

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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

REPLY OF THE WCS COALITION

The WCS Coalition, by its attorneys and pursuant to Section 1.429(g) of the Commission’s Rules, hereby submits its reply to the filing made by Sirius XM Radio Inc. (“Sirius XM”)¹ opposing in part the WCS Coalition’s Petition for Partial Reconsideration² of the *Report and Order* in this proceeding.³ While the WCS Coalition is pleased that Sirius XM supports the call for modification of the new 2.3 GHz Wireless Communications Service (“WCS”) performance benchmarks,⁴ Sirius XM’s continued opposition to rules that will promote WCS as a provider of fixed and mobile broadband services, without material risk of harmful interference to satellite Digital Audio Radio Service (“SDARS”) subscribers, is disappointing.⁵

¹ See Opposition of Sirius XM Radio Inc. to Petitions for Reconsideration of The WCS Coalition and AT&T Inc., WT Docket No. 07-293 (filed Oct. 18, 2010) [“Sirius XM Opposition”].

² See Petition of the WCS Coalition for Partial Reconsideration, WT Docket No. 07-293 (filed Sept. 1, 2010) [“WCS Coalition Petition”].

³ Amendment of Part 27 of the Commission’s Rules to Govern the Operation of Wireless Communications Services in the 2.3 GHz Band, *Report and Order and Second Report and Order*, 25 FCC Rcd 11710 (2010) [“*Report and Order*”].

⁴ See Sirius XM Opposition at 21 (“Sirius XM supports the calls by AT&T and the WCS Coalition to extend the performance benchmarks to require WCS licensees provide service to 40 per cent of the population of its [*sic*] licensed service areas by July 2017 and 75 per cent of the population by July 2020.”) (citation omitted).

⁵ Many of the arguments advanced by Sirius XM in opposing the WCS Coalition Petition are similar, if not identical, to those advanced by Sirius XM in its own Petition for Partial Reconsideration of the *Report and Order*. See Petition of Sirius XM for Partial Reconsideration, WT Docket No. 07-293 (filed Sept. 1, 2010) [“Sirius XM

I. THE COMMISSION SHOULD REJECT SIRIUS XM'S CALL FOR OBSOLETE "COMMAND AND CONTROL" REGULATION OF WCS

Unfortunately, Sirius XM continues at every turn to seek "command and control" limitations on WCS technologies, to restrict licensees to sub-optimal services that do not meet America's rapidly-expanding need for mobile broadband, and to otherwise inject regulatory delay and uncertainty. Particularly given the recent acknowledgement in the National Broadband Plan that flexible use is essential to promote wireless broadband,⁶ it is troubling that Sirius XM proposes to limit WCS to IEEE 802.16 WiMAX technology that is not the best solution for all WCS business plans, and even would preclude those WCS licensees employing WiMAX technology from embracing innovative business opportunities, such as smart grid, absent a lengthy new round of rulemaking proceedings.⁷

Sirius XM's advocacy runs counter to Chairman Genachowski's recent warning that:

The explosive growth in mobile communications is outpacing our ability to keep up. If we don't act to update our spectrum policies for the 21st century, we're going to run into

Petition"]. For example, Sirius XM's opposition to the proposed clarification of WCS/SDARS interference protection obligations is little more than a polemic in support of Sirius XM's own proposal to hamstring WCS by imposing new, highly-burdensome coordination obligations. *Compare* Sirius XM Opposition at 16-19 *with* Sirius XM Petition at 18-25. The same can be said of Sirius XM's efforts to revise its ill-conceived proposal for the imposition of ground level signal strength limits on WCS. *Compare* Sirius XM Opposition at 16-18 *with* Sirius XM Petition at 4, 16-18. The WCS Coalition responded to those and Sirius XM's other duplicative arguments in its Partial Opposition. *See* WCS Coalition Petition. In the interest of brevity, the WCS Coalition will not repeat its arguments here.

⁶ *See* Federal Communications Commission Omnibus Broadband Initiative, *Connecting America: The National Broadband Plan*, at 79 (2010).

