

Before the
Federal Communications Commission
Washington, D.C. 20554

XM Radio Inc.)
)
Request for Special Temporary Authority) IBFS No. SAT-STA-20050418-00086
To Operate a Lower Power Terrestrial Repeater)
At PGA Tour Events)
)

ORDER

Adopted: June 03, 2005

Released: June 03, 2005

By the Chief, Satellite Division, International Bureau:

1. By this Order, we grant XM Radio Inc. (“XM Radio”) an extension of time until June 10, 2005, to respond to the opposition of Total RF Marketing, Inc. (“Total RF”) regarding XM Radio’s above-captioned request for Special Temporary Authority (“STA”). In addition, we designate this proceeding as “permit-but-disclose” for the purposes of the Commission’s rules governing *ex parte* communications.¹

2. On April 18, 2005, XM Radio requested special temporary authority to operate one lower power terrestrial repeater² at weekly Professional Golf Association (“PGA”) tour events throughout 2005. This repeater would transmit at a maximum Effective Isotropically Radiated Power (“EIRP”) of 2 kilowatts (“kW”) and would be limited to coverage of a specific golf course for the duration of that PGA tour event.³ XM Radio proposes that operations of this repeater be subject to the same conditions imposed by the Commission in the past on terrestrial repeater operations.⁴

3. XM Radio’s STA request was placed on Public Notice.⁵ Total RF, a supplier of

¹ 47 C.F.R. § 1.1200 *et seq.*

² Terrestrial repeaters are used in certain areas where it may be difficult to receive signals transmitted by a satellite, including “urban canyons” between tall buildings, heavily foliated areas, tunnels and other places where obstructions could limit satellite visibility and cause multi-path interference from reflected signals. *See* Establishment of Rules and Policies for the Digital Audio Radio Satellite Service in the 2310-2360 MHz Frequency Band, *Report and Order, Memorandum Opinion and Order and Further Notice of Proposed Rulemaking*, 12 FCC Rcd 5754, 5810 ¶ 138 (1997).

³ A list of proposed PGA tour events is provided as Exhibit A to XM Radio’s STA request.

⁴ *See, e.g.*, XM Radio, Inc., Application for Special Temporary Authority to Operate Satellite Digital Audio Radio Service Complementary Terrestrial Repeaters, *Order and Authorization*, 16 FCC Rcd 16781 (Int’l Bur. 2001).

⁵ FCC Public Notice, *Policy Branch Information: Satellite Space Applications Accepted for Filing*, Rep. No. SAT-

wireless broadcast infrastructure and communications facilities, filed two letters opposing XM Radio's request.⁶ Total RF expresses concern that grant of XM Radio's request would cause harmful interference to its wireless services at the PGA tour events and would be contrary to Commission's rules governing grants of special temporary authority. By a letter filed June 1 2005, XM Radio requests an extension of time to file a reply to Total RF's opposition.⁷ Total RF filed a letter on June 2, 2005, supporting XM Radio's extension request.⁸ XM Radio and Total RF state that an extension may allow the parties to negotiate a technical resolution to interference concerns that could allow the two operations to peacefully coexist.

4. We find that the public interest would be served by a grant of XM Radio's extension request. A short extension of time will give the parties an opportunity to resolve the technical concerns raised in response to XM Radio's filing. Because XM Radio does not propose a specific time for the extension, we will set a deadline that will give the parties a reasonable time to conclude discussions. Accordingly, we will extend the deadline for filing of the response for seven calendar days, until June 10, 2005.

5. In addition, on our own motion, we designate this proceeding as "permit-but-disclose" for purposes of the Commission's rules governing *ex parte* communications. Section 1.1208 of the Commission's rules routinely classifies applications for authority under Title III of the Communications Act as "restricted," meaning that no presentation are permitted unless both parties have the opportunity to be present for oral presentation and to be served personally with all written presentations. We find, however, that designating the proceeding as "permit-but-disclose" would facilitate the discussion between the parties and Commission's staff of complex technical, legal, and policy issues that are raised by XM Radio's application.

6. Accordingly, IT IS ORDERED that the request for extension of time filed by XM Radio IS GRANTED as set forth in this Order.

7. IT IS FURTHERED ORDERED, pursuant to Sections 0.261, 1.1200(a), and 1.1208 of the Commission's rules, 47 C.F.R. §§ 0.261, 1.1200(a), and 1.1208, that the proceeding with respect to XM Radio's STA Request, IBFS No. SAT-STA-20050418-00086, IS RE-DESIGNATED as permit-but-disclose.

00286.

⁶ See Letter from Fred Fellmeth, General Counsel, Total RF, Inc., to Marlene H. Dortch, FCC, dated May 19, 2005; Letter from Fred Fellmeth, General Counsel, Total RF, Inc., to Marlene H. Dortch, FCC, dated April 23, 2005.

⁷ Letter from Bruce Jacobs, Counsel to XM Radio Inc., to Marlene Dortch, FCC, dated June 1, 2005.

⁸ Letter from Fred Fellmeth, General Counsel, Total RF, Inc., to Marlene H. Dortch, FCC, dated June 2, 2005.

8. This order is effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Cassandra C. Thomas
Deputy Chief, Satellite Division
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