



WILLIAMS MULLEN

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June 18, 2008

BY ELECTRONIC TRANSMISSION

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

Re: Notice of Oral *Ex Parte* Presentations in Connection With the Consolidated Application for Authority to Transfer Control in Connection With the Sirius/XM Merger, as Amended (MB Docket No. 07-57)

Dear Ms. Dortch:

On June 18, 2008, the undersigned of Williams Mullen, representing the Consumer Coalition for Competition in Satellite Radio (“C3SR”), telephoned Commissioner McDowell to discuss the issues raised in C3SR’s May 27th written *ex parte* filing (“C3SR’s Letter”) and the facts revealed in the highly confidential documents reference therein. C3SR emphasized that these issues go to the character qualifications of Sirius and XM and must be resolved before the merger application lawfully may be granted. Moreover, unless resolved by the FCC, these issues will become “good government” issues that live on beyond this merger.

C3SR also reiterated the need for remedies such as those outlined in its June 4, 2008 *ex parte* presentations. A review of the underlying highly confidential documents, which speak for themselves, will quickly confirm the need for appropriate responsive actions by the Commission. Plainly, XM and Sirius withheld information from the Commission and have violated the antitrust laws — conduct that has harmed both consumers (who are without interoperable receivers) and the Commission (which has lost auction revenue). FCC approval of this merger would permit XM and Sirius to avoid the very competition that they have conspired to suppress by withholding interoperable receivers from the marketplace.

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Pursuant to Section 1.1206 of the Commission's Rules and DA-07-1435, C3SR submits this letter via ECFS for inclusion in the public record with an e-mail copy to Ms. Blankenship.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Julian L. Sheppard".

Julian L. Sheppard

cc (by e-mail): Amy Blankenship