⁷ *See* Sirius XM Petition at 8-9, Sirius XM Opposition at 3-4. While Sirius XM is certainly correct that the current rules are not necessarily clear as to whether a given smart grid application will be a regulated as fixed station or a fixed consumer premises equipment ("CPE") (*see* Sirius XM Petition at 8), that ambiguity can substantially be resolved by adoption of the proposal advanced by the WCS Coalition for clarifying that "fixed CPE should only include devices deployed as part of a ubiquitous broadband system that are controlled by subscribers and authorized to transmit at or below 20 watts peak EIRP." WCS Coalition Petition at 13. There is no logical reason to accept Sirius XM's claim that a new rulemaking is necessary before WCS can be used for smart grid. *See* Sirius XM Petition at 9-10. A smart meter is no more likely to cause harmful interference than any other consumer device with similar power, antenna gain, spectral mask and duty cycle, since interference potential does not change based on whether the bits are being used to control electrical consumption, watch a movie or surf the Web. There is nothing in the record to suggest that the Commission now treat smart meters any differently from any other similar device, and the Commission cannot impose new restrictions on fixed smart grid deployments without a rational basis for doing so. *See infra* note 21.

a wall – a spectrum crunch – that will stifle American innovation and economic growth and cost us the opportunity to lead the world in mobile communications.⁸

Of course, adoption of the WCS Coalition’s proposed modifications to the new Part 25 and Part 27 rules will not alone solve the spectrum crunch. But without those modifications, WCS will be a second-class service subject to 20th century “command and control” restrictions, rather than 21st century flexibility. If the 2.3 GHz band is to make a meaningful contribution towards addressing the spectrum crunch, the Commission must provide WCS licensees the flexibility to use the technologies (whether WiMAX or Long Term Evolution (“LTE”)) and to provide the service offerings (whether a general broadband service or more specialized offering like smart grid or health care) that the market demands. The only exceptions should come where Sirius XM makes a compelling case that such flexibility poses a material threat of harmful interference to SDARS subscribers. Sirius XM has failed to carry that burden.

Implicitly acknowledging that it has not provided credible technical evidence to justify limiting WCS to WiMAX deployments, Sirius XM asserts that adoption of pending proposals to facilitate the deployment of LTE would violate the Administrative Procedure Act (“APA”) because the parties to this proceeding “have addressed only mobile WiMAX use of the WCS spectrum, and all testing, arguments, and technical rules have proceeded from this expectation.”⁹ Sirius XM is wrong.

As a factual matter, Sirius XM mischaracterizes the record. Throughout this proceeding the possible future use of LTE and/or other advanced technologies by WCS licensees was frequently referenced, not only by WCS interests,¹⁰ but also by SDARS and Aeronautical Mobile Telemetry

⁸ Julius Genachowski, FCC Chairman, Remarks at the Spectrum Summit, “Unleashing America’s Invisible Infrastructure”, at 3 (Oct. 21, 2010), http://www.fcc.gov/Daily_Releases/Daily_Business/2010/db1021/DOC-302331A1.pdf.

⁹ Sirius XM Opposition at 4 n.3.

¹⁰ See Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, at 2 (filed Mar. 15, 2010) (indicating that the frame duration should be tied directly to the technology in use); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, at 3 and Att. (filed Mar. 31, 2010) (imposing certain duty cycle limits would have the unintended consequence of limiting the ability to utilize other broadband technologies in the band and report

interests.¹¹ Indeed, Sirius XM proposed in a January 22, 2010 presentation to the Office of Engineering and Technology, the Wireless Telecommunications Bureau and the International Bureau that all WCS devices be required to “employ a WiMAX, CDMA, EVDO or LTE FDD Wireless System transmission scheme.”¹² According to Sirius XM’s own report on a subsequent meeting with Commission staff, “Sirius XM then asked if the proposed rules for WCS mobile transmissions would be based on the assumption that WCS mobile devices would use the WiMAX technology platform. Mr. Knapp replied no and said that the draft final rules would be technology neutral.”¹³ Given that Sirius XM itself proposed that LTE be one of the technologies to which WCS would be restricted, and that Sirius XM

