

**Congress of the United States**  
**Washington, DC 20515**

June 27, 2008

The Honorable Kevin J. Martin  
Chairman  
The Federal Communications Commission  
445 12<sup>th</sup> St., SW  
Room 8B201  
Washington, DC 20554

Dear Chairman Martin,

We followed with great interest your recent public comments regarding the license transfer application of XM Satellite Radio Holdings Inc. and Sirius Satellite Radio Inc., but we remain concerned. An eight percent set aside for non-commercial, minority owned and emergency programming could result in fewer non-commercial channels for satellite radio customers than they currently enjoy.

Because of the clear public interest at stake, we ask that if the FCC were to approve the merger, you set aside 25 percent of the total satellite radio spectrum (SDARS) for non-commercial public service channels, minority broadcasters and emergency services. This would follow FCC precedent, which set aside 20 percent of the FM band (88-108 MHz) for non-commercial educational use (88-92 MHz).

Another condition of the merger should require the resulting XM-Sirius combined company to provide HD Radio technology in all new satellite radio receivers. This would encourage competition in the digital terrestrial market and would leverage the millions of federal dollars already invested in the conversion of non-commercial stations to HD Radio technology.

Were the FCC to approve the XM-Sirius application without conditions, a national satellite radio monopoly would be granted to the detriment of the public interest. Total financial and editorial control over this important medium would rest in the hands of one company. Surely the price of granting a monopoly includes a certainty of independent thought and diverse opinions.

The principle of open dialogue in our free society requires no less than a significant portion of satellite radio be set aside for independent views. We ask that you keep this principle in mind as you review the XM-Sirius application. Please consider placing conditions on the merger that will protect the public interest.

Sincerely,

  
BETTY McCOLLUM  
Member of Congress

  
JAMES OBERSTAR  
Member of Congress

  
COLLIN PETERSON  
Member of Congress

  
KEITH ELLISON  
Member of Congress

  
TIMOTHY WALZ  
Member of Congress

cc:

The Honorable Jonathan Steven Adelstein  
Commissioner  
The Federal Communications Commission

The Honorable Michael J. Copps  
Commissioner  
The Federal Communications Commission

The Honorable Robert M. McDowell  
Commissioner  
The Federal Communications Commission

The Honorable Deborah Taylor Tate  
Commissioner  
The Federal Communications Commission

Marlene H. Dortch, Secretary  
The Federal Communications Commission