

Federal Communications Commission  
Media Bureau  
445 12<sup>th</sup> Street  
South West Washington, DC 20554

1-27-07

07-57

Subject: Allegation of Deceptive Business Practices and Harassment by Sirius Radio  
and their Collection Agency, N.C.O. Financial Systems, Inc.

Gentlemen:

I have enclosed an attachment dated 11-27-07, that was submitted with a Complaint Form to the attorney General of the State of New York regarding Deceptive Business Practices and Harassment by Sirius Radio and their collection agency, N.C.O. Financial.

Since the FCC licenses Sirius Radio and very soon Sirius Radio will merge with XM Radio (creating a large monopoly in the satellite radio industry), it is most important that you be aware of the business methodologies currently used by them.

I trust that you will agree with me on these issues and I trust that this will be taken into account when dealing with Sirius, or allowing them to continue to operate in this fashion under license by the FCC.

Your comments and report on any actions taken would be most welcome.

Sincerely,



John J. Lisi

No. of Copies rec'd 0  
List ABCDE

Attorney General Andrew M. Cuomo  
State of New York  
Office of the Attorney General  
Bureau of Consumer Frauds and Protection  
300 Motor Pky, Suite 205  
Hauppauge, NY 11788-5127

11-27-07

ATTACHMENT TO COMPLAINT FORM:

Summary of Complaint:

- 1) I purchased a Satellite radio in early July 2005, in a local retail store.
- 2) I initially obtained Service to the Sirius Satellite Radio, via phone in July 2005. One year's service was purchased and charged to my credit card. No terms and conditions were discussed, or brought to my attention during the call.
- 3) In July 2006, I received a bill from my credit card company advising that Sirius Radio had billed for another year's service and was paid for by my credit card company. I took issue with this and called Sirius. They stated that they automatically bill the credit card each year (without permission). I took exception to this. I advised that I would not contest this billing but that in the future, I wanted to be billed so that I could decide whether I wanted to continue the service, or not. They agreed to do so in the future.
- 4) In July 2007, I received a bill for \$ 144.45 from Sirius for the next year's service. I no longer wished to have this service and returned the invoice to them, marked "cancel my subscription."
- 5) In August, I received another bill, along with numerous, automated phone calls to my residence advising me to pay the bill to "avoid having my service turned off."
- 6) Again I returned the invoice, with a note to "cancel the subscription."
- 7) The automated phone calls persisted, and I received another invoice in October. This time the bill was for \$ 31.18.  
At this point I called and spoke to a customer service representative. She advised that the \$31.18 charge was for two months of service (July and August). I took exception to this and stated that I did not use the service, did not want the service and was trying to close the account for the last two months. I reminded her that I went to "year to year billing" so that I could make this decision to cancel, without incident, or problems.  
I explained all of my previous efforts to her and stated that the charges for two months of service were not appropriate. She agreed to close the account and would record the content of our conversation in their system.

On Oct 1, 2007 I wrote a letter to Sirius confirming this conversation. (copy enclosed)

8) Shortly thereafter, I started receiving phone calls at my residence that my caller I.D. identified as "UN-KNOWN CALLER.....UNKNOWN PHONE NUMBER." These calls came in the early morning and in the evening too. Eventually a message was left to call a phone number regarding a debt collection.

9) I called the phone number and found out that the calls were originating from N.C.O. Financial Services, a collection service for Sirius Radio. I spoke to a Ms. Leslie Sopha and tried to explain all of the facts leading up to this point. She had no interest in listening to what I had to say and interrupted at every opportunity to say that when I subscribed to Sirius Radio, I officially agreed to their terms and conditions. I took exception and advised her that no one advised of "Terms And Conditions" anywhere along the way. None were presented to me verbally, or in writing and certainly I did not agree to any verbally, or in writing. She told me to go "on line" and look up the terms and conditions on the web. She further stated that they were probably sent to me with a "Welcome Mailing" in 2005, from Sirius. I certainly do not recall this and if noticed, I would have taken exception to them. She addressed and dismissed my previous efforts to cancel the account, by stating that I "did not call a specific phone number" called for in the terms and conditions. When I told her that this was absurd, she hung up on me.

