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CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
WASHINGTON, DC 20515-2004
May 13, 2008

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Federal Communications Commission
Office of the Secretary

Web site: <http://www.wynn.house.gov>

WASHINGTON OFFICE:

2470 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515-2004
TELEPHONE: (202) 225-8699
FAX: (202) 225-8714

MONTGOMERY COUNTY OFFICE:

18401 WOODFIELD ROAD, SUITE D
GAITHERSBURG, MD 20878
TELEPHONE: (301) 987-2054
FAX: (301) 987-2087

PRINCE GEORGE'S COUNTY OFFICE:

9200 BASH COURT, #221
LARGO, MD 20774
TELEPHONE: (301) 773-4094
FAX: (301) 925-9894

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

Dear Chairman Martin:

I am writing to inform you and your fellow Commissioners of several serious concerns that I have with the consolidated transfer applications of XM Satellite Radio Holdings Inc. ("XM") and Sirius Satellite Radio Inc. ("Sirius").

The merger of Sirius and XM, as currently structured, is not in the public interest. Approval of the merger would reduce to a single FCC licensee exclusive control over the entire spectrum available for nationwide radio broadcasting and related datacasting. With the only two licenses available held by Sirius and XM, and with no more to be issued, enabling these two licensees to merge will eliminate marketplace competition and choke programming and content diversity.

I am deeply concerned about the ramifications of this merger, as currently structured. As today's estimated 32 million automobile satellite receivers grow to hundreds of millions, Sirius and XM should not be exercising exclusive control over every single individual program channel available. The core principle in the Communications Act is the public interest requirement of programming diversity. The Commission must not cast a blind eye with regard to this core principle and, thus, must affirmatively find this provision to be satisfied in deciding the fate of this merger. In short, access to the satellite broadcast airwaves containing hundreds of individual programming channels should not be placed under the control of any single company. That would constitute a monopoly.

Georgetown Partners, a minority-owned private investment firm, has recently proposed to the Commission and the Department of Justice, that the approval of the proposed merger be conditioned upon XM/Sirius being required to lease their broadcast infrastructure and at least 20% of their channel capacity on a long term or permanent basis to a minority controlled entity. Georgetown's proposal to provide 50-100 channels of free diverse satellite radio programming is particularly appealing to our minority population. The Georgetown offering will provide a real alternative to the expensive mandatory subscription fee based service that would be offered by XM/Sirius

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While I must reiterate that I feel that the merger of Sirius-XM does not comport with the public interest, if the FCC does move this way, I feel that a minority-controlled entity should have rights to the broadcast infrastructure. By allowing a minority-controlled entity to be the lessee, the Commission would serve the public interest by achieving diversity of ownership in this large medium and enhanced minority ownership of media in general-two areas that the Commission has been asked to address by advocacy groups from various cross sections of our society.

Simply stated, the Sirius-XM merger, as presently structured, does not comply with the Communication Act's public interest standard.

I strongly urge you and your fellow Commissioners to give due diligence and review to my concerns as you consider the pending consolidated transfer applications of XM and Sirius.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albert R. Wynn".

Albert R. Wynn
Member of Congress



WASHINGTON OFFICE:
2416 RAYBURN HOB
WASHINGTON, D.C. 20515
(202) 225-4372
(202) 226-0333 (FAX)

CHICAGO OFFICE:
700-706 E. 79TH STREET
CHICAGO, ILLINOIS 60619
(773) 224-6500
(773) 224-9624 (FAX)

MIDLOTHIAN OFFICE:
3235 WEST 147TH STREET
MIDLOTHIAN, ILLINOIS 60445
(708) 385-9550
(708) 385-3860 (FAX)

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BOBBY L. RUSH

CONGRESS OF THE UNITED STATES

1ST DISTRICT, ILLINOIS

WEBSITE: <http://www.house.gov/rush>

May 13, 2008

Federal Communications Commission
Office of the Secretary

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TELECOMMUNICATIONS AND THE INTERNET
CO-CHAIR, CONGRESSIONAL BIOTECHNOLOGY
CAUCUS

The Honorable Kevin Martin, Chairman
Federal Communications Commission
445 12th St SW
Washington, DC 20554-0005

Dear Chairman Martin:

Pursuant to my May 6, 2008 letter sent to you and our subsequent conversation on May 7th, I want to again reiterate my full support for the merger of XM Satellite Radio Holdings, Inc. (XM) and Sirius Satellite Radio, Inc. (Sirius).

