

Comments to Proceeding 07-57

Dear FCC:

Pursuant to the Sirius XM Merger Order, the FCC should immediately remove all price limitations imposed upon Sirius XM as such action is warranted and in the public interest. As an attorney for a state public utility commission, I know firsthand the duty of the regulator to make certain that entities over which the regulator has jurisdiction conduct their businesses within the bounds of applicable state and federal statutes and regulations and to assure that the entities provide service to the public in a just and reasonable manner. While the regulator oversees the utility in this regard, caselaw precedent mandates that the regulator refrain from interfering in the business affairs of the business entity, i.e., micro-managing the utility.

Although Sirius XM is not a "utility" per se, a similar tenet should nevertheless apply. The prospect of the FCC micro-managing the price structure of Sirius XM services is completely inconsistent with the FCC's supposed desire to promote market-based competition. There is no longer any justification for government intervention in the pricing of satellite radio programming packages. It is time that the FCC allowed market forces to prevail and, as a result, consumers will be well-served.

Thank you for providing the opportunity to comment on this matter.