

December 7, 2007

Marlene H. Dortch, Secretary
Federal Communications Commission
Office of the Secretary
445 Twelfth St., SW
Washington, DC 20554

Re: *Notice of Ex parte* presentation in: MB Docket No. 07-57, CS Docket No. 97-80,
PP Docket No. 00-67

Dear Ms. Dortch:

On December 7, 2007, Gigi B. Sohn, President of Public Knowledge and I met with Commissioner Michael J. Copps' Senior Legal Advisor/Media Advisor Rick Chessen and Wireless and International Legal Advisor Bruce Gottlieb. The purpose of this meeting was to discuss the three conditions Public Knowledge proposed for the XM/Sirius Satellite Radio merger, previously filed with the Commission. In addition, we have proposed a fourth condition which we have come to believe is necessary for the merger to be in the public interest. The XM and Sirius Satellite radio merger should be approved only if it is subject to these four conditions:

- the new company makes available pricing choices such as a la carte or tiered programming;
- the new company makes 5% of its capacity available to non-commercial educational and informational programming over which it has no editorial control;
- the new company agrees not to raise prices for its combined programming package (as opposed to each individual company's current programming package) for three years after the merger is approved; and
- the new company makes the technical specifications of its devices and network open and available to allow device manufacturers to develop, and consumers to use, any device they choose without interference. Pursuant to Commission rules, these devices must be certified by the FCC for receiving signals on the frequencies licensed to the merged entity and be subject to a minimum "do-no-harm" requirement.

Also in this meeting, we briefly discussed the issue of "two-way cable plug & play," the DCR+ proposal, and OpenCable technology (previously known as OCAP) presented in the above cited CS and PP dockets. We discussed our positions made in our previous filings in this docket, and expressed our cautious optimism that the agreement recently made between TiVo and the NCTA may indicate the the cable industry's willingness to open up its OpenCable standard and make it more flexible for third party device manufacturers that wish to connect to devices cable network with full functionality.

In accordance with Section 1.1206(b), 47 C.F.R. § 1.1206, this letter is being filed electronically with your office today.

Respectfully submitted

A handwritten signature in black ink, appearing to read "Alex Curtis". The signature is fluid and cursive, with a long horizontal stroke at the end.

Alex Curtis
Director of Policy and New Media

cc:
Rick Chessen
Bruce Gottlieb