

JOINT COMMENTS OF:

American Public Media

Public Radio International

American Public Radio, LLC

Minnesota Public Radio

**Southern California Public
Radio**

WNYC Radio (New York)

WGBH (Boston)

Chicago Public Radio

Classical South Florida

July 8, 2008

Re: MB Docket No. 07-57

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

Dear Mr. Chairman:

We write to you on behalf of nine non-profit media organizations, including two of the largest public radio producers and distributors in the United States. Our collective audience from individual programs as well as affiliate stations across the country includes more than 29 million listeners weekly.

We are deeply troubled by the Department of Justice's decision to approve the merger of XM Satellite Radio Holdings Inc. and Sirius Satellite Radio Inc. We believe that consolidating these two competing broadcasting operations will reduce the diversity of programming and choices available to consumers. However, there is still an opportunity to safeguard the public interest through the Federal Communications Commission's license transfer review process.

Specifically, the Commission will determine whether the transfer of these licenses is in the public interest pursuant to the Communications Act of 1934. Under this authority, the FCC can approve, deny, or set stipulations on the license transfer in order to satisfy the public interest test. The Commission has a one-time opportunity to protect consumers and the public interest at large by establishing appropriate conditions on the transfer

To that end, we suggest the following three stipulations:

- **Terrestrial HD Radio technology should be required in all new satellite radio receivers.** Expanding the use of HD radio technology would encourage competition in the broadcasting marketplace and leverage the millions of federal dollars already invested in the conversion of non-commercial stations to HD Radio, which would represent an important contribution to the public interest.
- **25 percent of the total satellite radio spectrum (SDARS) should be set aside for non-commercial public service channels (NCE), minority broadcasters, and emergency services (the "public interest set-aside").** This would follow FCC precedent, which set aside 20 percent of the FM band (88–108 MHz) for NCE use alone in 1945 (88–92 MHz). The content of the public interest set-aside will add inherent business value to the XM-Sirius entity and attract millions of potential new subscribers to satellite radio.

- **The details of the management of the set-aside, including what content providers are eligible and the compensation options for the content provided, should be outlined in a separate FCC rulemaking with a comment period of six months to one year.** We would be extremely interested in participating in that rulemaking through future filings.
- **During this time, XM-Sirius should be required to, at the least, maintain all current content and financial relationships with NCE and minority broadcasters.**

A key mission of public radio is to encourage the exchange of ideas and search for common principles fundamental to a civil society and to our democracy. This is only possible when an independent and diverse broadcast media exists. Reserving an appropriate percentage of the satellite radio spectrum for NCE, minority and emergency programming would contribute to the multiplicity of voices that is fundamental to a democracy.

Public radio has cultivated a record of solid journalism, vibrant cultural programming, and open dialogue representing of a broad spectrum of views from coast to coast, in rural and urban communities, and including those from underserved communities. Requiring satellite radio to provide adequate space for NCE, minority broadcasters and emergency services will affirm the value of this programming and ensure that this content can continue to serve the American public well into the future.

Sincerely,



Alisa Miller
President and CEO
Public Radio International
and
Member, Board of Governors
American Public Radio, LLC



Tom Kigin
Executive Vice-President
American Public Media



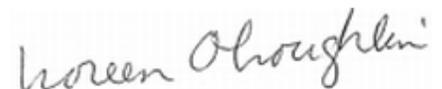
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