

August 21, 2012

**VIA ECFS**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th 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; IB Docket No. 95-91; GEN Docket No. 90-357***  
**WRITTEN EX PARTE PRESENTATION – JOINT SUBMISSION WITH PROPOSALS THAT RESOLVE OPEN ISSUES ON RECONSIDERATION**

Dear Ms. Dortch:

On Monday, August 20, 2012, Joan Marsh, VP Federal Regulatory for AT&T and James Blitz, Vice President, Regulatory Counsel for Sirius XM Radio Inc. met with Louis Peraertz, Legal Advisor for Commissioner Clyburn. The purpose of the meeting was to discuss the package of compromise proposals developed by AT&T and Sirius XM to resolve open issues and ongoing disputes in the above-captioned docket. AT&T and Sirius XM jointly submitted this package of proposals to the Commission on June 15, 2012.

We explained that for 15 years, both the Wireless Communications Service (“WCS”) and the Satellite Digital Audio Radio Service (“SDARS”), which share the 2.3 GHz band, have been burdened with technical limitations and regulatory uncertainty. The WCS band has been significantly underutilized since the Commission allocated the spectrum, due to the technical limitations imposed on WCS licensees to protect adjacent band operations and the prolonged efforts to relax those limitations to allow more robust WCS use while protecting SDARS service.

We further explained that while the development of SDARS has not been as constrained by technical rules, the SDARS licensees, now combined as Sirius XM, have endured years of uncertainty building and operating a terrestrial network under Special Temporary Authority, plus the significant uncertainty that the Commission might liberalize the rules governing WCS in a way that would threaten the ability of the nearly 23 million SDARS customers to receive a high-quality, high-availability service.

