EX PARTE OR LATE FILED

ORIGINAL

LERMAN SENTER PLLC

WASHINGTON, DC

FILED/ACCEPTED

MAY 15 2009

Federal Communications Commission
Office of the Secretary

STEPHEN D. BARUCH
202.416.6782
SBARUCH@LERMANSENTER.COM

May 15, 2009

BY HAND DELIVERY AND ELECTRONIC POSTING

Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in MB Docket No. 07-57, Implementation of Third-Party Access Commitment

Dear Ms. Dortch:

On May 14, 2009, representatives of RSS Network Corp. ("RSS") met with Rosemary Harold and Angela Giancarlo, respectively Legal Advisor, Media and Chief of Staff and Senior Legal Advisor, Wireless & International to Commissioner McDowell, to discuss matters relating to the implementation of the Third-Party Access Commitment for the channels on its satellite radio platforms that Sirius XM Radio, Inc. has voluntarily committed to lease to a Qualified Entity or Entities. Attending the meeting for RSS, which has created the Radio Spanish Satellite service to provide the nation's Hispanic audiences with new, innovative, and original satellite-delivered Spanish-language audio programming, were Fernando Gonzalez and Terry Planell (executive officers and principals of RSS), Angel Junquera, and Pablo Sanchis. RSS was also represented by Raul Rodriguez and Stephen Baruch of Lerman Senter PLLC.

The participants discussed the Commission's proceeding for implementation of the Third-Party Access Commitment, and addressed the process and timing of decisions on channel leases. RSS expressed positions that are largely reflected in its Comments and Reply Comments in response to the Commission's Public Notice, DA 09-259, of February 27, 2009. RSS also gave a multimedia presentation about its credentials and its programming. A print-out of the presentation, a copy of which was provided to Ms. Harold and Ms. Giancarlo, is enclosed with this letter.

No. of Copies rec'd 0+1
List ABCDE

Please address any questions to me.

Respectfully submitted,

Stephen D. Baruch
Counsel for RSS Network Corp.

Enclosure

cc (by e-mail): Rosemary Harold
Angela Giancarlo

RSS Network Corp
Presents:

Radio
Spanish Satellite

RSS Corporate Video

Radio
Spanish Satellite

Who is RSS and what does RSS bring to the table?

- A California Corporation formed in 2007
- 100 % Hispanic-owned and operated by Hispanic Immigrants with a combined experience in the broadcast industry of over 130 years
- RSS will create hundreds of new jobs in US and will invest over 60 million dollars
- The Radio Spanish Satellite Service consist of new, innovative and original Spanish-Language programming

