

I am writing to you in regards to the letter former Attorney General John Ashcroft wrote to Alberto Gonzales on Feb 27th.

"To create now a monopoly for a single licensee is to create a unitary dominant player who would have the incentive and ability to use monopoly rents to undermine competition in media and broadcasting," Ashcroft wrote. "As the department examines the market definition for this transaction, may I suggest that the law should require discounting greatly the claimed future competition from proposed, untested, nascent technologies."

Prior to your letter former Attorney General John Ashcroft offered his services to XM and they declined. The spokesman said XM declined Ashcroft's offer to work as a lobbyist for the company. Ashcroft was subsequently hired by the National Association of Broadcasters, which is fiercely opposed to the merger. On its behalf, he conducted a review of the effects on competition if the two satellite radio companies were allowed to merge, the Journal reported. NAB was not the first call for Ashcroft as the former attorney general also peddled his services to at least one of the principals in the merger, according to an XM official. "It looks like Ashcroft was prepared," said XM spokesman Nathaniel Brown. "After the merger was announced, he called about assisting us, but we declined."

As a Sirius and XM stockholder and an owner of a Sirius radio system I find his letter to be written with intentions of his own personal profits and not the people of the United States. John Ashcroft's opinions and statement are only for the gain of the NAB and not the shareholders and subscribers of satellite radio. His letter would have been just the opposite if XM did hire him. This merger would actually save people money because both companies have content that is not available unless you go to them. Currently if I wanted to listen (MLB is only offered on XM) or watch (DIRECT TV) a Yankee game I would have to pay almost 150.00 a year to just hear or see each game. With this merger fans of the Yankees would only have to pay 12.00 a month to hear the games

regardless if they listen to XM or Sirius. Also for owners of XM, subscribers will be open to listening to Howard Stern, Bubba the Love Sponge, NFL, NBA, Martha Stewart and NASCAR (programs that are exclusive to Sirius).

The only reason why there is opposition to this merger (see Consumer Coalition for Competition in Satellite Radio web site) is the affects it would have on commercial radio. Which I suspect is behind this coalition for competition. For years commercial radio has added hours of commercials and cut the content for due to pressure of the FCC.

It has become so bad Americans are know willing to PAY to listen to the radio they want and purchase I-pods to hear the music they want and this has then created competition for free radio.

Shouldn't a service that offers free content to any radio to anyone's home or car have an advantage over a pay service without the help of former Attorney General John Ashcroft? In my mind and anyone else's mind (without getting a payoff from the NAB) believes so also.

Do not block this merger for it is not a monopoly. It is just good business and create a better product for 16 million listeners.

Thank you for your time in this matter,

Mike Kales