by Teleworld on duty cycle limitations in broadband TDD systems including WiMAX and TD-LTE); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, at 2-3 (filed Apr. 30, 2010); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, at Att. (filed May 11, 2009) (discussing timeline for TD-LTE equipment availability); Comments of Ericsson Inc, WT Docket No. 07-293 (filed Apr. 22, 2010) (addressing how the proposed duty cycle limits will handicap TD-LTE); Letter from Paul J. Sinderbrand, Counsel to WCS Coalition to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293 at 2 (filed May 12, 2010); Letter from Paul Kenefick, Vice President, Alcatel-Lucent, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293 at 3-4 (filed May 13, 2010) (duty cycle limits may trump technology flexibility). The fact that the WCS community once was particularly focused on WiMAX, but has more recently begun to give serious consideration to LTE, should hardly be surprising. When the *NPRM* was released, WiMAX was the only 4G mobile technology available in the marketplace. Had the Commission adopted final rules in 2008, as appeared likely when the *NPRM* was issued, it is likely that there would have been substantial WiMAX deployments in the band. But during the two-year delay in adopting final rules, LTE has become a marketplace reality and Clearwire Corporation – the only nationwide broadband provider in the United States to deploy WiMAX technology – has publicly explored a shift to LTE technology. Thus, while Sirius XM implies some nefarious motivation behind the WCS community’s desire for flexibility to deploy LTE, WCS is merely responding to marketplace developments.

¹¹ See Letter from Robert L. Petit, Counsel to Sirius XM Radio, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, Att. at 7, 12 (filed Jan. 22, 2010) [“Sirius XM January 22 Letter”]; Letter from William K Keane, Counsel to AFTRCC, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, Att. at 7 (filed Mar. 19, 2010); Letter from Michael A. Lewis, Engineering Consultant to Sirius XM Radio, Inc., to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, at 3 (filed Apr. 5, 2010) [“Sirius XM April 5 Letter”]. While much of the testing conducted by the WCS Coalition did employ WiMAX technology (the only 4G mobile technology commercially available at the time the testing occurred), the conclusions drawn by the Commission from that testing are hardly limited to WiMAX deployments – ultimately, it is power levels and out-of-band emissions (“OOBE”) that were tested that will dictate the potential for harmful interference. Indeed, as shown by AT&T Inc. (“AT&T”), LTE mobile transmitters produce less peak power than WiMAX mobile transmitters and therefore have less interference potential. See Petition of AT&T Inc. for Partial Reconsideration, WT Docket No. 07-293, at 17 (filed Sept. 1, 2010).

¹² Sirius XM January 22 Letter at Att. at 12.

¹³ Sirius XM April 5 Letter at 3.

specifically discussed with the staff limiting WCS to WiMAX technology just weeks before adoption of the *Report and Order*, Sirius XM's claim that this proceeding has been limited to a discussion of WiMAX cannot be squared with the record.

Moreover, as a legal matter Sirius XM ignores that the *Notice of Proposed Rulemaking* ("NPRM") in WT Docket No. 07-293 did not propose to limit WCS deployments to any particular technology, much less to WiMAX. Sirius XM is correct in noting that under the APA the rules adopted in the *Report and Order* must be a "logical outgrowth" of the NPRM.¹⁴ What Sirius XM fails to explain is how a *Report and Order* that does not exclude use of LTE is anything but the logical outgrowth of an NPRM that did not propose to exclude LTE.¹⁵

II. SIRIUS XM HAS FAILED TO IDENTIFY ANY CREDIBLE EVIDENCE SUPPORTING THE BAN ON OUTDOOR FIXED WCS ANTENNAS.

The WCS Coalition Petition urges the Commission to modify the provision of Section 27.50(a)(2) that precludes fixed WCS CPE operating at 2 watts per 5 MHz or less average EIRP from being mounted outside or being connected to an outdoor antenna.¹⁶ The WCS Coalition has established, among other things: (a) that the original rules for WCS did not restrict outdoor WCS antennas; (b) that the Commission found no interference resulted from existing outdoor deployments; (c) that the Commission concluded that outdoor deployments were not likely to cause interference; (d) that the only credible evidence in the record is inconsistent with adoption of the restriction; and (e) that the *Report and Order* failed to identify any rationale for imposing the restriction on outdoor fixed WCS

¹⁴ Sirius XM Opposition at 4 n.3, quoting *Ne. Md. Waste Disposal Auth. v. EPA*, 358 F.3d 936, 951-52 (D.C. Cir. 2004); *Aeronautical Radio, Inc. v. FCC*, 928 F.2d 428, 445-46 (D.C. Cir. 1991).