Moreover, as a senior member of the House Committee on Energy and Commerce and the Subcommittee on Telecommunications and the Internet, allow me to further express my continued unwavering commitment to aggressive public policies that seek to promote diversity in the media, particularly with respect to minority ownership opportunities. As such, while I support the merger between XM and Sirius, I also believe that this consolidation is a unique opportunity to further the public interest goal of rendering the public airwaves to be more reflective of the diversity of the American public as a whole.

As the FCC considers the consolidated transfer applications of XM and Sirius, I believe it is in the public interest that at least 17 percent of the total channel capacity be designated for minority ownership. Furthermore, I believe that at least 45 percent of this number should be designated for African-American ownership. Finally, I also believe it is in the public interest for the Commission to ensure that minority entities entering into ownership of said stations possess the financial capacity to successfully operate and maintain them.

Thank you for your attention to this matter, and I look forward to continuing our efforts to serve the interests of the American public.

Sincerely,

Bobby L. Rush
Member of Congress

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Congress of the United States
House of Representatives
Washington, DC 20515

CORRINE BROWN FILED/ACCEPTED
3D DISTRICT, FLORIDA

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Federal Communications Commission
Office of the Secretary

05/14/2008

REPLY TO:

WASHINGTON OFFICE:

335 Rayburn House Office Building
Washington, DC 20515
(202) 225-6133
Fax: (202) 225-2259

DISTRICT OFFICES:

101 East United Street
Suite 200
Jacksonville, Florida 32202
(904) 356-1632
Fax: (904) 356-7721

319 Lee Avenue
Tallahassee, Florida 32301
(904) 473-8556
Fax: (904) 473-8703

Gainesville, Florida
(352) 370-4426

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

Dear Chairman Martin:

The Commission has before it the proposed merger of Sirius Satellite Radio Inc. and XM Satellite Radio Holdings Inc. I have recently learned that Sirius-XM voluntarily committed to enter into a long-term lease of a portion of their licensed channel capacity with a minority owned company, in order for the merger to meet the FCC's public interest test. Recent press reports indicate that they have committed to lease a mere 8 channels to a minority controlled entity. It is my understanding that a combined Sirius-XM will control a vast amount of spectrum; roughly 300 channels if the merger is approved. The Sirius-XM commitment represents only approximately 2.5% of the entire spectrum. This is absolutely appalling and cannot be seriously considered as credible. This merger provides a real opportunity for minority ownership and participation in the satellite space and we must do all that we can to ensure that we provide a meaningful platform for success. Sufficient channel capacity goes to the core of this aim.

Numerous filings with the FCC and the proponents of these filings indicate that the public interest test could be met if a minimum of 20% of the spectrum is controlled by a minority company with a commitment to program diversity. This percentage of channel capacity would clearly assure the public, and more specifically our minority population, of viable minority media ownership and diverse programming. Anything less can only be viewed as tokenism and a prescription for failure. Further, I feel it is extremely important that any lease with a minority company should be negotiated, ratified and approved by the Commission prior to approval of the merger. The current paltry level of minority media ownership is disgraceful and we cannot leave this opportunity to chance.

As you continue your review of the proposed merger, I urge you to give due consideration to my concerns. This merger provides the potential for a real contribution to the advancement of minority interests in the media market, but only if there is an honest and substantive commitment on the part of Sirius-XM. I trust you will agree.

Sincerely,

Corrine Brown
Member of Congress

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JOHN J. DUNCAN, JR.
2ND DISTRICT, TENNESSEE

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HIGHWAYS AND TRANSIT--RANKING MEMBER
WATER RESOURCES AND ENVIRONMENT
AVIATION

2207 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20615-4202
PHONE: (202) 225-6435
FAX: (202) 225-6440

Congress of the United States
House of Representatives

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800 MARKET STREET, SUITE 110 200 E. BROADWAY AVE, SUITE 414
KNOXVILLE, TN 37902 MARYVILLE, TN 37804-5782
PHONE: (865) 523-3772 PHONE: (865) 984-5464
FAX: (865) 544-0728 FAX: (865) 984-0621

Washington, DC 20515-4202

November 15, 2007

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Federal Communications Commission
Office of the Secretary

NATURAL RESOURCES
SUBCOMMITTEE:
NATIONAL PARKS, FORESTS, AND PUBLIC LANDS
OVERSIGHT AND GOVERNMENT REFORM
SUBCOMMITTEES:
NATIONAL SECURITY AND FOREIGN AFFAIRS
GOVERNMENT MANAGEMENT, ORGANIZATION,
AND PROCUREMENT

6 EAST MADISON AVENUE COURTHOUSE
ATHENS, TN 37303-4297
PHONE: (423) 745-4871
FAX: (423) 745-6025

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

07-57

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Dear Chairman Martin:

Some time ago I sent you a letter along with several other Members of Congress in opposition to the pending merger of Sirius Satellite Radio, Inc. and XM Radio, Inc. I appreciate your consideration of this matter.

