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March 28, 2008

VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, DC 20554

Re: Written Ex Parte Presentation (IB Docket No. 07-252)

The Consumer Coalition for Competition in Satellite Radio (“C3SR”), though counsel, hereby submits this letter for consideration in the above-referenced docket.

On December 24, 2007, the public comment period closed for submissions regarding the FCC’s annual report to Congress on the status of competition in the satellite services market (the “Notice”).¹ The Commission sought comment on “the state of competition in markets for domestic and international satellite services.”² Parties were asked to submit comments on issues involving market structure, market conduct, market performance, and access to foreign markets. The Notice defined the relevant market for satellite radio to be SDARS only (a submarket of Domestic Retail satellite services).

On February 4, 2008, the FCC released its 2006 Quadrennial Regulatory Review of Broadcast Ownership Rules.³ In its analysis of local radio ownership rules, the Commission concluded that satellite radio is not a part of the product markets in which terrestrial radio (AM/FM) operates.⁴ The Commission specifically rejected the argument that satellite radio and traditional radio are good substitutes.⁵

¹ *IB Invites Comment for Second Annual Report to Congress on Status of Competition in the Satellite Services Market*, Public Notice, DA 07-4526 (rel. Nov. 7, 2007).

² *Id.*

³ *2006 Quadrennial Regulatory Review – Review of the Commission’s Broadcast Ownership Rules and Other Rules Adopted Pursuant to Section 202 of the Telecommunications Act of 1996*, Report and Order and Order on Reconsideration, FCC 07-216 (rel. Feb. 4, 2008).

⁴ *Id.* at para. 114.

⁵ *Id.*

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March 28, 2008

Page 2

There is no evidence in the record of this proceeding supporting a change in the market structure determined for satellite radio in the Notice (*i.e.*, SDARS only).⁶

Respectfully submitted,

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Counsel to C3SR

⁶ The same product market was adopted by the FCC in its initial review of competition in the satellite industries. *Annual Report and Analysis of Competitive Market Conditions with Respect to Domestic and International Satellite Communications Services*, First Report, 22 FCC Rcd 5954, 5973 para. 57 (2007).