



June 4, 2004

**Via Electronic Filing**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

**Re: MB Docket No. 04-160  
National Association of Broadcasters Petition Regarding Programming  
Carried by Satellite Digital Audio Radio Services**

Dear Ms. Dortch:

The Satellite Industry Association (“SIA”) urges the Commission to deny the above-captioned Petition for Declaratory Ruling filed by the National Association of Broadcasters (“NAB”) that asks the Commission to forbid the two providers of satellite radio service, XM Satellite Radio Inc. (“XM”) and Sirius Satellite Radio Inc. (“Sirius”), from (i) offering “locally oriented” services on nationally distributed channels and (ii) using any technology that would permit delivery of content that would be aired on a receiver in one location that differs from content aired on a receiver in a different location. SIA believes that this would be a clear violation of the principle of technology neutrality in the delivery of consumer services.

SIA is a U.S.-based national trade association representing the leading U.S. satellite manufacturers, system operators, service providers, and launch service companies. SIA serves as an advocate for the U.S. commercial satellite industry on regulatory and policy issues common to its members. With its member companies providing a broad range of manufactured products and services, SIA represents the unified voice of the U.S. commercial satellite industry.<sup>1</sup>

XM and Sirius provide their subscribers with traffic and weather information for a number of metropolitan areas. Through use of satellites, XM and Sirius are able to offer this service on a nationwide and ubiquitous basis. Nationwide and ubiquitous traffic and weather information is essential for long-distance drivers that need to know of traffic congestion and impending weather conditions in future destinations well in advance of actually reaching those destinations.

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<sup>1</sup> SIA Executive Members include: The Boeing Company; Globalstar, L.P.; Hughes Network Systems, Inc.; ICO Global Communications; Intelsat; Iridium Satellite LLC, Lockheed Martin Corp.; Loral Space & Communications Ltd.; Mobile Satellite Ventures; Northrop Grumman Corporation; PanAmSat Corporation; SES-Americom and Verestar. SIA’s Associate Members include Eutelsat, Inmarsat, and New Skies Satellites Inc.

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NAB is seeking to preclude XM and Sirius from offering this traffic and weather service. Its Petition is an unabashed attempt to convince the Commission to adopt policies that favor one industry over another without regard to the interests of consumers. But consumers, and not the Commission, should choose which technology is best suited to deliver the same consumer service. In this case, XM and Sirius are using satellites to provide a traffic and weather service that consumers value and that increases public safety. NAB is asking the Commission to restrict consumer choice and to eliminate these benefits solely based on the use of satellite technology and its speculative concerns that the service could harm the economic interests of some terrestrial broadcasters. The Commission should summarily dismiss NAB's Petition and affirm that it will not endorse the type of technology-based economic protectionism NAB seeks.

Very truly yours,

A handwritten signature in blue ink, appearing to read "David A. Cavossa", is centered on a light-colored rectangular background.

David A. Cavossa  
Acting Executive Director  
Satellite Industry Association

**CERTIFICATE OF SERVICE**

I, Sylvia A. Davis, hereby certify that on this 4th day of June 2004, served a true copy of the foregoing by first class United States mail, postage prepaid, upon the following:

Jack N. Goodman  
Ann West Bobeck  
National Association of Broadcasters  
1771 N Street, NW  
Washington, DC 20036

/s/Sylvia A. Davis  
Sylvia A. Davis