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Received by Inspector

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FCC Media Room

May 15, 2008

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: MB Docket No. 07-57

Dear Mr. Chairman:

As chairman of the FCC in the early 1990s, I was challenged by a communications industry in the early stages of revolutionary change. Emerging technologies, including direct-to-consumer satellite technologies, were creating a new frontier for the exchange of information. This revolutionary change has not abated. At times like this, the FCC must act decisively to expedite the licensing of new technologies while ensuring that there is competition within the industry to maintain the pace of innovation.

The merger of XM Satellite Radio Holdings Inc. and Sirius Satellite Radio Inc. has the potential to stifle innovative uses of the Satellite Digital Audio Radio Service (SDARS) spectrum. If the satellite service is monopolized, there will be less incentive to create new programming, air opposing points of view, or pioneer new technology that will maximize the utility of the communications channel. Monopolists tend to be neither swift afoot nor quick to innovate; their tendency is to maximize profit and then protect their business model.

Thus, if the FCC approves this proposed merger, it should include conditions that protect the public interest.

The FCC confronted a similar issue in 1945 with the emerging technology of FM radio. In that case, the FCC set aside 20 percent of the band (88-92 MHz) for non-commercial educational broadcasters, to assure that frequencies would be available for educational (NCE) use. This decision has been responsible, in part, for the robust growth of FM broadcasting and for the remarkable contribution of public radio to the marketplace of ideas over the past 60 years.

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The landmark 1945 decision establishes clearly a public interest that should be applied to the XM-Sirius merger. The FCC should require the merged entity to provide access to non-commercial broadcasters using the spectrum. In doing so, the FCC will ensure a more robust level of competition within satellite radio, a richer diversity of viewpoints in news and cultural programming, and a reason for all parties to continue to pursue innovative uses of the SDARS spectrum.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alfred C. Sikes', with a large loop at the beginning and a long horizontal stroke extending to the right.

Alfred C. Sikes

Cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell