

I would like to address an issue raised during the last few weeks that has not been addressed by previous comments, and submit these comments for completeness of the record.

There have been comments made that the SDARS service does not fulfil the need to cover 'niche' formats that might not otherwise be heard on radio. The statements made in broadcasting news outlets cannot be further from the truth. I will lay out some examples as follows, using XM's service and their channel names as examples. With all due respect to Sirius, they are offering some similar channels on their service as well.

1. 'Mainstream' or 'straight-ahead' jazz. XM Channel 70, 'Real Jazz'. Traditional jazz music is heard in some markets, but not round the clock in most where you would hear it, and there are some where you do not hear it at all. CNN reported on WBGO Newark and made mention of the fact that there are only ten AM/FM radio stations in the nation that have traditional jazz as their main format. I mentioned it is more widespread than that, but most air it only at night, such as the station in Utah (KUER) and that is only limited to eight hours, 8pm to 4pm, for example.

In a related area 'smooth jazz' is only heard on 86 stations nationwide at present. Often these are concentrated in major markets, so rural areas are 'left in the lurch' as far as having an opportunity to hear this format. XM's 'Watercolors' fills this niche, and has won praises from even those who don't listen to smooth jazz as being the best at it, and even better and with more depth than AM/FM stations in the genre.

2. Classical music. Once heard on over 400 stations around 1980, there are less than 200 and most are now concentrated in large cities or in concentrated statewide NCE clusters like Minnesota Public Radio. So the availability of classical music is not even generally available. Even fewer stations air it round the clock, KBYU, WOSU, KUSC, and the Minnesota Public Radio classical network are examples of that, while KNAU and KUHF are examples of stations that may only air the format at night. or even part of the daytime hours. XM has three channels. One airs a format not heard except for specialty programs on AM/FM classical stations, and that is VOX, their opera/sacred music channel. No AM/FM station duplicates this at all, AM/FM stations devote probably less than six hours a week to vocal classical music.

3. Dance formats. An outgrowth of disco, contemporary dance formats are also few and far between and often garner rather low ratings, and thus are susceptible to showing up then disappearing in short order. Examples of this are the two 'KDL' stations in LA, and 102X in Denver. Also Energy 92.7/92.5 in Chicago went down quickly as well, and all of these had loyal followings. XM has multiple dance channels airing different subgenres.

4. Niche country formats. XM has 'X Country', 'Hank's Place' and 'Bluegrass Junction'. All are unique to XM. Darn little in AM/FM radio except for occasional programs on community radio stations or in isolated areas of the country. Songs heard on 'Hank's Place' are seldom played on country radio anymore. This is surprising given that country is in the top-5 of available radio formats and even those AM/FM stations that air 'classic country' often don't touch the early country music 'Hank's Place' plays. The music on 'X Country' almost never makes it onto AM/FM stations either.

There is much more I could say, and all one has to do is look at the programming channel lineups of both XM and Sirius to see the rest of this story, how the

broadcasting industry media and others simply got it wrong here. SDARS broadcasters DO cover the niches, and the 'broadcasting establishment' doesn't like that idea, and have tried to put words in everyones mouths that simply don't ring true about SDARS.

Maybe the AM/FM broadcasters really need to look at COMPETING rather than COMPLAINING! They'll have to program more variety into their stations to truly compete with SDARS. With up to 68 stations in any one market, and many formats are on two or more stations in the same market, they need to look at what formats they can run to compete with SDARS, and actually SERVING the communities of license that they are in, rather than try to shut down what they perceive as being 'local' content on the SDARS services.

I still recommend, and even more so now since my original comments on June 4th et. seq., that the petition labelled Docket 04-160 be DENIED with prejudice.