¹⁵ Sirius XM's APA argument is particularly ironic given the Commission's adoption, at Sirius XM's urging and over the objection of WCS interests, of limits on outdoor antennas and on mobile device duty cycles that were not even hinted at in the NPRM. If anything, the APA supports repeal of the outdoor antenna and duty cycle restrictions on WCS, not the imposition of a "WiMAX-only" limit on WCS that Sirius XM advocates.

¹⁶ See WCS Coalition Petition at 8-12.

deployments.¹⁷ While the WCS Coalition would prefer an outright elimination of the new outdoor antenna ban, the WCS Coalition did propose a middle ground compromise that would allow certain outdoor antennas where the attached device complies with certain antenna gain, power and OOB limits.¹⁸

While it does not challenge any of the key points made by the WCS Coalition, Sirius XM merely rants that “no evidence demonstrates that fixed antennas operating with up to 2 W power and mounted to the side of a building have the same potential to cause interference to satellite radio users as mobile/portable WCS transmitters”¹⁹ Not only is that factually wrong,²⁰ but it applies the wrong legal standard for evaluating the lawfulness of the Commission’s imposition of a new ban on outdoor operations where none had previously existed. The question here is not whether the restrictions on fixed use pose the same risk of interference as the restrictions on mobile use, but rather it is whether the public interest is served by changing the Commission’s long-standing rule allowing outdoor antennas without regard to the power level of the device.²¹ By insisting on absolute protection against interference from fixed outdoor devices and ignoring the Commission’s obligation to balance the needs of WCS licensees with those of SDARS, Sirius XM has failed to carry its burden of showing that the public interest is

¹⁷ See *id.* at 8-9.

¹⁸ See *id.* at 12.

¹⁹ Sirius XM Opposition at 11.

²⁰ See *Report and Order*, 25 FCC Rcd at 11768-69.

²¹ See *Motor Vehicle Mfrs. Ass’n of United States, Inc. v. State Farm Mutual Auto. Ins. Co.*, 463 U.S. 29, 42 (1983) (“ [A]n agency changing its course by rescinding a rule is obligated to supply a reasoned analysis for the change”); *N.Y. Council, Ass’n of Civilian Technicians v. Fed. Labor Relations Auth.*, 757 F.2d 502, 508 (2d Cir. 1985) (“[W]hen an agency reverses its course, a court must satisfy itself that the agency knows it is changing course, has given sound reasons for the change, and has shown that the rule is consistent with the law that gives the agency its authority to act. In addition, the agency must consider reasonably obvious alternatives and, if it rejects those alternatives, it must give reasons for the rejection, sufficient to allow for meaningful judicial review.”) (citations omitted). The rule allowing all WCS facilities to utilize outdoor antennas, it should be noted, was in place when both the WCS and SDARS auctions were conducted.

served by restricting outdoor antennas only to high-powered devices.²² Thus, on reconsideration the Commission should either repeal the outdoor antenna ban or modify it consistent with the WCS Coalition compromise proposal so that lower powered fixed devices can use outdoor antennas.

III. THE COMMISSION SHOULD ADOPT THE WCS COALITION'S PROPOSAL TO PERMIT MINOR FACILITY CHANGES WITHOUT PRIOR COORDINATION.

The record supports both (a) permitting WCS licensees to modify facilities, other than changes in location, without prior notice to Sirius XM so long as the result of the change does not increase the predicted power flux density at ground level by more than 2 dB and notice of the change is given within 24 hours of the change, and (b) allowing Sirius XM to modify its terrestrial repeaters, other than changes in location, without prior notice to potentially affected WCS licensees so long as the result of the change is not predicted to increase the power flux density at any WCS base station antenna by more than 2 dB.²³

There is nothing in the record to suggest that, once a WCS base station has been coordinated, a 2 dB increase in ground level field strength is likely to result in harmful interference to SDARS subscribers. No doubt, Sirius XM can conjure up a hypothetical scenario where its link budget is so thin that a 2 dB increase in WCS ground level signal strength would cause interference at some location. But Sirius XM has not claimed, much less shown, that instances of harmful interference from a mere 2 dB increase in ground level signal strength will be so frequent that the Commission should hamstring the ability of WCS licensees to make base station modifications in a prompt manner, without interruption in

