

July 28, 2006

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Chairman:

NAB continues to be concerned about the interference caused to free over-the-air radio services by satellite radio devices not in compliance with the Commission's rules. To ensure that the scope of this problem is not expanded, NAB urges the Commission to take steps to halt the further distribution and sale to consumers of additional satellite radio devices failing to comply with Part 15 of the Commission's rules.

In an extensive study submitted by NAB to the Commission last month, the engineering consulting firm of Meintel, Sgrignoli, & Wallace tested 17 wireless devices being used with satellite radio and MP3 players. This study found that 13 of these 17 devices exceeded the field strength limits for the operation of unlicensed devices under Part 15 of the Commission's rules – and some of these devices exceeded the appropriate limits by extraordinary levels.¹ In light of these test results, it is hardly surprising that interference from such devices is causing “bleed through” so that consumers listening to FM radio receive unwanted satellite radio programming via FM frequencies. NAB and several radio broadcasters have previously forwarded to the Commission numerous complaints from consumers about the receipt of unwelcome satellite programming, including material that could clearly fall within the Commission's definition of indecency.²

To prevent these serious interference problems from growing even worse, the Commission should consider steps to halt the further distribution and sale to consumers of satellite radio devices that violate your rules. Although press reports indicate that XM and Sirius have requested their manufacturers to suspend production of noncompliant devices, these actions do

¹ See Letter to the Honorable Kevin J. Martin from Marsha J. MacBride (June 22, 2006) (one tested device transmitted a signal that was 20,000 percent stronger than allowed by FCC rules, and six devices exceeded the FCC field strength limit by more than 2,000 percent).

² See Letter to the Honorable Kevin J. Martin from David K. Rehr (June 5, 2006) (describing FM radio listeners' receipt of sexually explicit and profane satellite content and attaching samples of their complaints).

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nothing to address noncompliant products already in consumers' hands or those already shipped to distributors and retailers. NAB would urge the Commission to seek recall of noncompliant devices from XM's and Sirius' major distributors and retailers. Action is necessary to prevent even more disruption to listeners' use and enjoyment of free over-the-air radio services, including new digital services, and the Commission has clear authority to vigorously enforce its rules regarding noncompliant devices.³

NAB looks forward to discussing these and other issues of concern to local, free over-the-air broadcasters with you and your fellow Commissioners. Please let us know what we can do to assist the Commission in its consideration of these or other matters.

Best wishes.

Sincerely,

A handwritten signature in black ink that reads "David K. Rehr". The signature is written in a cursive, slightly slanted style.

David K. Rehr

³ See FCC Office of Engineering and Technology, Bulletin No. 63 at 27 (Oct. 1993) (a "person (or company) that sold [a] non-compliant transmitter to the user has violated the FCC marketing rules in Part 2 as well as federal law"); 47 CFR § 2.803; 47 CFR § 0.111(a)(4).