It should also be noted that there are no terms and conditions on any of the invoices from Sirius Radio, nor any special phone number to call to cancel service subscriptions.

10) Since the NCO representative was unprofessional, repetitive and elected to hang up on me, I decided to try to call Sirius Radio one more time.

On 11-12-07, I called and spoke to a Sirius customer service manager, Mr. Adam Mendez.

He was cordial and let me explain the situation in detail. At the conclusion, he agreed with me and promised to take the necessary actions to get N.C.O. off my back and to consider the account closed with no balance due. He further promised to call me back in the afternoon with confirmation on this.

When I did not get his call, I called on 11-14-07 and spoke to another service manager who would only identify herself only as "April A."

April A. would not connect me to Mr. Mendez and basically told me to "pay up." I requested a return call from Mr. Mendez and to date I have never received one.

11) Despite my call to N.C.O. Financial, they continued to place the harassing, automated phone calls to my residence, every day, often at 8:30AM.

On 11-14-07, after two weeks of unsolicited calls, I received the first and only letter from N.C.O. stating their attempt to collect a debt on behalf of Sirius Radio.

Common sense would dictate that a letter should be sent first, instead of harassing phone calls.

On 11-16-07, I sent them a certified letter-return receipt advising them that I was officially contesting the validity of the debt and I advised them to cease the calls. The calls continue to date, but not on a regular schedule and no messages are left.

I have made many attempts, in good faith, to both Sirius Radio and N.C.O. Financial to  
A) Cancel this service and B) Resolve the issue, but I have been stonewalled by all.

### **AT ISSUE HERE:**

Needless to say it is not the \$ 31.18 charge at issue here.

I have spent lots more time and money than \$31.18---it is the moral and legal issues that need your attention and corrective action.

What is at issue, is Deceptive Business Practices by Sirius Radio and Harassment by both Sirius Radio and its associate, N.C.O. Financial.

Sirius currently boasts of 7,700,000 subscribers and yearly income of \$ 241,800,000.00  
If only 5 % of their customers attempt to cancel and they get away with charging them for an additional two months of service (\$31.18)---the unearned yearly income would be a staggering \$ 11,935,000.00

It is no wonder that the treatment is so harsh and aggressive!

The treatment on the phone and the harassing calls are designed to push the subscriber into paying, as the easiest way out of the dilemma. Their employees certainly seem to have been taught this way of doing business.

I contend that this is unethical, as well as illegal.

In any purchase, there needs to be full disclosure at the time of sale and agreement by both parties, for any terms and conditions to be binding. The rules of the game cannot be made up after the fact.

**I am herein petitioning** the Office of the Attorney General of N.Y.S., The New York State Consumer Protection Board, The New York City Department of Consumer Affairs, The Better Business Bureau and the Federal Communication Commission to intervene and take the appropriate actions---not just on my behalf, but in essence as a class action suit, on behalf of all current and future subscribers of Sirius Radio.

It should be further noted that soon, Sirius will merge with XM Radio creating a monopoly in this satellite radio field. They need to be taught how to conduct business fairly, legally and morally.

Formal complaints, on the required forms, have also been completed and filed where required.

Your attention to and actions on this matter would be most appreciated.

