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FCC Mail Room

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July 21, 2008

The Honorable Deborah Taylor Tate
Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: Letter of Comment, MB Docket No. 07-57
Consolidated Application for Authority to Transfer control of FCC Radio
Licenses held by XM Radio Inc. and Sirius Satellite Radio Inc.

Dear Commissioner Tate:

On behalf of the writer of this letter and millions of satellite radio subscribers and listeners, I request that MB Docket No. 07-57 be brought to a final and decisive conclusion when it comes up for vote amongst the Honorable members of the Commission later this month.

As an American citizen who is in effect subject to the rules and policies established by the commission, it is very troubling that 13 months have passed, since the release of public notice DA 07-2417, without a final vote by the commission. In addition, on March 24, 2008, the U.S. Department of Justice has determined that Sirius Satellite Radio Inc. and XM Radio Inc. (Sirius-XM) under one license would be neither anti-competitive nor harmful to consumers. As you may be aware, this decision was rendered one year after Sirius-XM submitted the consolidated application to the Federal Communications Commission (FCC) for approval. As of the date of this writing, more than 16 months have passed since the application has been submitted to the FCC.

Clearly, the decision to transfer control of Sirius-XM licenses is a complicated matter. Concerns from all interested parties are well understood. It is not necessary nor is it the purpose of this letter to discuss the merits or lack thereof as the basis for approving the FCC license transfer between Sirius-XM. The purpose of this letter is to urge the Honorable Commissioner to take command of this matter and conclude it in a fair and equitable manner. In this politically polarized era we live in, one thing is abundantly clear: political leadership in Washington, DC is in very short supply. With all due respect, to the Chairman of the Commission, Honorable Kevin J. Martin, this proceeding has been allowed to go far beyond the Commission's self-imposed 180-day rule. Worst still, it is frustratingly clear that the Commission's final decision will likely exceed the Dept. of Justice by another 180 days.

For his part, the Honorable Commissioner Jonathan Adelstein's proposal lacks any semblance of leadership. Instead of voting no (to deny license transfer), which would have been consistent with his voting record, he proposes conditions on the combined companies that are so prohibitive to profitability, that even he must know neither company involved in the license transfer would accept. Politically, his proposal gives him an out in terms of not being the one vote responsible for rejecting or approving the application for transfer of licenses. In my view, this is antithetical to leadership. On the contrary, the Honorable Commissioner Tate's voting record clearly exemplifies leadership quality. This writer has observed that the Honorable Commissioner Tate's voting record demonstrates that she has consistently

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cast her vote based on principal and personal conviction, even when that meant siding with commission members who are politically aligned with the democrat party. The present situation undoubtedly demands leadership: someone (Commission member) to vote her conviction with clarity and impartiality. Regardless of how that vote is cast, it will most certainly be greeted with applause from the party (groups or individuals pro or con the license transfer) whose position the vote supports. Clearly, the final outcome of the Commission's vote will result in winners and losers.

In no way is this letter meant to offend. Instead, the writer hopes that what is communicated is the utter frustration felt by this subscriber and perhaps millions more who want to see this matter decided impartially. In the interest of full disclosure, the writer of this letter also owns shares of stock in both Sirius Satellite Radio Inc. and XM Radio Inc. However, my primary concern and worry is that this proceeding may continue on indefinitely, unless the Honorable Commissioner Tate casts the decisive vote for or against the Sirius-XM license transfer.

Thanks for taking time from your busy schedule to read the comments of this concerned satellite radio subscriber.

Sincerely,



Gary Summons
Sirius Satellite Radio Subscriber

Cc: Marlene H. Dortch, Secretary
The Honorable Kevin J. Martin, Chairman
The Honorable Jonathan S. Adelstein, Commissioner
The Honorable Michael J. Copps, Commissioner
The Honorable Robert M. McDowell, Commissioner
Mel Karmazin, CEO Sirius Satellite Radio Inc.
Nate Davis, President and CEO XM Satellite Radio Inc.
Kevin Noblet, Business Editor, Associated Press
Jim Brady, Executive Editor, Washington Post
Robert Thomson, Managing Editor, The Wall Street Journal