlined process to ensure that consumers have an effective remedy if the situation requires government intervention.

Other automobile manufacturers and trade associations have already gone on record in this proceeding with similar concerns. Our common position reflects the importance of satellite radio to our customers and the challenges WCS rule changes would present to us, just at the time we are all working to recover from the economic recession. We hope any revisions to the WCS rules will fully protect the millions of consumers who rely on satellite radio in their automobiles.

MBUSA will continue to review the docket in this proceeding and we appreciate the Commission's consideration of our comments regarding this matter.

Respectfully Submitted,

Frank J. Diertl
General Manager
Engineering Services

Anthony P. La Spada
Associate General Counsel
& Assistant Secretary

cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp

NISSAN

NISSAN NORTH AMERICA, INC.
Corporate Office
P.O. Box 685001
Franklin, TN 37068-5001
Telephone: 615-725-1000

April 23, 2010

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

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

Dear Ms. Dortch:

Nissan North America, Inc. wishes to convey to you the customer and business impact the recently proposed changes to the WCS service rules could generate.[1] In our previous filings in this proceeding, we said that allowing mobile transmissions in the WCS band creates a significant risk of interference to in-vehicle reception and we asked the Commission to invite comment on specific proposals before it modifies the WCS rules.

Consistent with our request for a comment period, we appreciate this opportunity to provide this further input. We believe the FCC staff may not fully appreciate the potential adverse impact upon millions of consumers resulting from the staff's current proposal, which disregards extensive evidence in the record demonstrating that absent effective safeguards, satellite radio reception will be degraded by WCS mobile operations. Nissan North America and other manufacturers have installed tens of millions of satellite radios in their vehicles with the expectation consumers will have interference-free reception. Our Nissan and Infiniti consumers and millions of consumers with other brand vehicles have invested billions of dollars in satellite technology in their vehicles and homes. We are advised Sirius XM itself has spent billions of dollars developing networks that are based on its reasonable expectation that the Commission would not allow mobile WCS devices or at least it would ensure the integrity of the current broadcast capability.

We urge you that if the Commission loosens the WCS rules, it should also adopt provisions that will effectively protect satellite radio listeners who experience interference from WCS operations. As an integral part of modified WCS rules, the

[1] Commission Staff Requests That Interested Parties Supplement the Record On Draft Interference Rules For Wireless Communications Service and Satellite Digital Audio Radio Service (DA 10-592, released April 2, 2010). The deadline for filing comments has been extended to April 23, 2010.

Commission should require any WCS operator causing interference to satellite radio to promptly eliminate the interference or discontinue its operations. The Commission should also adopt a streamlined process to ensure that consumers have an effective remedy if the situation requires government intervention.

Other automobile manufacturers and trade associations have already gone on record in this proceeding with similar concerns. Our common position reflects the significant investments and importance of satellite radio to our customers and the challenges WCS rule changes would present to millions of consumers and our businesses. We hope any revisions to the WCS rules will fully protect the millions of consumers who rely on satellite radio in their automobiles.

Sincerely,

Kenneth Kcomt

Kenneth Kcomt
Director, Product Planning

cc: The Honorable Julius Genachowski
The Honorable Michael J. Copps
The Honorable Robert M. McDowell
The Honorable Mignon Clyburn
The Honorable Meredith Attwell Baker
Mr. Julius Knapp

**ROY BLUNT**
MEMBER OF CONGRESS
7TH DISTRICT, MISSOURI

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# Congress of the United States
## House of Representatives
Washington, DC 20515

COMMITTEE ON
ENERGY AND COMMERCE
DEPUTY RANKING MEMBER

SUBCOMMITTEE ON HEALTH

SUBCOMMITTEE ON
ENERGY AND ENVIRONMENT

SUBCOMMITTEE ON
COMMUNICATIONS, TECHNOLOGY,
AND THE INTERNET

HOUSE PERMANENT SELECT
COMMITTEE ON INTELLIGENCE

April 7, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

I write to express my concerns with the impending modification of Wireless Communications Services ("WCS") rules that would for the first time allow mobile devices in the band. I support well-conceived policies to ensure that mobile providers have sufficient spectrum for broadband service as they grow and respond to consumer demands. But I am concerned that in its haste to make more spectrum available for mobile broadband, the Commission may enact rules which could allow the degradation of service to the nearly 400,000 satellite radio subscribers in Missouri.

