



# BLACK LEADERSHIP FORUM, INC.

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Federal Communications Commission  
Office of the Secretary

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transAfrica Forum  
100 Black Men of America, Inc.

The Honorable Kevin Martin, Chairman  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, D.C. 20554

Dear Chairman Martin:

The concerns of the Black Leadership Forum (BLF) regarding the consolidated transfer applications of XM Satellite Radio Holdings Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius") have become even more heightened since I originally notified you of our opposition to this merger on August 3, 2007. Our organization, comprised of thirty-five member organizations, representing ten million African-Americans, has continued to examine the public record with respect to this merger and is quite alarmed about the adverse impact it could have on both the diversity of programming and the opportunity for diversity of ownership in this media sector.

The merger of Sirius and XM, as the currently structured, is not in the public interest. Charged with assuring that the public interest is served, the FCC must uphold its responsibility by either denying approval of the merger or restructuring the transaction to meet the public interest criteria.

Approval of the merger would reduce to a single FCC licensee exclusive control over the entire spectrum available for nationwide radio broadcasting and related datacasting, thereby creating a monopoly with a stifling lock on the satellite radio marketplace. Enabling XM and Sirius, the only licensees of satellite spectrum, to merge would eliminate marketplace competition and place the public at risk with respect to both programming and content diversity. The FCC must be guided by the key tenets of The Communications Act, diversity of ownership and programming, to assure that the public good is served.

We are pleased that a variation on the structure of the proposed merger has been presented to both the FCC and the Department of Justice by Georgetown Partners, a minority-owned private equity firm. Under their proposed structure, the approval of the merger would be conditioned upon a requirement that XM/Sirius lease their broadcast infrastructure and at least twenty percent of their channel capacity on a long term or permanent basis to a minority-controlled entity. We feel strongly that this proposal is the most effective way to achieve diversity in programming and ensure competition in the satellite radio marketplace, and ultimately serve the public interest. Furthermore, the fact that the proposal provides free over-

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the-air ad-supported programming as its primary offering gives minority communities choices, which is particularly appealing to our vast membership. This structure would achieve a real alternative to the expensive mandatory subscription fee-based service that would be offered by a XM/Sirius entity. We wholeheartedly endorse the Georgetown Partners proposal.

We urge the Commission to give full weight to Georgetown Partners' proposed recommendation as a prerequisite to approving any kind of merger between Sirius and XM. We are determined in our objections to this merger, as currently structured. We expect the Commissioners to act in the public interest in considering the pending consolidated transfer applications of XM and Sirius.

Sincerely,

Gary L. Flowers  
Executive Director and CEO

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