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ELIJAH E. CUMMINGS
SEVENTH DISTRICT
MARYLAND

July 23, 2008

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Federal Communications Commission
Office of the Secretary

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

Dear Chairman Martin:

This letter is to follow up on my correspondence dated May 15, 2008, regarding the proposed merger of Sirius Satellite Radio, Inc. and XM Satellite Radio Holdings, Inc., that is being considered by the Commission. I appreciate your time and consideration.

I opposed the Sirius-XM merger due to my concerns that the newly formed company would control over 25 MHz – enough to transmit over 300 channels of radio and some video into every local market in the country. This would be an unprecedented amount of spectrum in the hands of a single company— more than the entire spectrum allocated to FM and AM radio combined. However, I also recognize that—should the merger be approved—it will provide a real opportunity for minority ownership and participation in the satellite marketplace. That is why I support the conditions that Commissioner Jonathan Adelstein recently proposed to you and the other Commissioners regarding dedicating 15 percent of the spectrum to diversity programming.

While I believe the allocation of 20 percent of spectrum to diversity programming to be a stronger commitment, Commissioner Adelstein's proposal of 15 percent is a giant step toward opening the doors of opportunity for minority-owned businesses that have historically struggled to compete in this industry. Further, I feel it is extremely important that this requirement be negotiated, ratified and approved by the Commission prior to approval of the merger. This percentage of channel capacity would clearly assure the public, and more specifically our minority population, of viable minority media ownership and diverse programming.

I commend Commissioner Adelstein for his willingness to work with you and his fellow Commissioners to bring forth a plan that is clearly in the best interest of consumers. Should you have any questions, please feel free to contact me or my Legislative Director, Ms. Nikki Jones at 202-225-4741.

Sincerely,

Elijah E. Cummings
Member of Congress

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