

José Luis Rodríguez
Chief Executive Officer
jrodriguez@hitn.org
Ph (646) 731 3621

Brooklyn Navy Yard
63 Flushing Avenue
Building 292
Brooklyn NY 11205-1678
Fax (212) 966 5725
Toll-Free (800) 249 4486



Educa y Entretiene

July 11, 2008

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th St., N.W.
Washington, DC 20554

Re: Consolidated Application for Authority to Transfer Control of XM Radio Inc.
and Sirius Satellite Radio Inc. (MB Docket No. 07-57)

Dear Chairman Martin:

HITN, founded in 1981, is a charitable, not-for-profit 501(c) (3) corporation whose mission is to promote educational opportunities for Hispanic Americans through multiple media outlets and telecommunications services. In 1987 HITN formed HITN-TV, the first and only independent 24-hour-a-day Spanish language public interest television channel in the United States. Today, HITN-TV is carried by DirecTV, Dish Network, Comcast Cable, Time Warner Cable, and Charter Communications and is presently available in over 30 million U.S. households.

It remains the first and only non-profit Latino managed and controlled public interest television network offering educational content to the nation's largest minority group and to all who share an interest in Hispanic news, information, and culture. As a beneficiary of the DBS public interest set-aside, we strongly applaud the effort by the Chairman to create set-asides for public interest programmers and minority broadcasters as a condition of the proposed XM/Sirius satellite radio merger. While we would like to see the set aside to be as robust as possible, the importance of the Chairman's proposal should not be overlooked.

For HITN-TV, the DBS set-aside has permitted our network to serve the educational needs of Spanish language households as well as provide a glimpse into the rich, diverse interests and culture of Latino America for all viewers. A public interest set-aside for satellite radio would afford the same opportunity for non-profit broadcasters like HITN-TV to provide non-commercial content to listeners and to offer new, fresh or alternative perspectives to what is available through major consolidated media outlets. Non-profit broadcasters, free from the profit motive, can offer programming tailored to the needs of listeners.

HITN offers instructional, educational and informational programming designed to educate, empower and enrich our audience. Independent, non-profit broadcasters offer a perspective and community service which is simply not currently available on satellite radio.

The tragedy of media consolidation is that it has made it more and more difficult for independent voices to be heard. Mergers and brand extensions have increasingly consumed limited capacity in electronic media. Set asides for non-profit public interest programmers, minority programmers and independent channels are a good, even if not complete antidote to ill effects of consolidation.

In implementing a public interest set-aside, we urge the FCC to ensure that capacity for public interest channels are reserved for truly non-profit entities and those minority set-asides be reserved for stations that are actually managed and controlled by minority members. Capacity should be specifically reserved for entities that do not already have a *direct or affiliate* presence on satellite radio and there should be no cost for carriage for the non-profit entity.

I applaud the Chairman for introducing the concept of public interest and minority programming set-asides to satellite radio. It is a good idea which should be built upon and implemented in a way that ensures that independent, minority, and public interest voices have a chance to be heard.

Sincerely,



Jose Luis Rodriguez

cc: Commissioner Jonathan S. Adelstein
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Deborah Taylor Tate