Sincerely,



John J. Lisi  
394 Daniel Street  
Lindenhurst, New York 11757

Cc: Mr. Patrick I. Donnelly - Executive VP and General Counsel to Sirius Radio  
Miss Lisa Signore – Vice President - Compliance – N.C.O. Financial Services  
Federal Communications Commission – Media Bureau  
The New York State Consumer Protection Board  
New York City Department of Consumer Affairs  
The Better Business Bureau of the State of New York



ATTORNEY GENERAL ANDREW M. CUOMO  
 STATE OF NEW YORK  
 OFFICE OF THE ATTORNEY GENERAL  
 BUREAU OF CONSUMER FRAUDS AND PROTECTION  
 300 MOTOR PARKWAY, SUITE 205  
 HAUPPAUGE, NY 11788-5127  
 Tel. (631) 231-2401 Fax (631) 435-0745

**COMPLAINT FORM**

Consumer Hotline For Hearing Impaired  
 1 (800) 771-7755 TDD (800) 788-9898  
 http://www.oag.state.ny.us

1. PLEASE BE SURE TO COMPLAIN TO THE COMPANY OR INDIVIDUAL BEFORE FILING.
2. PLEASE TYPE OR PRINT CLEARLY IN DARK INK.
3. YOU MUST COMPLETE THE ENTIRE FORM. INCOMPLETE OR UNCLEAR FORMS WILL BE RETURNED TO YOU.
4. MAKE SURE YOU ENCLOSE COPIES OF IMPORTANT PAPERS CONCERNING YOUR TRANSACTION.

**CONSUMER**

Your Name JOHN J. Lisi Home Tel. (631) 884-9140  
 Street Address 394 DANIEL ST Bus. Tel. \_\_\_\_\_  
 City/Town LINDENHURST County Suffolk State New York Zip 11757

**COMPLAINT**

Name of Seller or Provider of Services SIRIUS SATELLITE RADIO INC Name of Other Seller or Provider of Services (SIRIUS COLLECTION SERVICE)  
 Street Address 1221 Avenue of the Americas Street Address N.C.O. FINANCIAL SYSTEMS INC  
 City/Town N.Y.C State New York Zip 10020 City/Town WILMINGTON State DE Zip 19850  
 Date of Transaction MR. PATRICK DONNELLY - U.P. How paid (Check those which apply) MSHISA SIGNORE - VP COMPLIANCE  
 Cash  Check  Credit card  Other

Did you sign a contract?  Yes  No Where? \_\_\_\_\_ Date \_\_\_\_\_

Was product or service advertised?  Yes  No Where? \_\_\_\_\_ Date \_\_\_\_\_

Type of Complaint (e.g., car, mail order, etc. Use reverse to provide details) DECEPTIVE BUSINESS PRACTICES + HARRASSMENT

Date you complained to company or individual \_\_\_\_\_ Person Contacted \_\_\_\_\_ Job Title \_\_\_\_\_  
 By Mail  By Telephone  In person  Other

Nature of Response \_\_\_\_\_ Date of Response \_\_\_\_\_

Has matter been submitted to another agency or attorney?  Yes  No If yes, give name and address: \_\_\_\_\_

Is court action pending?  Yes  No If yes, please describe as necessary: COMPLAINTS HAVE BEEN FILED WITH THE FCC, NYS BETTER BUSINESS BUREAU + NYC DEPT OF CONSUMER AFFAIRS

**ADDITIONAL INFORMATION**

Manufacturer of Product \_\_\_\_\_

Address \_\_\_\_\_

Product Model or Serial Number \_\_\_\_\_ Warranty Expiration Date \_\_\_\_\_

Did business arrange financing?  Yes  No If yes, name and address of bank or finance company: \_\_\_\_\_

PLEASE DESCRIBE COMPLAINT ON REVERSE SIDE

SIRIUS Satellite Radio Inc.  
PO Box 34517  
Newark, New Jersey 7189-0001

Oct. 1, 2007

ATT: Customer Service Dept.

Subject: CLOSED ACCOUNT 308083788  
John Lisi

To Whom It May Concern:

I am once again in receipt of a statement billing for \$ 31.18  
This is in error and the account must be closed out with NO balance due.

A little over one year ago I subscribed for one years' service and paid for it in full.  
During that time period I also obtained Cable service and I now get my music  
programming FOR FREE.  
I let the one-year subscription run out since it was paid for already.  
When the first notice came for a renewal it was returned with a note added to cancel.  
The following month another invoice came and again it was returned with instructions to  
cancel.  
When the third notice came I called and spoke to a customer service manager.  
This was all explained to her and it was agreed to close out the account.  
Now, I have once again received a statement invoicing for a month's service, plus a late  
charge.

