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Congress of the United States
House of Representatives
Committee on Appropriations
Washington, DC 20515-6015

September 19, 2007

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Hon. Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Dear Chairman Martin:

As a member of Congress and a United States citizen, it is my firm belief that services should be equally available to all people living under the American flag. Yet, with the rising popularity of satellite radio, it has come to my attention that XM Satellite Radio Holdings (XM) and Sirius Satellite Radio Inc. (Sirius) provide service in the contiguous United States but not in Alaska, Hawaii, Puerto Rico, or the other U.S. territories. While coast-to-coast satellite radio access is a remarkable technological advance, this access is incomplete. Those living in Alaska, Hawaii, Puerto Rico, U.S. Virgin Islands, Guam, and American Samoa remain excluded from listening to satellite radio.

A Federal Communications Commission (FCC) Notice of Proposed Rulemaking (NPRM) released on March 7, 1997 details technical qualifications for satellite radio access. According to this NPRM, "50-state coverage is not mandatory for all satellite services." Rather, the FCC mandates satellite radio companies to provide full coverage in the 48 contiguous United States, but only encourages coverage to extend "to other areas or territories of the United States where practical to do so for first generation systems." At the time of publication, this NPRM outlined service requirements for first-generation providers with the expectation that access would grow alongside technological advances to accommodate the rest of the United States and its territories. More than ten years later, though technology has expanded in the United States and worldwide, satellite radio access remains the same.

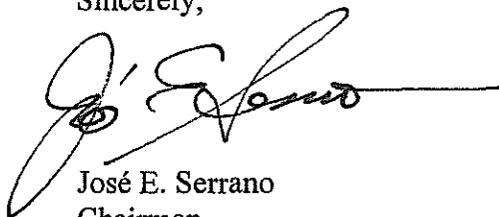
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This inconsistent service is particularly troubling in light of the March 20, 2007 applications filed by XM and Sirius seeking FCC consent to merge. We discussed this proposed merger during the FCC Appropriations Hearing before the Subcommittee on Financial Services and General Government on April 17, 2007, where I voiced my concerns about the effect of this proposed merger on the consumer. My current concerns surrounding equal access are rooted in this same fundamental notion. Given the heightened popularity of satellite radio, what steps is the FCC taking to ensure equal access for everyone living under the American flag? Furthermore, as the FCC reviews the XM/Sirius merger request, what considerations exist that will lead to expanding the consumer base to Alaska, Hawaii, Puerto Rico and other U.S. Territories? In a Question for the Record from the April 17th hearing, you replied that in order for the FCC to grant the XM and Sirius applications in connection with their proposed merger, "the Commission must find that such a grant will serve the public interest, convenience, and necessity." I hope and strongly encourage the FCC to include equal access as a central tenet in your review.

Finally, the timing of my concerns detailed in this letter is significant: Hispanic Heritage Month began on September 15th and lasts through October 15th. Both XM and Sirius are paying tribute to Hispanic Heritage Month through special programming on their Latin channels all month long. As someone born in Puerto Rico, it saddens me to think that many who have contributed to this celebratory month can not access or participate in the celebration! I would hope that we can work together to learn from this experience by prioritizing satellite radio access to everyone living under the American flag, regardless of where they live.

I look forward to hearing from you about the FCC's plans to more strongly encourage satellite radio access to those living in Alaska, Hawaii, Puerto Rico, and the other U.S. Territories, particularly as the FCC reviews the XM/Sirius merger request.

Sincerely,

A handwritten signature in black ink, appearing to read "José E. Serrano", with a long horizontal line extending to the right.

José E. Serrano
Chairman
Subcommittee on Financial Services
and General Government
Committee on Appropriations