



National Hispanic Media Coalition  
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May 8, 2008

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, SW  
Washington, D.C. 20554

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Alex Nogales

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Re: Written Ex Parte Comments, Consolidated Applications for Authority to Transfer Control of XM Satellite Radio Holdings Inc. (XM) and Sirius Satellite Radio Inc. (Sirius) (MB Docket No. 07-57)

Dear Ms. Dortch:

The National Hispanic Media Coalition (NHMC) is a non-profit media advocacy organization that has been working to ameliorate the role of Latinos in the media for over 20 years. Our organization has quickly grown beyond our national headquarters in Pasadena, California to include an office in Washington, D.C. and chapters in Sacramento, San Jose, San Diego, New York, Chicago, Phoenix, Atlanta, and Detroit. Specifically, we work to improve the image of American Latinos as portrayed by the media, to increase the number of American Latinos employed in all facets of the media industry, and to advocate for media and telecommunications policies that benefit the Latino community.

NHMC has followed the above reference proceeding with great interest. We share the concerns of many in the public interest community<sup>1</sup> regarding the possible impact that the merger of the nation's *only* satellite radio providers will have on the marketplace for satellite radio services and devices. We are especially concerned that the merger will negatively impact the ability of Latinos to access those markets not only on the consumer side but just as important in programming. Accordingly, NHMC urges the Federal Communications Commission (FCC) to adopt a slate of public interest serving conditions in the event that it does choose to approve this merger to a monopoly that will control all nationwide radio broadcast channels. We recommend that the FCC impose appropriate conditions that will benefit the public interest in regard to this merger:

- Set-aside a portion of the spectrum for minority and women-owned programmers who are unaffiliated in all respects from the licensees, we suggest a 15% set-aside for Latino programmers, the percentage of the U.S. Latino population in this country.

<sup>1</sup> See: Petition to Deny of Common Cause, Consumer Federation of America, Consumers Union and Free Press, MB Docket No. 07-57 (Sub. July 9, 2007); Comments of Prometheus Radio Project, U.S. PIRG, and Media Access Project, MB Docket No. 07-57 (Sub. July 9, 2007); Comments of Public Knowledge, MB Docket No. 07-57 (Sub. July 9, 2007)

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- Agree not to raise prices for its combined programming package (as opposed to each individual company's current programming package) for three years after the merger is approved, and
- Make the technical specifications of its devices and network open and available to allow device manufacturers to develop, and consumers to use, any device they choose without interference.

Should the Commission opt to approve the XM-Sirius transaction, it must keep in mind the imperative of protecting satellite radio subscribers and prospective subscribers from the negative effects of the merger. NHMC believes that conditions such as those outlined above are the best mechanisms available to the Commission to ensure that the public interest harm of this merger is limited.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alex Nogales', written in a cursive style.

Alex Nogales  
President & CEO

cc: Congressman John D. Dingell  
Congressman Edward J. Markey