

**UNITED STATES OUTLYING AREAS
SENATE PRESIDENTS CAUCUS**

HON. LYDA GREEN
SENATE PRESIDENT
ALASKA

HON. COLLEEN HANABUSA
SENATE PRESIDENT
HAWAII

HON. JUDITH WON PAT
SENATE SPEAKER
GUAM

HON. PETE P. REYES
SENATE PRESIDENT
NORTHERN MARIANA ISLANDS

HON. KENNETH D. McCLINTOCK
SENATE PRESIDENT
PUERTO RICO

HON. USIE RICHARDS
SENATE PRESIDENT
U. S. VIRGIN ISLANDS

May 19th, 2008

Hon. Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

RE: MB Docket No. 07-57

Dear Chairman Martin:

The undersigned are members of the *Outlying Areas Senate Presidents Caucus* (hereinafter "*Caucus*"). The Caucus was created last year among Senate Presidents of the outlying states and territories of the United States, to identify common problems, many of which are not shared by the forty-eight contiguous states, and seek consensus regarding possible solutions. One of the issues discussed in our initial meeting in Honolulu, HI, was the lack of coverage of FCC-licensed satellite radio services in the outlying states and territories of the Nation.

In the case of reference, XM Radio Holdings and Sirius Satellite Radio, Inc. seek the Federal Communications Commission's permission to transfer control of certain licenses from the first enterprise to the second.

As you know, both XM and Sirius provide radio programming via satellite to the District of Columbia and the 48 contiguous states. Excluded from access to their services are the jurisdictions we represent: the non-contiguous states of Alaska and Hawaii, as well as the offshore territories of Guam, the

Northern Mariana Islands, Puerto Rico, plus American Samoa and the U.S. Virgin Islands.

Since the FCC represent the public interest of all United States citizens, not only of those residing in the 48 contiguous states of the mainland, their deliberations should also watch for the interests of the millions of consumers residing in the outlying States and Territories under the United States flag. Wherefore, we strongly urge that the FCC condition any consent decree to a pledge by the merged company that it will – within the next two years – make its full range of satellite services available to potential subscribers in the currently excluded states and territories.

Many technological advances have occurred during the decade since the FCC first authorized satellite radio systems [Report and Order; Docket 95-91; March 3, 1997], with the result that today there exists no legitimate excuse for subjecting any United States jurisdiction to arbitrary exclusion from satellite radio services.

Were it to approve the XM/Sirius business combination while failing to address this issue, the FCC would – albeit tacitly – perpetuate discrimination against U.S. citizens who reside in remote regions of the Nation. By the same token, however, this case offers the Commission an opportunity to strike a blow for consumer rights and civic equality by ensuring that – before 2010 – all American jurisdictions receive satellite radio services on an equal footing, proving that we are in word and deed, “one Nation, under God, indivisible.”

So it is that we reiterate our plea that justice be done for all Americans, if and when the FCC grants the XM/Sirius license transfer.

With appreciation and best wishes,



Hon. Pete P. Reyes
President of the Senate of
Northern Mariana Islands
P.O. Box 129
Saipan, MP 96950-0129



Hon. Kenneth D. McClintock
President of the Senate of Puerto Rico
PO Box 9023431
San Juan, PR 00902-3431

A handwritten signature in black ink, appearing to read "Usie Richards", with a long horizontal flourish extending to the right.

Hon. Usie Richards
President of the USVI Senate
Legislature of the Virgin Islands
Capitol Building
St. Thomas, VI 00802