

## The CommLaw Group

HELEIN & MARASHLIAN, LLC  
1483 Chain Bridge Road  
Suite 301  
McLean, Virginia 22101

Telephone: (703) 714-1300  
Facsimile: (703) 714-1330  
E-mail: [mail@CommLawGroup.com](mailto:mail@CommLawGroup.com)  
Website: [www.CommLawGroup.com](http://www.CommLawGroup.com)

Writer's Direct Dial Number  
703-714-1301

Writer's E-mail Address  
[chh@commlawgroup.com](mailto:chh@commlawgroup.com)

October 30, 2007

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

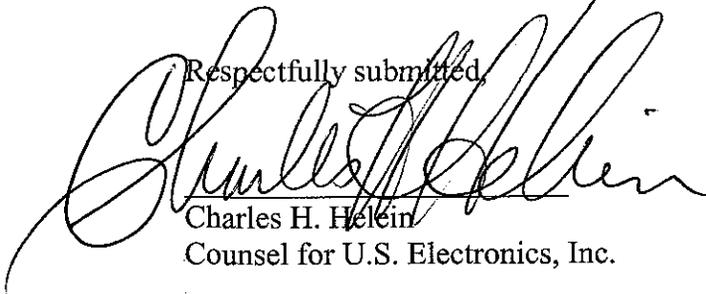
**Re: MB Docket No. 07-57**

Dear Ms. Dortch:

This date, on behalf of U.S. Electronics, Inc., a request for ex parte meetings was made to Commissioners Copps and Adelstein to discuss recent developments relevant to the Commission's consideration of the issues in the captioned proceeding. Because these requests include specific references to topics to be discussed that relate to the merits of the proposed merger being considered, these requests are being filed as written ex partes.

Pursuant therefore to Section 1.1206 of the Commission's Rules, this letter is submitted ECFS for inclusion in the public record of these proceedings, with email copies to the Commissioners and Legal Advisors.

Respectfully submitted,



Charles H. Helein  
Counsel for U.S. Electronics, Inc.

Helein & Marashlian, LLC  
1483 Chain Bridge Road, Suite 301  
McLean, VA 22102  
703-714-1301  
703-714-1330 Fax

[chh@commlawgroup.com](mailto:chh@commlawgroup.com)

cc (by emails):

Hon. Michael J. Copps, Commissioner

Hon. Jonathan S. Adelstein, Commissioner

Rick C. Chessen

Rudy Brioche



## The CommLaw Group

HELEIN & MARASHLIAN, LLC  
1483 Chain Bridge Road  
Suite 301  
McLean, Virginia 22101

Telephone: (703) 714-1300  
Facsimile: (703) 714-1330  
E-mail: [mail@CommLawGroup.com](mailto:mail@CommLawGroup.com)  
Website: [www.CommLawGroup.com](http://www.CommLawGroup.com)

Writer's Direct Dial Number  
703-714-1301

Writer's E-mail Address  
[chh@commlawgroup.com](mailto:chh@commlawgroup.com)

October 30, 2007

### VIA EMAIL

Honorable Michael J. Copps  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: MB Docket No. 07-57**  
*Consolidated Application for Transfer of Control of XM Radio Satellite Radio  
Inc. and Sirius Satellite Radio Inc.*

Dear Commissioner Copps:

On behalf of U.S. Electronics, Inc. New York, New York, (USE) a meeting is requested at your earliest availability to discuss important developments affecting critical public interest concerns about the merits of the Consolidated Application and the status of the record on which the Commission must make its decision.

Most recently, two petitions have been filed asking that the Commission's standard time clock for decision be deferred. The National Association of Broadcasters (NAB) filed a Petition to Defer Action on October 9, 2007. USE filed its Petition to Defer Action on October 12, 2007. On October 24, 2007, the Applicants filed their Joint Opposition to NAB' and USE' petitions. While USE will file its Reply to the Joint Opposition shortly, understanding the Applicants' assertions in opposition to deferring the time clock for decision will benefit from direct discussion in addition to that which will be set forth in USE' formal Reply.

Other recent developments affecting the Commission's consideration of the Consolidated Application in which further discussion is sought include –

1. USE' ex parte submission made October 25, 2007 to the Chairman's Office asking that the Commission issue a Request for Additional Information to the Transfer Applicants setting forth a series of information requests covering the period of 2001 through 2007, inclusive.

2. The General Accountability Office's report – "FCC Should Take Steps to Ensure Equal Access to Rulemaking Information."

3. The publication of an article in the *Wall Street Journal* on the harms being caused to consumers and competition in wireless communications due to the vertical integration that exists in that market even under an oligopoly structure that parallels and supports the vertical integration/monopoly issue USE has raised against the Consolidated Application.<sup>1</sup>

4. Developments in litigation seeking to enjoin the merger on grounds unrelated to the Consolidated Application.

5. Concerns about the impact on the completeness of the record caused by the handling of ex parte submissions and the redirection of a petition seeking Commission consideration of the Applicants' compliance with the interoperability mandate.<sup>2</sup>

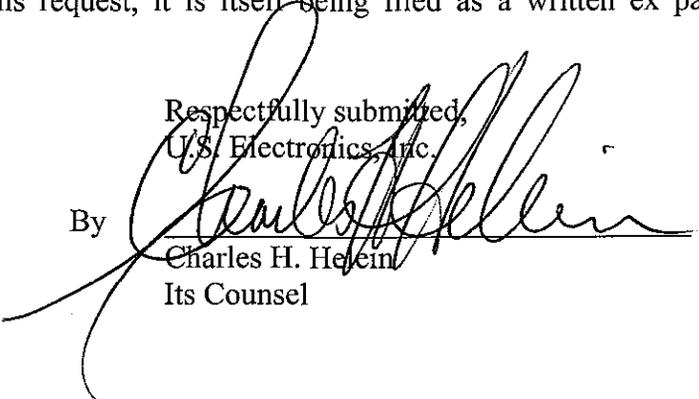
To discuss these matters, attending will be Mr. Andrew Lowinger, President, U.S. Electronics, Inc., Donald Riegle, Apco Worldwide, Inc., Kathleen Wallman, Wallman Consulting LLC and the undersigned, FCC counsel to USE.

Please have Ms. Coles advise the undersigned of your earliest availability. Your attention to this request is appreciated.

Given the subject matter of this request, it is itself being filed as a written ex parte communication.

Respectfully submitted,  
U.S. Electronics, Inc.

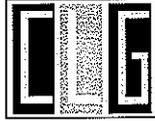
By

  
Charles H. Helein  
Its Counsel

cc: Rick C. Chessen  
Renee Coles

<sup>1</sup> This article, entitled "Free My Phone" by Walter S. Mossberg, the *Journal's Personal Technology* columnist was filed as an ex parte on October 25, 2007, with copies being sent to your office and the Chairman's and other Commissioners as well.

<sup>2</sup> Both of these matters are addressed in USE' Petition to Defer Action and in separate ex parte filings.



## The CommLaw Group

HELEIN & MARASHLIAN, LLC  
1483 Chain Bridge Road  
Suite 301  
McLean, Virginia 22101

Telephone: (703) 714-1300  
Facsimile: (703) 714-1330  
E-mail: [mail@CommLawGroup.com](mailto:mail@CommLawGroup.com)  
Website: [www.CommLawGroup.com](http://www.CommLawGroup.com)

Writer's Direct Dial Number  
703-714-1301

Writer's E-mail Address  
[chh@commlawgroup.com](mailto:chh@commlawgroup.com)

October 30, 2007

### VIA EMAIL

Honorable Jonathan S. Adelstein  
Commissioner  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, D.C. 20554

**Re: MB Docket No. 07-57**  
*Consolidated Application for Transfer of Control of XM Radio Satellite Radio  
Inc. and Sirius Satellite Radio Inc.*

Dear Commissioner Adelstein:

On behalf of U.S. Electronics, Inc. New York, New York, (USE) a meeting is requested at your earliest availability to discuss important developments affecting critical public interest concerns about the merits of the Consolidated Application and the status of the record on which the Commission must make its decision.

Most recently, two petitions have been filed asking that the Commission's standard time clock for decision be deferred. The National Association of Broadcasters (NAB) filed a Petition to Defer Action on October 9, 2007. USE filed its Petition to Defer Action on October 12, 2007. On October 24, 2007, the Applicants filed their Joint Opposition to NAB' and USE' petitions. While USE will file its Reply to the Joint Opposition shortly, understanding the Applicants' assertions in opposition to deferring the time clock for decision will benefit from direct discussion in addition to that which will be set forth in USE' formal Reply.

Other recent developments affecting the Commission's consideration of the Consolidated Application in which further discussion is sought include –

1. USE' ex parte submission made October 25, 2007 to the Chairman's Office asking that the Commission issue a Request for Additional Information to the Transfer Applicants setting forth a series of information requests covering the period of 2001 through 2007, inclusive.

2. The General Accountability Office's report – "FCC Should Take Steps to Ensure Equal Access to Rulemaking Information."

3. The publication of an article in the *Wall Street Journal* on the harms being caused to consumers and competition in wireless communications due to the vertical integration that exists in that market even under an oligopoly structure that parallels and supports the vertical integration/monopoly issue USE has raised against the Consolidated Application.<sup>1</sup>

4. Developments in litigation seeking to enjoin the merger on grounds unrelated to the Consolidated Application.

5. Concerns about the impact on the completeness of the record caused by the handling of ex parte submissions and the redirection of a petition seeking Commission consideration of the Applicants' compliance with the interoperability mandate.<sup>2</sup>

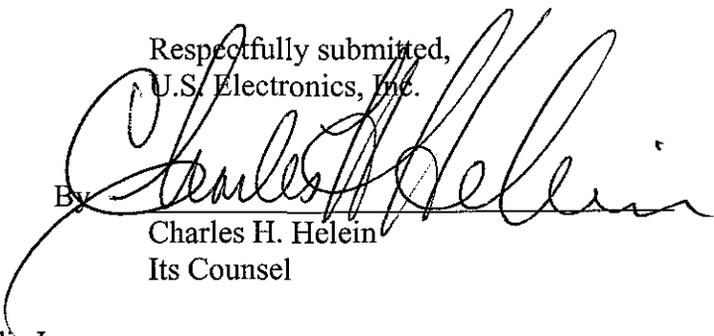
To discuss these matters, attending will be Mr. Andrew Lowinger, President, U.S. Electronics, Inc., Donald Riegle, Apco Worldwide, Inc., Kathleen Wallman, Wallman Consulting, LLC, and the undersigned, FCC counsel to USE.

Please have Ms. Dill advise the undersigned of your earliest availability. Your attention to this request is appreciated.

Given the subject matter of this request, it is itself being filed as a written ex parte communication.

Respectfully submitted,  
U.S. Electronics, Inc.

By

  
Charles H. Helein  
Its Counsel

cc: Rudy Brioche, Legal Advisor, Media Issues  
Tajuana Dill, Staff Assistant

<sup>1</sup> This article, entitled "Free My Phone" by Walter S. Mossberg, the *Journal's Personal Technology* columnist was filed as an ex parte on October 25, 2007, with copies being sent to your office and the Chairman's and other Commissioners as well.

<sup>2</sup> Both of these matters are addressed in USE' Petition to Defer Action and in separate ex parte filings.