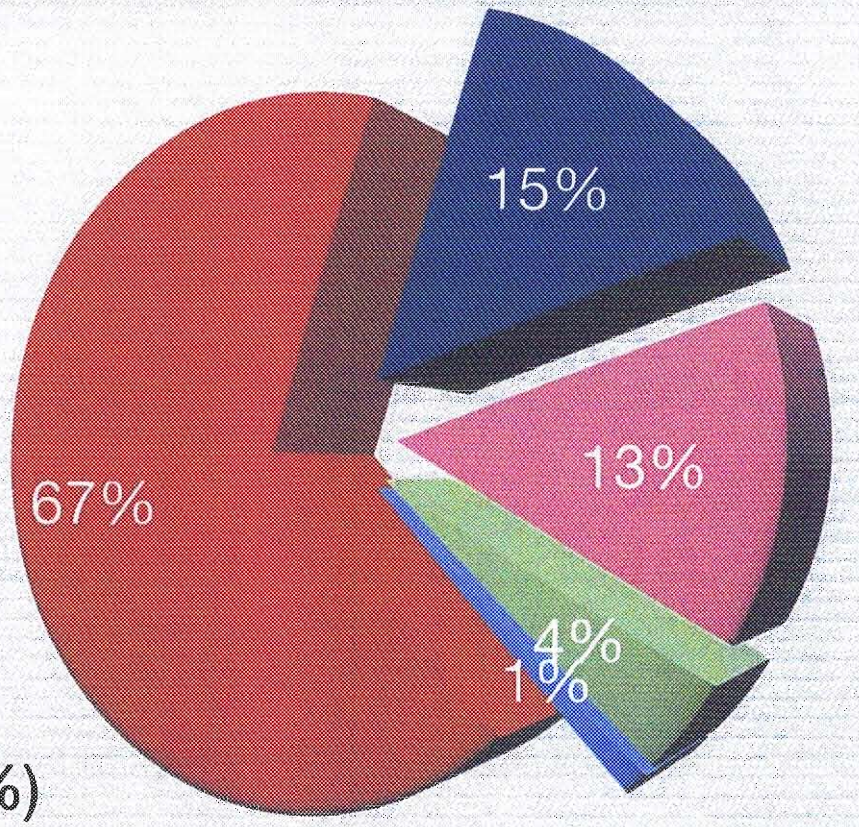
RSS
Radio Spanish Satellite

Qualified Entities with Highest Percentage of Minority Ownership

- RSS supports the definition of Qualified Entity as *"Any entity that is majority-owned by persons who are African American, Not of Hispanic origin; Asian or Pacific Islanders; American Indians or Alaskan Natives; or Hispanics"*

- RSS urges the commission to adopt a scheme that gives preference to entities with the greatest percentage of minority ownership and who will maintain active and full managerial and editorial control of their programming

US Population



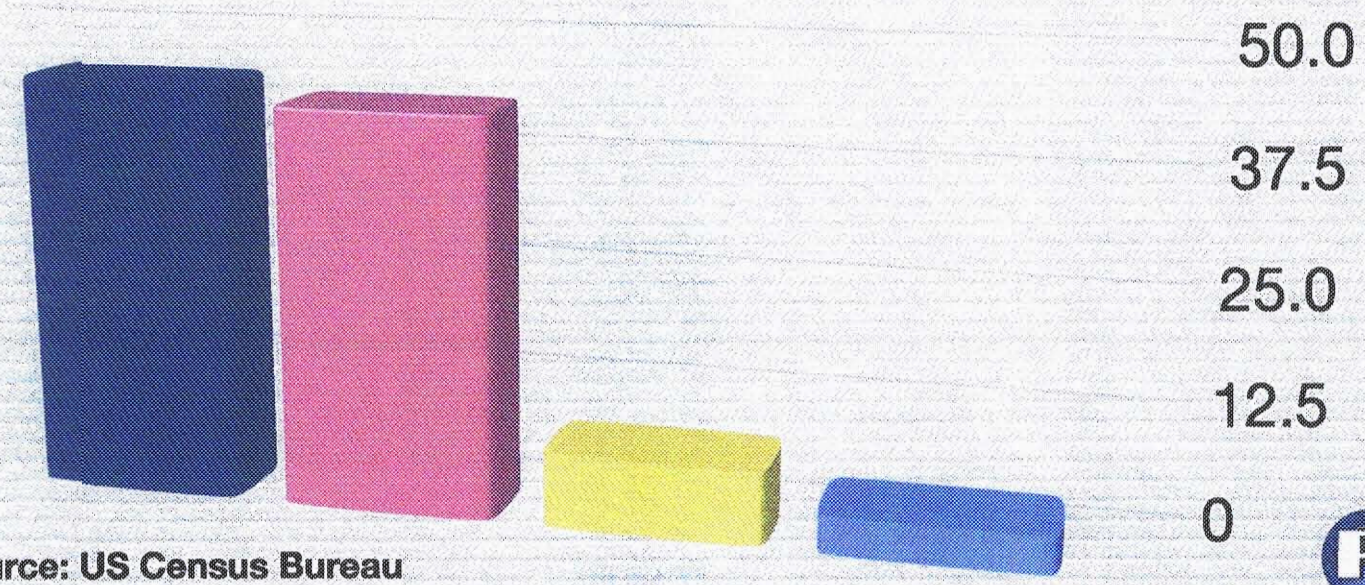
- White non Hispanics (67%)
- Hispanics (15%)
- African-American (13%)
- Asian or Pacific Islanders (4%)
- American Indians or Alaskans Natives (1%)

Source: US Census Bureau

Radio Spanish Satellite

Minority Population

- Hispanics 45%
- African-Americans 43%
- Asian or Pacific Islanders 8%
- American Indians or Alaska Natives 4%