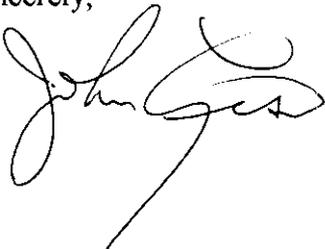
Let me remind you that I subscribed for and paid for, just one years service.  
I did not request any more, nor did I have use for the service.  
No request to keep the account open was made, or implied, at any time.

I trust that this written request will be read carefully and that this account will be finally  
closed out with NO balance due.

Any further receipt of statements will be considered harassment and will be dealt with  
appropriately.

Thanks for your attention to this matter—this will be the last time that I am taking the  
time to re-explain the situation to SIRIUS Radio.

Sincerely,

A handwritten signature in black ink, appearing to read "John Lisi". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

NCO Financial Systems, Inc.  
PO Box 15630  
Dept 02  
Wilmington, DE 19850

11-16-07

To Whom It May Concern:

Subject: John Lisi - Account # Q75456 - Creditor Account # 308083788 w\ Sirius Radio

This letter is to confirm that I received a letter from you on 11-14-07 regarding your intention to collect money on behalf of Sirius Radio.

Please be informed that the validity of the debt is definitely being disputed and I am so informing you, in writing, herein as requested.

Additional correspondence will follow within apx. one week, with copy to you, Sirius Radio and all the appropriate City and Government agencies.

It should be noted herein that I have already been in contact with your office by phone and spoken to one of your representatives trying to explain the inappropriateness of the claim, a Ms. Leslie Sopha, who hung up on me during our conversation.

I have also spoken to two Sirius representatives, the last one being a customer service manager named Mr. Adam Mendez. In our conversation of 11-12-07, Mr. Mendez agreed with me that this charge is incorrect & inappropriate. He promised to take the necessary steps to resolve this internally at Sirius and that he would also notify you to remove this claim.

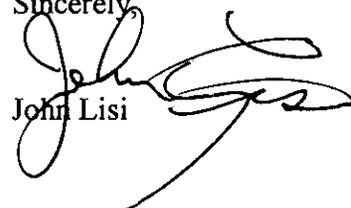
Despite all of my efforts, you continue to place harassing, automated, phone calls to my residence every day.

I herein suggest that you cease this practice immediately!

Rest assured that the harassment and deceptive business practices, by both Sirius Radio and NCO Financial will not pass without incident.

As previously promised, additional correspondence will follow shortly.

Sincerely,

  
John Lisi

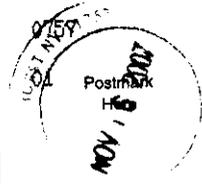
**U.S. Postal Service**  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

7007 2560 0001 4280 1834

Postage	\$ 0.41
Certified Fee	\$2.65
Return Receipt Fee (Endorsement Required)	\$2.15
Restricted Delivery Fee (Endorsement Required)	\$0.00
<b>Total Postage &amp; Fees</b>	<b>\$ 5.21</b>



11/16/2007

Sent To: **NCO FINANCIAL SYSTEMS INC**  
 Street, Apt. No., or PO Box No.: **PO Box 15630 Dept 02**  
 City, State, ZIP+4: **Wilmington, DE 19850**

PS Form 3800, August 2006 See Reverse for Instructions

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**NCO FINANCIAL SYSTEMS INC**  
**PO Box 15630**  
**Dept 02**  
**Wilmington, DE 19850**

2. Article N  
 (Transfer)

7007 2560 0001 4280 1834

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature  Agent  Addressee  
**X** **JOSEPH AUGUNA**

B. Receiver's Printed Name C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

**NOV 19 2007**

3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

PO BOX 15630  
DEPT 02  
WILMINGTON, DE 19850



**NCO FINANCIAL SYSTEMS, INC.**  
FORMERLY RISK MANAGEMENT ALTERNATIVES, INC.  
507 Prudential Road, Horsham, PA 19044

Calls to or from this company may be monitored  
or recorded for quality assurance.

