

# Vinson&Elkins

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## ELECTRONIC DELIVERY VIA ECFS

February 6, 2008

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
236 Massachusetts Avenue, N.E.  
Suite 110  
Washington, DC 20002

Re: MB Docket No. 07-57  
Notice of Ex Parte Presentation

Dear Ms. Dortch:

iBiquity Digital Corporation (“iBiquity”), by its attorneys, hereby notifies the Commission, pursuant to Section 1.1206 of the Commission's Rules, of a meeting held on February 6, 2008 with Amy Blankenship of Commissioner Tate's office. iBiquity was represented by Albert Shuldiner (General Counsel) of iBiquity, and the undersigned.

At this meeting, iBiquity reviewed the competitive implications on its business relevant to the proposed merger of XM/Sirius. Specifically, iBiquity indicated that a combined XM/Sirius could be in a better position to hamper iBiquity's ability to introduce HD Radio™ technology into the marketplace. iBiquity raised concerns about exclusive arrangements between XM and Sirius and automobile manufacturers that could serve as a barrier to iBiquity's ability to sell HD Radio receivers to end users. iBiquity also expressed concern that satellite radio companies may have used subsidies and incentives to discourage proliferation of HD Radio products. iBiquity discussed its concern that the merger has the potential to exacerbate these problems. A merged entity will have a stronger economic position and more cash to fund subsidies and incentives. As the sole provider of satellite services, the merged entity will have greater leverage over retailers, car manufacturers and suppliers. This combined satellite monopoly would be in a better position to act anti-competitively to exclude HD Radio products.

Although iBiquity has no formal position on the merger, iBiquity would urge that any approval be conditioned upon agreement by the merged entity to enact the following in order to insure a level competitive playing field between satellite radio and HD Radio technology:

- A requirement that HD Radio technology be included in all satellite radio receivers
- A requirement that the merged entity terminate all exclusive arrangements and prohibit the merged satellite company from entering into exclusive arrangements with suppliers, retailers and automobile manufacturers in the future.

A copy of this letter will be provided via e-mail to those in attendance. Any questions regarding this matter should be directed to the undersigned.

Respectfully submitted,

/s/ Robert A. Mazer

Robert A. Mazer  
*Counsel for iBiquity Digital Corporation*

cc: Ms. Amy Blankenship