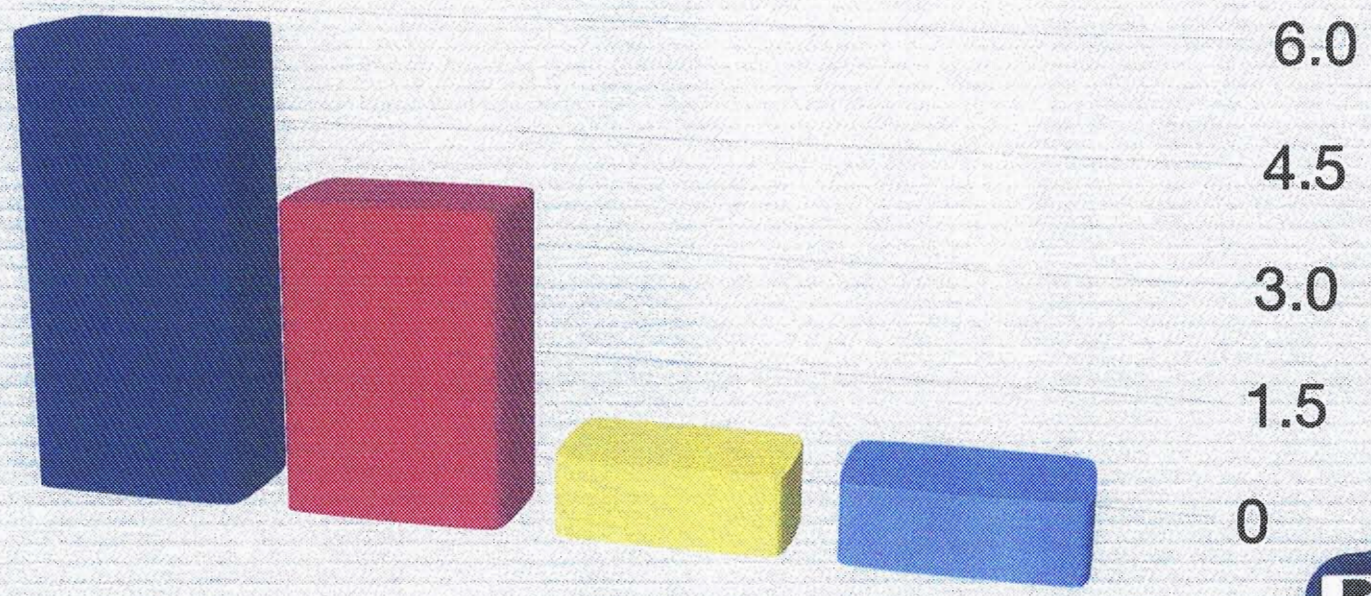


Source: US Census Bureau

Radio Spanish Satellite

12 Channels Distribution

- Hispanics (RSS Network Corp. 6 Channels)
- African-Americans (4 Channels)
- Asian or Pacific Islanders (1Channel)
- American Indians or Alaska Natives (1Channel)



RSS
Radio Spanish Satellite

The Process for Implementation -1-

- Demonstration that the entity meets the definition of Qualified Entity
- A detail explanation that the principals (owners) in the entity are 100% minorities
- A statement of which minority group's channel allocation the entity is seeking to use
- A statement of the number of channels in total the entity is seeking to lease

Radio Spanish Satellite

The Process for Implementation -2-

- A description of the extent to which the entity would air original programming over the lease channel

- A statement that the entity will commence operation over the channels within 90 days after the lease is signed and will be offering programming on a 24/7 basis no later than 180 days after the lease is signed

- A statement that the entity will directly program the channel and is not acting as an agent or surrogate of any kind for any unidentified third party

Leases Term

- The Third-Party Access Commitment contemplates "Long-term" leases

- RSS urges the commission to require that the initial leases be for 10 Years

- RSS believes that there should be an expectation of lease renewal for the lessee(s)

Lessees Should Provide New and Original Programming

RSS
Radio
Spanish Satellite

RSS
Radio
Spanish Satellite

Channel-1

Radio
Spanish Satellite

RSSNOTICIAS
&RADIOHABLADA

ORIGINAL.

Channel-2

Radio
Spanish Satellite

RSS ENTRETENIMIENTO 1

Radio
Spanish Satellite

Channel-3

Radio
Spanish Satellite

RSSDEPORTES2

EXCLUSIVE

Char

Radio
Spanish Satellite

RSSCOMEDIA
SINCENSURA

Radio
Spanish Satellite

Channel-5

UNIQUE

Channel-6

Summary

- For over 2 years, RSS Network Corp has been the only company in the US and Latin America that has been devoted exclusively to the development of Spanish Satellite Radio

- RSS is ready… We will be the new voice for the Hispanic Community, create jobs, major financial investment, original programming, new marketing opportunities and expand the Satellite Radio Industry

- We are "True" Hispanics, we understand and live our culture, we speak **"English**, but we feel in **Spanish"**… So let's implement what has already been decided!!

RSS
Radio Spanish Satellite

Thanks...

- For more information please visit our web site
  www.radiospanishsatellite.com