1-866-251-3823  
OFFICE HOURS:  
8AM-9PM MON THRU THURSDAY  
8AM-5PM FRIDAY  
8AM-12PM SATURDAY  
Nov 7, 2007

Q75456 9380-835  
JOHN LISI  
394 DANIEL ST  
LINDENHURST NY 11757-3539

CREDITOR: SIRIUS SATELLITE RADIO INC  
ACCOUNT #: 308083788  
REGARDING: PAST DUE BALANCE  
PRINCIPAL: \$ 31.18  
INTEREST: \$ 0.00  
INTEREST RATE:  
COLLECTION COSTS: \$ 0.00  
COSTS: \$ 0.00  
LATE FEES: \$ 0.00  
TOTAL BALANCE: \$31.18

The named creditor has placed this account with our office for collection. It is important that you forward payment in full.

If you choose not to respond to this notification, we will assign your account to a collector with instructions to collect the balance.

To assure proper credit, please put our internal account number Q75456 on your check or money order and enclose the lower portion of this letter with your payment. If you need to speak to a representative contact us at 1-866-251-3823.

Returned checks may be subject to the maximum fees allowed by your state. You may also make payment by visiting us online at [www.ncofinancial.com](http://www.ncofinancial.com). Your unique registration code is CQ754560-21XW34.

Unless you notify this office within 30 days after receiving this notice that you dispute the validity of the debt or any portion thereof, this office will assume this debt is valid. If you notify this office in writing within 30 days from receiving this notice, this office will obtain verification of the debt or obtain a copy of a judgement and mail you a copy of such judgement or verification. If you request this office in writing within 30 days after receiving this notice, this office will provide you with the name and address of the original creditor, if different from the current creditor.

This is an attempt to collect a debt. Any information obtained will be used for that purpose. This is a communication from a debt collector.

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT (MAKE SURE ADDRESS SHOWS THROUGH WINDOW)

THIS COLLECTION AGENCY IS LICENSED BY THE DEPT OF  
CONSUMER AFFAIRS OF THE CITY OF NY LICENSE#0907469

Account #	Creditor Account #	Total Balance
Q75456	308083788	\$ 31.18

JOHN LISI

Payment Amount



\$

Check here if your address or phone number has  
changed and provide the new information below.

Make Payment To:



NCO FINANCIAL SYSTEMS  
PO BOX 15372  
WILMINGTON, DE 19850-5372

NCO A  
835

010200Q7545610000003200000000000031187



Account Number	308083768
Invoice Number	158106464
Statement Date	07/02/2007

**Account Summary from 07/02/2007 to 08/02/2007**

Previous Balance	144.45
Payment received during last billing period - Thanks	0.00
<b>Balance before new charges</b>	<b>\$144.45</b>
Sirius Service	0.00
Activation Fee	0.00
Other Fees	0.00
Invoice Fee	2.00
Late Fees	0.00
<b>Subtotal</b>	<b>2.00</b>
State Taxes	0.00
Local Taxes	0.00
Other Taxes	0.00
<b>TOTAL AMOUNT DUE</b>	<b>\$146.45</b>

**YOUR ACCOUNT IS PAST DUE PLEASE  
REMIT PAYMENT IMMEDIATELY**

**Invoice Information**
**SIRIUS SATELLITE RADIO  
THE BEST RADIO ON RADIO**

**Please take the time to review our channel guide, located on the reverse side.** It represents the best in satellite radio and is your doorway to an unmatched listening experience. You'll find more of what you want and discover soon-to-be favorites. From the 100% commercial-free music to the heart-pumping sports action, with leading talk personalities and channels for women and families, SIRIUS is the best programming in all of radio.