The Commission must work to ensure that the deployment of new broadband technologies does not cause disruptive interference that threatens other established consumer services. In 1997 the FCC concluded that mobile operations in the WCS band would be "technologically infeasible" because it would cause substantial interference to satellite radio subscribers. Even if the Commission feels that this technical conclusion is no longer valid, it needs to take a measured approach to any change in the rules in order to ensure that satellite radio subscribers will not face additional interference. At a minimum, I believe that this must include careful testing of the proposed rules with the impacted parties and a specific and detailed process for detecting and resolving any interference that may occur. I am pleased that the Commission recently announced that it would allow for a public comment on this matter.

In response to this letter, I ask that you provide me with a detailed plan of the steps the FCC will take to ensure that new WCS rules are sufficient to protect satellite radio consumers. Thank you for your attention to this matter. If your staff should have any questions, please do not hesitate to contact Jack Smedile in my office at Jack.Smedile@mail.house.gov or 202-226-3316.

Sincere regards,

Roy Blunt

Roy Blunt
Member of Congress

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JOHN D. DINGELL
16TH DISTRICT, MICHIGAN
CHAIRMAN EMERITUS
COMMITTEE ON
ENERGY AND COMMERCE
CO-CHAIR
HOUSE GREAT LAKES
TASK FORCE
MEMBER
MIGRATORY BIRD
CONSERVATION COMMISSION

# Congress of the United States
## House of Representatives
## Washington, DC 20515–2215

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SUITE 305
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(734) 481–1100

February 16, 2010

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowski:

I write to you with respect to the Commission's ongoing proceeding to change the Wireless Communications Services (WCS) rules. In particular, I am concerned that ill-advised changes to these rules may result in serious problems for satellite radio broadcasters and their listeners.

As you are aware, I believe broadband, including mobile broadband, offers the nation many benefits, and as such, I have long been a proponent of the development of new broadband alternatives. All the same, the deployments of new broadband services must not threaten other established licensees, such as satellite radio providers, or cause disruptive interference for millions of existing consumers. A decision to open the WCS spectrum to mobile broadband transmission could lead precisely to this undesirable outcome.

I urge that any steps to open the WCS spectrum be taken carefully and with due regard for existing licensees. Moreover, I ask that the Commission continue in its efforts to achieve full transparency and accountability by making available to the public any proposed modified rules for mobile use of the WCS spectrum before their adoption, as well as afford all interested parties an opportunity to comment on them.

Thank you for your kind attention to this matter, and please keep me informed of the Commission's plan for the WCS spectrum. Should you have any questions about this letter, please feel free to contact me directly or have a member of your staff contact Andrew Woelfling in my office at 202-225-4071.

With every good wish,

Sincerely,

John D. Dingell
Member of Congress

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# Congress of the United States
## House of Representatives
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March 26, 2010

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Dear Chairman Genachowksi:

I am writing regarding the Federal Communication Commission (FCC)'s National Broadband Plan to open up the Wireless Communications Service to mobile internet device manufacturers.

I commend you for looking at ways to increase access to broadband for more Americans. However, I want to ensure that the Commission gives proper attention to incumbent companies who have paid billions of dollars of infrastructure costs to build out a network in adjacent spectrum bands.

I have no interest in stifling innovation, and as a senior Member of the House Committee on Energy and Commerce, I have been a close follower of Internet and technology issues for decades. I also believe that, given strict testing procedures, this spectrum can be used to help create the next generation of mobile Internet devices. However, given the 19 million subscribers to satellite radio, the Commission must ensure that these new devices will not disrupt broadcasts for millions of people.

I respectfully request that you provide me with information on the steps the Commission is taking to make certain that mobile devices approved for use in the WCS band do not interfere with satellite radio broadcasts. I look forward to your prompt response.

Sincerely,

Eliot L. Engel

Eliot L. Engel
Member of Congress

Congress of the United States
Washington, DC 20515

March 8, 2010

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Genachowski:

We write to you regarding an issue that has the potential to cause harmful interference to nearly 35 million listeners to satellite radio, including millions with access to satellite radio in their automobiles. The ongoing proceeding to change Wireless Communications Service (WCS) rules, if mismanaged, could result in serious problems to listeners of this nationwide service.

We believe that broadband, including mobile broadband, offers the nation many benefits, and we both have long been proponents of development of new broadband alternatives. But deployment of new broadband services must not threaten other established licensees or cause disruptive interference to millions of existing consumers. The WCS spectrum is already authorized for a variety of fixed broadband services pursuant to established FCC rules and some WCS licensees are currently using the band for this purpose. Those original WCS rules prohibit mobile transmissions on these frequencies, however, specifically because of the threat of interference with satellite radio, which uses the frequencies directly adjacent to WCS. This initial FCC conclusion was based upon a thorough record, and no subsequent engineering advances have solved those interference concerns.

We are particularly worried about the impact a decision to open the WCS spectrum to mobile broadband transmission would have on vehicle owners around the nation. Millions of people have satellite radio access in their cars, and a significant factor in many consumers' choice of vehicle is whether a satellite radio receiver has been installed in a particular model. Mobile broadband interference could render these receivers nearly useless and any interference will cause significant consumer frustration since it would be impossible to isolate the cause of interference to an automobile receiver. At a time when automobile manufacturing is just beginning to rebound from the recent recession, we think it would be very unwise to substantially diminish the utility of a key vehicle feature such as satellite radio.

Any steps to open up this spectrum must be taken carefully and with due regard for existing satellite radio services. We expect, at a minimum, that the FCC will continue along its path towards full transparency and accountability by making available to the public any proposed modified rules for mobile use of the WCS spectrum before they are adopted by the Commission. Satellite radio providers, the automakers, consumers, and other interested parties should have an opportunity to thoroughly review and comment upon those rules. The minimal additional time that this process would take is nothing compared to the problems that would result if the new rules are flawed.

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If the FCC reverses its position on mobile use of the WCS spectrum, those new rules must also contain a means whereby any interference to satellite radio listeners, however minimal, would be rectified immediately. That means the new rules should include appropriate mechanisms to recompense satellite radio consumers for any loss of service caused by a mobile broadband device using the WCS spectrum. Of course, the Commission also should consider and adopt any and all other protections for existing satellite radio listeners, including those who have receivers in their vehicles, as the record warrants.

Please keep us informed of the Commission's plan for the WCS spectrum. Thank you for your consideration.

Sincerely,

Fred Upton
Member of Congress

Mike Rogers
Member of Congress

cc: Commissioner Michael Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker

# Congress of the United States
Washington, DC 20515

February 26, 2010

The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street SW
Washington, D.C. 20554

Dear Chairman Genachowski,

We write to you regarding an issue that has the potential to cause harmful interference to nearly 35 million listeners to satellite radio. The ongoing Wireless Communications Services (WCS) spectrum proceeding, if mismanaged, could result in serious interference issues to this nationwide service.

We agree that broadband offers the nation many benefits. But deployment of new broadband services should not threaten other established licensees and cause disruptive interference to millions of existing consumers. The WCS spectrum is already being utilized for fixed broadband applications pursuant to FCC rules. Those original rules prohibited mobile devices from operating on these frequencies, however, specifically because of the threat of interference with satellite radio services, which use frequencies adjacent to WCS. This initial conclusion was based upon a thorough record, and despite engineering advances since that time, remains equally valid today.

If the Commission elects to permit mobile use of this spectrum, however, any steps to open up this spectrum must be taken carefully and with due regard for existing satellite radio services and consumer expectations. At a minimum, the FCC must continue along its path towards full transparency and accountability in its proceedings by making available to the public any proposed final rules for mobile use of the WCS spectrum before they are adopted by the Commission. Incumbent licensees and interested parties should be able to review and comment upon those rules to prevent harm to consumers. The minimal additional time that this comment process would take is nothing compared to the problems that would result if a mistake is made in the new rules.

The Commission should also take every step possible to ensure that any mobile system using the WCS spectrum does not interrupt the delivery of satellite radio to subscribers. The rules must contain a process whereby any interference to satellite radio, however minimal, would be rectified immediately. The new rules also should have appropriate mechanisms in place to recompense satellite radio consumers for any loss of service caused by a mobile broadband device using the WCS spectrum.

Please keep us informed of the Commission's plans for the WCS spectrum. Thank you for your consideration.

Sincerely,

ANTHONY D. WEINER
Member of Congress

GARY ACKERMAN
Member of Congress

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JOSEPH CROWLEY
Member of Congress

STEVE ISRAEL
Member of Congress

LOUISE MCINTOSH SLAUGHTER
Member of Congress

cc: Commissioner Michael Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker