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Federal Communications Commission
Office of the Secretary

07-57

Chairman Kevin J. Martin
Federal Communications Commission
445 12th Street, SW
Washington, D.C. 20554

Dear Chairman Kevin Martin,

On February 19, 2007, two satellite radio providers announced a merger that is cause for overwhelming concern. XM and Sirius, the nation's only two satellite radio providers, decided to merge into one satellite provider. I am alarmed that this merger could offer a monopoly of satellite radio providers that would dominate the industry and cost consumers more money. This monopoly would negatively impact local programming and radio in my home state of Kansas and I urge you to seriously examine the proposal as you approach this proposed merger of radio giants.

The problem with this merger lies in the existing rules governing the satellite companies. The Federal Communications Commission (FCC) specifically set guidelines prohibiting such a union. My fear is that this union would harm consumers, artists and performers while rewarding companies that routinely violate FCC regulations. In 1997 the FCC authorized two satellite radio operators and specifically prohibited nationwide systems from merging. Nothing has changed in the 10 years since that authorization, and there is no basis for a change at this time.

This is not the first time that these companies have come under scrutiny. In the past, these companies introduced devices into the marketplace that violated the FCC's equipment power limitations, causing consumers to experience interference with their car radios. The companies showed blatant disregard for the FCC and its guidelines then, and are repeating that offense as they approach the merger.

I am concerned that this merger would harm consumers and limit programming. This merger serves financers and corporate executives—not the public interest. I strongly oppose this merger and hope that you will consider my concerns, and those of my constituents, as you review this proposed merger.

Sincerely,

Nancy Boyda

Nancy Boyda
Member of Congress

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