**Listen to SIRIUS online for FREE!** Remember, as a subscriber, you can enjoy our 100% commercial-free music channels on your home or office computer with online access - at no additional cost. Just click on the "Listen" link found at the top of every page of sirius.com, enter your SIRIUS Username and Password, and you'll be listening in no time!

**Sign up for SIRIUS e-newsletters at [sirius.com/newsletters](http://sirius.com/newsletters).** SIRIUS e-newsletters keep you on top of the variety of SIRIUS original and exclusive programming, including artists performing live in our NYC studios, debuts of new SIRIUS shows, upcoming sports action from the NFL, NBA and much more.

**And take advantage of our convenient credit card billing options to ensure that you continue enjoying all that SIRIUS has to offer.** To find out more about automatic bill payment using your MasterCard card call 1-888-539-7474.

**DON'T MISS A MINUTE OF SIRIUS**

We know you don't want to miss out on the unrivaled listening experience that SIRIUS offers. With SIRIUS, you have direct access to:

- 100% COMMERCIAL-FREE MUSIC
- LEADING SPORTS RADIO PROGRAMMING
- WORLD-CLASS NEWS
- THE BEST IN ENTERTAINMENT

Be sure to take the time to review the **SIRIUS channel guide**, located on the reverse side. And don't miss a minute of SIRIUS!



**QUESTIONS** regarding payment terms, fees, problems with billing and service, customer support, moving or ways to pay, please call 1-888-539-7474

SAMPLE  
SIRIUS INVOICE

**100% COMMERCIAL-FREE MUSIC**

**POP**

- 01 Top 40 Hits
- 02 Live Pop
- 03 Love Songs
- 04 Easy Listening
- 05 The '50s
- 06 The '60s
- 07 The '70s
- 08 Your Favorite '80s Music
- 09 The '90s & Now
- 10 Mellow Rock
- 11 New Music from the U.K.
- 12 SIRIUS Super Mix
- 13 All Elvis Presley, All the Time

**ROCK**

- 14 Early Classic Rock
- 15 Later Classic Rock
- 16 Deeper Classic Rock
- 17 Jam Bands
- 18 Adult Album Rock
- 19 Classic Hard Rock
- 20 Pure Hard Rock
- 21 Alternative Rock
- 22 Classic Alternative
- 23 '80s Hair Bands
- 24 Eclectic/Free Form
- 25 Little Steven's Underground Garage
- 26 Indie/College Rock
- 27 Heavy Metal
- 28 Punk, Hip-Hop, Hard Rock Mix
- 29 Singer-Songwriters & Acoustic Rock
- 30 Escape to Margaritaville
- 31 Reggae

**ELECTRONIC & DANCE**

- 33 Trance & Progressive House
- 34 Breakbeats/Old School
- 35 Smooth Electronic
- 36 Dance Hits

**37 Disco/Classic Dance**

**HIP-HOP/R&B**

- 40 Nonstop Hip-Hop 24/7
- 41 Old School Rap
- 42 Eminem's Uncut Hip-Hop
- 43 R&B/Hip-Hop Hits
- 44 R&B Hits
- 45 Classic Soul

**COUNTRY**

- 46 Today's Country Hits
- 47 '80s & '90s Country Hits
- 48 Classic Country
- 49 Outlaw Country
- 50 Bluegrass
- 51 Christian Hits
- 52 Christian Rock
- 53 Gospel

**JAZZ & BLUES**

- 54 Contemporary Jazz
- 55 Smooth Jazz
- 56 Classic Jazz
- 57 New Age
- 58 Blues

**STANDARDS**

- 59 Standards/Swing
- 60 Broadway Show Music

**CLASSICAL**

- 61 Symphonic & Chamber Music
- 62 Classical Voices
- 63 Classical Pope

**LATIN & INTERNATIONAL**

- 64 Latin Pop Mix
- 65 Tropical/Reggaeton
- 66 New French-language Music
- 67 Canadian Indie Music
- 68 Canadian Adult Alternative Music
- 69 World Music

