



## Blue Sky Services

The Applicants in question seem almost aloof as to the ability of any entity to interpret the “interoperability mandate” requirements that were provided in the terms of their respective licenses in any format other than their current “interpretation”..

However, the Applicants previously indicated in publicly available Securities and Exchange filings that some of their own previous “interpretations” of the “interoperability mandate” requirements are in fact, in harmony with the current “interpretations” of entities like the Consumer Coalition for Competition in Satellite Radio via their Joint Development Agreement.

XM SATELLITE RADIO HOLDINGS INC. Form 10-Q 3/31/00  
Exhibit 10.29 – Joint Development Agreement

<http://www.secinfo.com/dSAKe.51fh.c.htm#1stPage>

### JOINT DEVELOPMENT AGREEMENT

This JOINT DEVELOPMENT AGREEMENT is entered into between XM Satellite Radio Inc., a Delaware corporation with its principal location at 1250 23<sup>rd</sup> Street, N.W., Washington, DC (“XM”), and Sirius Satellite Radio Inc., a Delaware corporation with its principal location at 1221 Avenue of the Americas, New York, New York (“Sirius”) as of February 16th, 2000 (“Effective Date”).

### RECITALS

WHEREAS, the FCC has mandated that XM and Sirius **deploy a final receiver design that is interoperable;**

WHEREAS, **the parties desire to comply with FCC licensing requirements and to enhance efficiency and consumer welfare by jointly developing and deploying certain interoperable technology for the purpose of producing radios capable of receiving broadcasts from both the XM Radio System and the Sirius Radio System;**

Here one of the applicants clearly indicates that their own “interpretations” indicated that the FCC interoperable mandate included the requirement for actual commercial deployment. They further indicate that FCC licensing requirements does in fact require “**developing and deploying certain interoperable technology to enhance efficiency and consumer welfare**”.

Now, the Applicants state that identical interpretations of the relevant provisions by groups like the Consumer Coalition for Competition in Satellite Radio are inconsistent with their plain meaning and unambiguous language. While as shown above, the Applicants clearly indicated in their earlier SEC filings that the Applicants interpretation of these requirements were closely aligned with those of groups like the Consumer Coalition for Competition in Satellite Radio.

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