



MAY 22, 2008

**VIA ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street, S.W.  
Washington, DC 20554

Re: Notice of Ex Parte Presentation in MB Docket No. 04-233 and MB Docket No. 07-57

Dear Mrs. Dortch:

On Wednesday, May 21, 2008, Dick Lewis, Clear Channel's Regional Vice President/Market Manager - New Orleans, met with Commissioner Deborah Taylor Tate and her Legal Advisor, Amy Blankenship, to discuss Clear Channel's commitment to serving the local markets within which we operate and to discuss Clear Channel's concerns regarding the proposed merger of XM Satellite Radio and Sirius Satellite Radio.

**LOCALISM**

Mr. Lewis explained the pivotal role local radio stations played during and immediately following the tragedy of Hurricane Katrina. As New Orleans flooded in the wake of Katrina, Clear Channel evacuated our New Orleans personnel to safer ground in our Baton Rouge studios. From there we were able to continue to provide New Orleans life saving information. When Entercom was forced to leave their studios, Clear Channel opened our Baton Rouge facility to them and created UNITED RADIO, which operated from August 30, 2005 until November 22, 2005.

During this time UNITED RADIO was the prime source of information going into the stricken area. Law enforcement, civil defense and the national government used UNITED RADIO to move troops, and keep their forces informed while radio personnel offered hope to an incapacitated city. While much has been written about the cooperation between competing companies and the lives saved as a direct result of the heroic efforts of UNITED RADIO's staff (from field engineer to reporters), what is seldom mentioned is the underlying reason that UNITED RADIO was possible in the first place. The Telecommunications Act of 1996 enabled our stations to achieve economies of scale through reasonable consolidation, which in turn gave Clear Channel the ability to immediately dedicate its existing and available financial, technical and personal capital to save lives. Clear Channel is proud of its local station's highest commitment to localism and urges the Commission to refrain from shackling local radio with more regulations under the guise of improving "localism" when such action would simply make responses like the one in New Orleans that much harder to effectuate.

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## **XM-SIRIUS MERGER**

Mr. Lewis also explained the adverse impact the proposed merger of XM and Sirius Satellite Radio would have on local radio broadcasters. Already, XM and Sirius are constrained by very few regulations, including little if any, content regulation. Specifically, the companies can and do broadcast indecent audio programming which has been fined on local radio. In addition, a satellite monopoly would control more spectrum than all of FM and AM radio combined. The merged company would enjoy a dual revenue stream and could easily outbid local radio for talent and programming, and erode our advertising base. Of particular concern is what will happen to local sports programming – will it only be accessible to listeners who pay for the privilege? All the while, there would be no other separate satellite competitor providing intramodal competition to constrain their pricing or operations. Moreover, of particular concern is what will happen to free radio's ability to respond in times of disaster and emergency, should the merged company successfully cherry-pick programming, and siphon-off our audiences and our advertising base? XM and Sirius do not have a presence in the local markets like free radio does. Were the FCC to determine that the creation of a satellite goliath is in the public interest, it would be nothing more nor less than government intervention in favor of one company and one pay technology to the detriment of thousands of local broadcasters, free, over-the-air radio and the listening public.

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1206, one electronic copy of this letter is being filed in the above-referenced docket. Please direct any inquiries concerning this matter to the undersigned.

Respectfully submitted,

/s/

Jessica Marventano

*Senior President, Senior Vice President, Government Affairs, Clear Channel Communications, Inc.*

cc: Amy Blankenship, Legal Advisor to Commissioner Tate