

May 12, 2010

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) -- WRITTEN EX PARTE PRESENTATION

Dear Ms. Dortch:

Over the past several days, representatives of Sirius XM Radio Inc. ("Sirius XM") have been providing Commissioners and Commission staff with access to a video that purports to demonstrate interference that Sirius XM subscribers will experience from the Wireless Communications Service ("WCS") if the Commission adopts the staff-proposed rules reflected in the April 2, 2010 *Public Notice* in this proceeding.¹ The fact that this video was prepared under the cloak of darkness, without giving the Commission or WCS community advance notice or an opportunity to participate, and then was distributed without any supporting documentation, speaks volumes about its legitimacy.

As has been the case whenever Sirius XM has rolled out prior videos, the WCS Coalition does not know how the transmission and reception facilities utilized in the video were configured or operated, and thus cannot comment on the video specifically.² But what the WCS Coalition does know is that the portrayal of purported interference in the video cannot be squared with the results of the open and transparent live testing of an actual WCS system that the WCS Coalition demonstrated to the Commission, Sirius XM and the public in Ashburn, VA last year³ -- testing that establishes that the additional restrictions on WCS operations Sirius XM now advocates are not necessary to prevent harmful electrical interference. The WCS Coalition believes that, just as proved to be the case with earlier Sirius XM testing, the simulated WCS operations shown in the video were not designed or implemented to portray how an actual WCS system will perform,

¹ See Commission Staff Requests That Interested Parties Supplement The Record On Draft Interference Rules For Wireless Communications Service And Satellite Digital Audio Radio Service, *Public Notice*, DA 10-592 (rel. Apr. 2, 2010).

² One thing the WCS Coalition can determine from the video is that Sirius XM utilized the satellite receiver that has consistently proven to be one of the most vulnerable to interference as a result of its poor design.

³ See Letter from Mary N. O'Connor, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293 and IB Docket No. 95-91, at 1-2 (filed Aug. 4, 2009).

Marlene H. Dortch
May 12, 2010
Page 2

but instead were designed and implemented to maximize potential interference.⁴ As such, the video cannot be credited by the Commission as evidence that the rules proposed by the Commission's staff will result in undue interference to Sirius XM's operations.

Pursuant to Sections 1.1206(b)(1) and 1.49(f) of the Commission's Rules, this letter is being filed electronically with the Commission via the Electronic Comment Filing System. Should you have any questions regarding this supplement, please contact the undersigned

Respectfully submitted,



Paul J. Sinderbrand
Counsel to the WCS Coalition

cc: Chairman Julius Genachowski
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Commissioner Meredith Attwell Baker
Bruce Gottlieb
David Goldman
John Giusti
Angela Giancarlo
Louis Peraertz
Charles Mathias
Julius Knapp
Ruth Milkman
Mindel De La Torre
William Lake
Rick Kaplan
Ronald Repasi
Bruce Romano
Patrick Forster
Robert Weller

⁴ See, e.g. Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293 (filed Feb. 21, 2009); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293 and IB Docket No. 95-91 (filed Mar. 9, 2009); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Paul Murray, *et al.*, WT Docket No. 07-293 and IB Docket No. 95-91 (filed Mar. 19, 2009); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, FCC, Secretary, WT Docket No. 07-293 and IB Docket No. 95-91, at 2 (filed Jan. 29, 2010).