

I'm writing to comment on the petition filed by the National Association of Broadcasters (NAB) regarding programming carried by satellite digital audio radio services.

It's my understanding that the NAB seeks to (1) ban any form of differentiated content based on location; and (2) prohibit content intended primarily for one market from being distributed nationally.

This is a very bold anticompetitive move, doubtless driven by XM Radio's recent deployment of localized traffic and weather channels. This service is, in my experience, significantly superior to anything available via terrestrial radio.

While I admit that I'm not an expert in regulatory nuance, my understanding that the NAB's member stations are licensed to serve the public interest, and that they're free (within limits) to participate in revenue-raising activities such as ad sales, station memberships, etc. to the extent that those activities don't conflict with their obligations to the public. I don't believe that there are any guarantees against competition beyond the side effects of limited spectrum. It seems that the NAB has come to regard this scarcity as an entitlement, however. Their attempts to keep XM and Sirius from delivering localized content are simply anticompetitive; serving the public interest isn't a factor.

The NAB's line of argument seems particularly self-serving in light of recent consolidation within the radio industry. Consider a media giant like Clear Channel: they're a national organization that is increasingly moving to national-scale production and distribution of content--yet they're permitted to offer localized content in a manner that SDARS providers current cannot.

The bottom line, I believe, is that citizen choice and diversity of programming best serves the public interest. I urge the Commission to adopt a policy stance that recognizes that the public interest must prevail over the narrow interests of a group that seems to be confusing the meaning of "license" and "entitlement."

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