I still have reservations regarding this merger mainly because I am hesitant to support anything that could limit competition of any kind. I have always felt it is best to have and allow as much competition as possible among service providers such as XM and Sirius.

Less competition effectively raises the cost to consumers as has been shown in the cable industry where very little competition takes place. The practice of continuously raising cable costs to consumers is wrong and is evidence of the need for competition.

If this merger is approved, I hope that you will work to ensure the newly formed satellite radio service provider will effectively expand consumer choice. I believe offering a la carte packages to subscribers would help assure they would only be paying for what they actually want and use.

Furthermore, I support very strongly local and independent ownership of radio stations and radio service providers - satellite or otherwise. I hope that you will give special weight and consideration to those with or having any affiliation to ownership of this kind. I also urge you to do everything in your power to prevent remaining locally-owned and/or independently-operated radio stations from being further gobbled up by just a few big giants.

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Thank you for allowing me to further address my concerns for this merger. I hope that you will take my thoughts into consideration if it is approved. If I can ever be of any assistance, please do not hesitate to contact me.

With kindest regards, I am

Yours truly,

A handwritten signature in cursive script that reads "John J. Duncan, Jr." The signature is written in dark ink and is positioned above the typed name.

JOHN J. DUNCAN, JR.
Member of Congress

JJD:lp

PAUL C. BROUN, M.D.
10TH DISTRICT, GEORGIA

COMMITTEE ON
HOMELAND SECURITY

COMMITTEE ON
SCIENCE AND TECHNOLOGY

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WASHINGTON OFFICE:
2104 RAYBURN HOUSE OFFICE BUILDING
WASHINGTON, DC 20515
PHONE: (202) 225-4101
FAX: (202) 228-0776

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House of Representatives

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WEB: BROUN.HOUSE.GOV

Washington, DC 20515-1010
December 21, 2007

Federal Communications Commission
Office of the Secretary

0757

The Honorable Michael B. Mukasey
United States Department of Justice
Robert F. Kennedy Building
950 Constitution Avenue, NW
Washington, DC 20530

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

The Honorable Deborah Platt Majoras
Chairman, Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Handwritten notes: 2803, XM/Sirius PV, XM

Dear Attorney General Mukasey, Chairman Martin and Chairman Majoras:

I write with concerns about the potential merger between Sirius Satellite Radio and XM Satellite Radio -- the nation's only two satellite radio providers. The elimination of competition would hurt my constituents who are consumers of satellite radio.

The FCC demonstrated sound reasoning in its initial decision to license satellite radio operations in stating, "Our goal is to create as competitive a market structure as possible..." Indeed, the FCC specifically agreed with outside parties -- including Sirius that there should be "more than one satellite DARS license awarded. Licensing at least two providers will help ensure that subscription rates are competitive as well as provide for a diversity of voices." Further to the point, the FCC stated: "Even after DARS licenses are granted, one licensee will not be permitted to acquire control of the other remaining satellite DARS license."

The FCC decision has resulted in robust competition and expanded choice for the American consumer, all of which would be undermined by a merger of Sirius and XM. Without the presence of a similarly situated, direct competitor, a united Sirius/XM would be free to raise consumer prices, unchecked in the marketplace.

The FCC has never before allowed the only two competitors in a given market to combine. Present circumstances do not warrant the FCC's complete reversal of its conclusions in the satellite radio licensing decision, or the consumer benefits and protections that have resulted from that decision.

Please maintain the market competition that is analogous to the competition in the satellite television arena.

Sincerely,

Handwritten signature of Paul C. Broun

Paul C. Broun, M.D.
Member of Congress

TOCCOA
580 FALLS ROAD
TOCCOA, GA 30677
PHONE: (706) 886-1008
FAX: (706) 886-1009

AUGUSTA
P.O. Box 211661
Augusta, GA 30917
4246 WASHINGTON ROAD
SUITE 6
EVANS, GA 30809
PHONE: (706) 447-3857
FAX: (706) 868-8756

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ATHENS
3706 ATLANTA HIGHWAY
SUITE 3B
ATHENS, GA 30606
PHONE: (706) 549-9588
FAX: (706) 549-9590