

MB Docket No. 07-57
11/07/2007

Reply to USElectronic's Reply to Joint Opposition to Petition to Defer Action, filed with the FCC on November 1, 2007.

Perhaps U.S. Electronic's is confused by the anti-merger Form Letter campaign that was circulated by some unscrupulous company that resulted in several hundreds (and possibly thousands) of identical anti-merger filings to the FCC. In their Reply, they infer that:

The issue of vertical monopoly is not the only reason the Commission should stop the 180-day clock. The Applicants repeatedly claim throughout their pleadings and in their ex parte filings that the "merger is in the public interest". However, Applicants have not provided hard evidence of this claim. Rather, Applicants have filled the record with expressions of support by individuals, companies and organizations. Reliance on statements in support of the merger by individuals and organizations without any evidence of whether these were solicited or unsolicited by the Applicants, and without evidence of the ability of these "supporters" to understand, let alone evaluate, the merger, is hearsay and not evidence.

I would like to publicly state that I take offence to this comment. The Commission is attempting to determine whether or not this merger is considered in the public interest, yet U.S. Electronics wants you to ignore the public. The public is exactly the people you SHOULD be listening to, not self-serving corporations who are more interested in turning a dollar than serving the public interest. I am a subscriber to XM Satellite Radio. Never once have I heard anything on any of the XM channels encouraging me to go to their website or file a comment with the FCC, or even to call my congressman. Never once have I received an email asking me to do anything similar. The XM merger website (<http://www.XMmerger.com>) and the Sirius merger website (<http://www.Siriusmerger.com>) also clearly outline that their comments will be filed with the FCC and their congressmen. The fact that so many individuals and large public organizations have come out in support of this merger should serve as proof that this merger is indeed in the public interest. We may not all be brilliant economists, but we know what we want and what we don't want, and what we want is a combined satellite radio service.

I do want to agree with U.S. Electronics on one point, however. While I believe XM and Sirius should be able to maintain their exclusive agreements to provide radios to the automotive industry, I do feel that outside companies such as U.S. Electronics should be allowed to produce various portable "out of vehicle" radios which are capable of receiving the XM and Sirius signals. In

exchange, these companies should have to pay a small percentage of those sales as royalty to the combined company. I feel that this will increase the offerings of portable and wearable satellite radio receivers significantly.

Respectfully submitted,
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