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**Congress of the United States**  
**House of Representatives**  
**Washington, DC**

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FRIENDS OF SPAIN CAUCUS

January 18, 2008

Chairman Kevin J. Martin  
Federal Communication Commission  
445 12 Street, SW  
Washington, DC 20554

Dear Chairman Martin:

As the sole representative in Congress of the nearly four million U.S. citizens residing in Puerto Rico, it is my duty to focus on the need to rectify situations where Puerto Rico has been excluded from the coverage of federal law and policies that have served to benefit the rest of the United States.

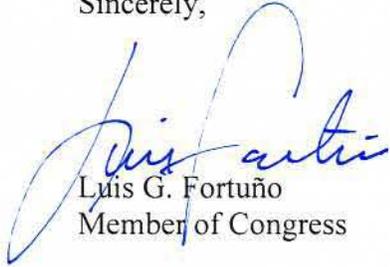
Digital Satellite Radio Service was authorized by the Federal Communications Commission (FCC) on March 3, 1997 (see FCC, Report and Order, Docket 95-91). At that time, coverage to the 48 contiguous states and the District of Columbia was made mandatory. A decade later, none of the companies that provide satellite radio service has extended access to Puerto Rico and other areas noncontiguous to the United States. There is no legitimate basis for arbitrarily exclude any United States jurisdiction from satellite radio services. It is time to change the 1997 policies.

There is currently pending before the FCC a "consent to merge" petition filed by XM Radio Holdings and Sirius Satellite Radio, Inc. (see FCC, DA 07-3241, MB Docket No. 07-57). They seek the FCC's consent to transfer control of licenses from the first enterprise to the second. Neither XM Radio nor Sirius is serving the offshore jurisdictions.

My official position is to oppose the merger until such time that the exclusion of Puerto Rico and other noncontiguous United States jurisdictions from coverage area of satellite radio service ceases. My interest and concern include providing equal access to this technology to all U.S. citizens and encouraging industries doing business in the mainland to extend their services to the Puerto Rican market.

Accordingly, I urge the FCC not to approve the XM/Sirius merger, unless the satellite radio service area includes Puerto Rico and other noncontiguous United States jurisdictions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Luis Fortuño", is written over the typed name and title. The signature is fluid and cursive, with a large loop at the end of the last name.

Luis G. Fortuño  
Member of Congress