²² See WCS Coalition Petition at 10 (demonstrating material flaws in secret testing conducted by Sirius XM to support restrictions on WCS fixed operations). Interestingly, Sirius XM has made no effort to square its argument that the Commission strip WCS licensees of the right to deploy outdoor antennas when operating at or above 2 watts average EIRP with Sirius XM's earlier filing to the effect that similar post-auction rule changes are unlawful, breach existing contractual relationships with the FCC and may result in a Fifth Amendment taking. See Comments of Sirius XM Radio Inc., WT Docket No. 07-293, at 54-57 (filed Apr. 23, 2010).

²³ See WCS Coalition Petition at 20-21.

service to broadband subscribers.²⁴ As the WCS Coalition noted in requesting the relief, and as Sirius XM ignores in opposing it, this proposal is procedural only – adoption will not change the parties’ substantive rights and obligations to each other should harmful interference actually occur.

IV. SECTION 25.144(E)(9) SHOULD BE REVISED AS PROPOSED IN THE WCS COALITION PETITION.

After thirteen years of evaluating the power and OOB limits that should be imposed on SDARS terrestrial repeaters, the *Report and Order* adopted the 12 kW limit set forth in Section 25.214(d)(1) and the specific OOB limits set forth in Section 25.202(h)(1) and (2). The *Report and Order* concludes that these new power and OOB limits are essential to providing WCS broadband operations with reasonable levels of protection against interference from SDARS terrestrial repeaters.²⁵ In its Petition for Partial Reconsideration of the *Report and Order*, the WCS Coalition urged the Commission to revise Section 25.144(e)(9) of the Rules to specifically incorporate the decision set forth in Paragraph 273 of the *Report and Order* that Sirius XM will be required to seek and secure waivers on a site-by-site basis before it can operate any terrestrial repeater at power levels in excess of the 12 kW limit set forth in Section 25.214(d)(1) or the OOB limits set forth in Section 25.202(h)(1) and (2).²⁶

Sirius XM did not timely seek reconsideration of the Commission’s decision to strictly apply its new power limit and OOB restrictions absent a compelling waiver showing. Yet, under the guise of opposing the WCS Coalition’s proposal to conform Section 25.144(e)(9), Sirius XM now essentially asks the Commission to allow it to exceed the power and OOB limits of Sections 25.214(d)(1) and

²⁴ The WCS Coalition appreciates that Sirius XM has volunteered to “work with [the] Commission staff and WCS licensees to develop a list of station modifications not requiring pre-coordination.” Sirius XM Opposition at 16. However, the Commission should not hold the WCS Coalition’s proposal hostage to negotiations between the parties and instead should adopt that proposal for the reasons set forth above.

²⁵ See *Report and Order*, 25 FCC Rcd at 11804-05, 11806.

²⁶ See WCS Coalition Petition at 21-22. The WCS Coalition did not object to the Commission’s decision to allow those terrestrial repeaters that currently are non-compliant with these rules to continue operating until after notices provided pursuant to Section 25.202(h)(3) or 25.214(d)(2) are provided by “potentially affected WCS licensees.”

25.202(h)(1) and (2) merely by filing a site-based application, but without making the waiver showing contemplated by Paragraph 273.²⁷

The Commission should reject Sirius XM's approach. Not only is it untimely but, more importantly, it makes a mockery of the 13 years the Commission has spent attempting to develop appropriate power and OOB limits for terrestrial repeaters. Other than hollow rhetoric, Sirius XM has failed to advance any evidence that the public interest will be served by allowing it to exceed the Section 25.214(d)(1) and 25.202(h)(1) and (2) limits without having first made a compelling waiver showing as contemplated by Paragraph 273. Having found that those limits are necessary to protect subscribers to WCS-based service offerings, the Commission should not allow Sirius XM to violate them absent a compelling waiver showing.

V. AT&T'S PROPOSED MODIFICATIONS TO THE RULES GOVERNING MOBILE AND PORTABLE DUTY CYCLES AND MAXIMUM POWER SHOULD BE ADOPTED.