**120 ESPN Radio**

**121 ESPNNEWS**

**122 Sports Talk & Play-by-Play**

**123 Sports Talk & Play-by-Play**

**124 Non-stop NFL Talk**

**125 Play-by-Play**

**127 NBA Radio on SIRIUS**

**128 ESPN Deportes Radio**

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**SIRIUS Reports Strong Third Quarter 2007 Results**

- Revenue Up 45% to \$241.8 Million
- Record 3Q Net Subscriber Additions of 524,938, up 19%
- Subscribers Up 50% From a Year Ago to Approximately 7.7 Million
- Company Reiterates Subscriber and Financial Guidance

NEW YORK, Oct 30, 2007 /PRNewswire-FirstCall via COMTEX News Network/ -- SIRIUS Satellite Radio (Nasdaq: SIRI) today announced strong third quarter results, including a 45% increase in revenue from the year ago quarter to \$241.8 million, and strong subscriber growth of 524,938 net additions during the quarter, driving ending subscribers up 50% from a year ago to approximately 7.7 million.

(Logo: <http://www.newscom.com/cgi-bin/prnh/19991118/NYTH125> )

"SIRIUS again posted solid results," said Mel Karmazin, CEO of SIRIUS. "Strong demand for the SIRIUS service drove robust subscriber growth and, when coupled with a continuing focus on cost control, allowed SIRIUS to significantly reduce our net loss and places us on-track to achieve our financial goals. We expect strong holiday season sales and we are targeting positive free cash flow for the fourth quarter of 2007."

SIRIUS ended third quarter 2007 with 7,667,476 subscribers, a 50% increase from third quarter 2006 ending subscribers of 5,119,308. SIRIUS added 524,938 net subscribers during the quarter, comprised of 64,101 net additions from the retail and aftermarket channels and 460,837 from the OEM channel. In the third quarter 2007, SIRIUS captured 63% of satellite radio segment share, marking the eighth consecutive quarter of leadership in satellite radio subscriber growth.

Total revenue for the third quarter of 2007 increased to a record \$241.8 million, up 45% from \$167.1 million for the year-ago third quarter. Advertising revenue was \$8.5 million in the third quarter of 2007 and average monthly revenue per subscriber (or "ARPU") was \$10.71. SAC per gross subscriber addition was \$103 for the third quarter of 2007 compared to \$114 for the year-ago third quarter. The monthly average all-in customer churn rate was 2.1% in the third quarter 2007.

SIRIUS' net loss improved by 26% to (\$120.1) million, or (\$0.08) per share, for the third quarter of 2007, from (\$162.9) million, or (\$0.12) per share, for third quarter 2006. The adjusted loss from operations for third quarter 2007 improved 32% to (\$56.9) million from (\$83.2) million for third quarter 2006.

**2007 OUTLOOK**

SIRIUS today issued the following guidance for the full year 2007:

- Total revenue approaching \$1 billion
- More than 8 million subscribers at year-end
- Average monthly subscriber churn of approximately 2.2%-2.4%
- SAC per gross subscriber addition approaching \$100

**PENDING MERGER WITH XM; SPECIAL MEETING OF STOCKHOLDERS**

"Momentum for the pending merger with XM continues to build," said Karmazin. "The public interest benefits and enhanced consumer choice that will come from the merger have garnered clear support from our customers, suppliers and other groups representing a diverse cross-section of Americans. Nearly all of the opposition to our proposed merger has been generated by those who fear enhanced competition. We will continue to work with the FCC and the DOJ to make the case that the merger offers more choices, including a la carte offerings, and lower prices for subscribers, and we continue to expect that the merger will be completed by year-end."

A special meeting of stockholders of SIRIUS Satellite Radio is scheduled to be held in The Auditorium at the Equitable Center, 787 Seventh Avenue, New York, New York 10019, on November 13, 2007 at