

**BEFORE THE FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C.**

**In re**

**XM Satellite Radio Holdings, Inc.,  
Transferor,**

**and**

**Sirius Satellite Radio, Inc.,  
Transferee**

Consolidated Application for Authority  
to Transfer Control of XM Radio Inc.  
and Sirius Satellite Radio Inc.

**MB Docket 07-57**

**MOTION TO SUBMIT SENATE RESOLUTION 3392  
APPROVED BY THE SENATE OF PUERTO RICO**

COME NOW the Honorable Kenneth D. McClintock, President of the Senate of Puerto Rico, through the undersigned legal counsel, and very respectfully states and prays:

1. On October 1<sup>st</sup>, 2007, the Senate of Puerto Rico approved Senate Resolution 3392. In said S.R., the Senate of Puerto Rico expressed opposition to the merger of reference, until exclusion of Puerto Rico and the other non contiguous United States jurisdictions from coverage area of satellite radio service, ceases. See True and Exact Copy of S.R. 3392, Attachment.
2. Since the FCC represents the public interest of all United States citizens, not only of those residing in the 48 contiguous states of the mainland, its deliberations should also watch for the interests of the millions of consumers residing in the outlying States and Territories under the United States flag.

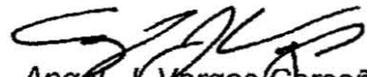
WHEREFORE, it is respectfully requested that this Honorable Commission takes notice of the above described S.R. 3392.

CERTIFICATE OF SERVICE: I hereby certify that on this same date I electronically filed this document using the FCC Electronic Filing & Public Access Systems, and sent e-mail notifications of such filing to: Best Copy and Printing, Inc., fcc@bcpiweb.com; Rosemary.Harold@fcc.gov; Tracy.Waldon@fcc.gov; Royce.Sherlock@fcc.gov; Jim.Bird@fcc.gov; Gardner.Foster@fcc.gov; Marilyn.Simon@fcc.gov; Marcia.Glauberman@fcc.gov; Amy.Brett@fcc.gov; Erin.McGrath@fcc.gov.

In San Juan, Puerto Rico, the 2<sup>nd</sup> day of January, 2008.

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SENATE OF PUERTO RICO  
SECRETARY OFFICE

*Manuel A. Torres Nieves*  
*Secretary*

**CERTIFICATION**

I'm hereby certifying that enclosed SR 3392, translated to English, was approved during the ordinary session of October 1, 2007.

According to content of SR 3392, in Sections 1 and 2, I submit a copy of it to the Federal Communications Commission (FCC).

Certified in San Juan, Puerto Rico, today, the 2<sup>nd</sup> of January, 2008.

A handwritten signature in black ink, appearing to read "Manuel A. Torres".

Manuel A. Torres  
Secretary of the Senate

**TEXT APPROVED IN FINAL VOTE BY THE SENATE  
(OCTOBER 1, 2007)**

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**COMMONWEALTH OF PUERTO RICO**

15<sup>th</sup> Legislature

6<sup>th</sup> Regular Session

**SENATE OF PUERTO RICO**

**S.R. 3392**

September 21, 2007

Introduced by Messrs. *McClintock-Hernández* and *Parga-Figueroa*

Co-authored by Mr. *Hernández-Mayoral*

Referred to the Committee on Rules and Calendar

**RESOLUTION**

To express to the Federal Communications Commission the formal opposition of the Senate of Puerto Rico to the establishment of rules on satellite radio services that would exclude Puerto Rico and other jurisdictions not contiguous to the United States from the mandatory coverage area of said service.

**STATEMENT OF MOTIVES**

The Federal Communications Commission released a notice of proposed rulemaking which details the technical qualifications for satellite radio access on March 7, 1997. Said proposal would not make mandatory coverage to all of the United States but only to the 48 contiguous states as well as the District of Columbia. Ten years later, none of the companies that provide satellite radio service have extended access to Puerto Rico and other zones non contiguous to the United States.

On March 20, 2007, XM and Sirius sought the consent of the Commission to merge.

It is the duty of this High Chamber, on behalf of the nearly 4 million consumers in Puerto Rico, to express its concern for the meager efforts made by the Federal Communications Commission to ensure equal access to this technology that emerged 10 years ago, but that at present is solidly established in the mainland, and to encourage the merging companies to extend their services to the Puerto Rican market as a precondition for granting its consent to the merger of XM and Sirius.

**BE IT RESOLVED BY THE SENATE OF PUERTO RICO:**

Section 1.- To express to the Federal Communications Commission the formal opposition of the Senate of Puerto Rico to the merger of the companies that provide satellite radio services until the exclusion of Puerto Rico and other jurisdictions not contiguous to the United States from the mandatory coverage area of said service, ceases.

Section 2.- To urge the members of the Federal Communications Commission to keep in mind that as such, they represent the public interest on behalf of all U.S. citizens and not only of those residing in the 48 contiguous states of the mainland, thus in all their deliberations they must watch over the interest of the nearly 4 million consumers who are residents of Puerto Rico.

Section 3.- A copy of this Resolution, in both official languages, shall be remitted to the Chairman and to the members of the Federal Communications Commission, to the Honorable Luis G. Fortuño, Resident Commissioner of Puerto Rico in Washington and to Congressman José E. Serrano.

Section 4.- This Resolution shall take effect immediately after its approval.