In its Petition for Partial Reconsideration of the *Report and Order*, AT&T has proposed certain modifications to the rules governing the duty cycle and power spectral density limits for mobile and portable WCS devices.²⁸ The WCS Coalition has endorsed those proposals, which are designed to assure that WCS licensees enjoy the technological flexibility, without risk of harmful interference to SDARS subscribers.²⁹

²⁷ See Sirius XM Opposition at 19-20. It should be noted that Sirius XM does not oppose the WCS Coalition's proposal that the Commission amend Section 25.144(e)(9) to require Sirius XM to serve any potentially affected WCS licensee with a copy of any site-based terrestrial repeater application. See WCS Coalition Petition at 22. That, of course, is not surprising given Sirius XM's earlier statement that "Sirius XM does not object to a requirement that it serve potentially affected WCS licensees with copies of any applications for satellite radio terrestrial repeaters that do not comply with the terms of the blanket authorization" Comments of Sirius XM Radio Inc., WT Docket No. 07-293, at 5 (filed May 13, 2010).

²⁸ See AT&T Petition at 14-20.

²⁹ See WCS Coalition Petition at 7.

For all of its rhetoric opposing the proposals, Sirius XM has failed to refute AT&T's showing that, while the changes to the rules changes could prove enormously helpful to those WCS licensees that choose to deploy an air interface other than time division duplex WiMAX, they do not pose a risk of harmful interference to SDARS subscribers. Sirius XM's failure in this regard is addressed in detail in the reply being submitted today by AT&T, and in the interest of brevity the WCS Coalition will simply incorporate AT&T's discussion by reference.³⁰

* * *

For the reasons discussed above, the Commission should reject Sirius XM's obstructionist efforts and amend the rules adopted in the *Report and Order* as proposed in the WCS Coalition Petition.

Respectfully submitted,

THE WCS COALITION

By: /s/ Paul J. Sinderbrand
Paul J. Sinderbrand
Mary N. O'Connor

Wilkinson Barker Knauer, LLP
2300 N Street, NW
Suite 700
Washington, DC 20037-1128
202.783.4141

Its Attorneys

November 1, 2010

³⁰ It should be noted, however, that Sirius XM mischaracterizes an August 19, 2009 filing by the WCS Coalition regarding the imposition of a power spectral density limit on mobile and portable devices. See Sirius XM Opposition at 12 n.30. Contrary to Sirius XM's implication, that filing did *not* propose the imposition of any power spectral density limit on mobile and portable use of the A and B Block WCS spectrum. Rather, as part of a comprehensive proposal to maximize use of the C and D Block WCS spectrum, the WCS Coalition proposed power spectral density limits for both the 2315-2318/2347-2350 MHz and for the 2318-2320/2345-2347 MHz segments of those blocks. See Letter from Paul J. Sinderbrand, Counsel to WCS Coalition, to Marlene H. Dortch, Secretary, FCC, WT Docket No. 07-293, Att. at 14 (filed Aug. 19, 2009). However, the Commission chose to reject that proposal and dedicate the 2317.5-2320 MHz and 2345-2347.5 MHz segments as guardband that cannot be used for mobile or portable use. See *Report and Order*, 25 FCC Rcd at 11741. Given the creation of this guardband by the Commission, there is no need for a power spectral density limit on WCS mobile and portable devices in the portions of the C and D Block that are available (much less in the A and B Block as Sirius XM proposes without a scintilla of technical support).

CERTIFICATE OF SERVICE

I, Jennifer L. Canose, hereby certify that the foregoing Consolidated Reply of the WCS Coalition was served this 1st day of November, 2010, by depositing a true copy thereof with the United States Postal Service, first class postage prepaid, addressed to the following:

James S. Blitz
Vice President, Regulatory Counsel
Sirius XM Radio Inc.
1500 Eckington Place, N.E.
Washington, DC 20002

Terrence R. Smith
Corporate Vice President and
Chief Engineering Officer
Sirius XM Radio Inc.
1221 Avenue of the Americas
New York, NY 10020

Richard E. Wiley
Robert L. Pettit
Jennifer Hindin
Wiley Rein LLP
1776 K Street, NW
Washington, DC 20006

/s/ Jennifer Canose
Jennifer L. Canose