



WASHINGTON, DC

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October 9, 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**

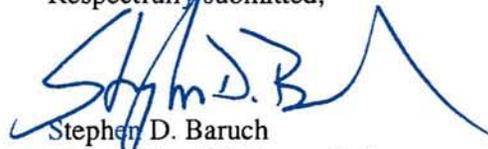
Dear Ms. Dortch:

On October 8, 2009, representatives of RSS Network Corp. ("RSS") met with David S. Goldman, Legal Advisor to Chairman Genachowski, 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 Terry Planell (RSS Chairman and Chief Operating Officer), 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 reflected in its Comments and Reply Comments in response to the Commission's Public Notice, DA 09-259, of February 27, 2009. RSS also prepared a presentation about its credentials, programming, and proposals for implementation of the Third-Party Access Commitment. A copy of the presentation is enclosed with this letter.

Please address any questions to me.

Respectfully submitted,

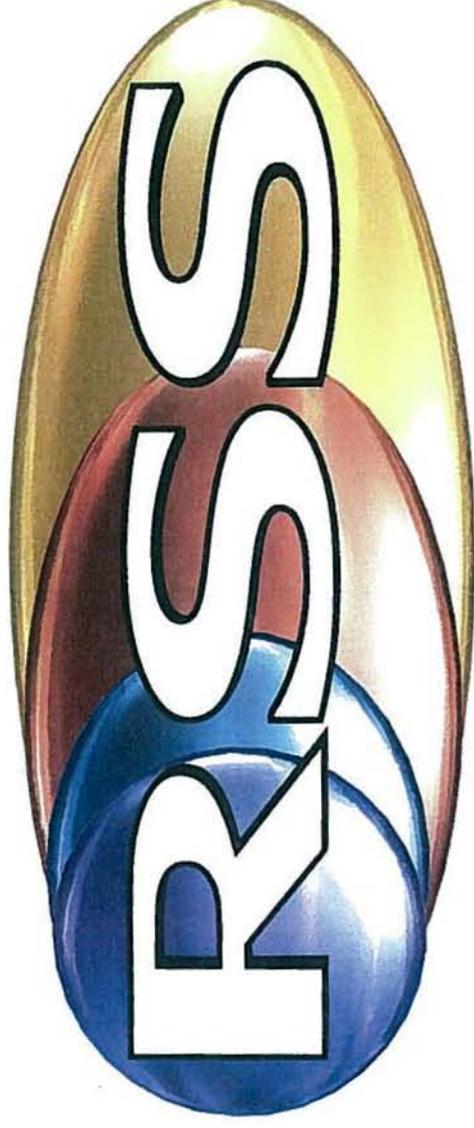
  
Stephen D. Baruch  
Counsel for RSS Network Corp.

Enclosure

cc (by e-mail): David S. Goldman, Esq.

**RSS Network Corp**

**Presents:**



**Radio  
Spanish Satellite**

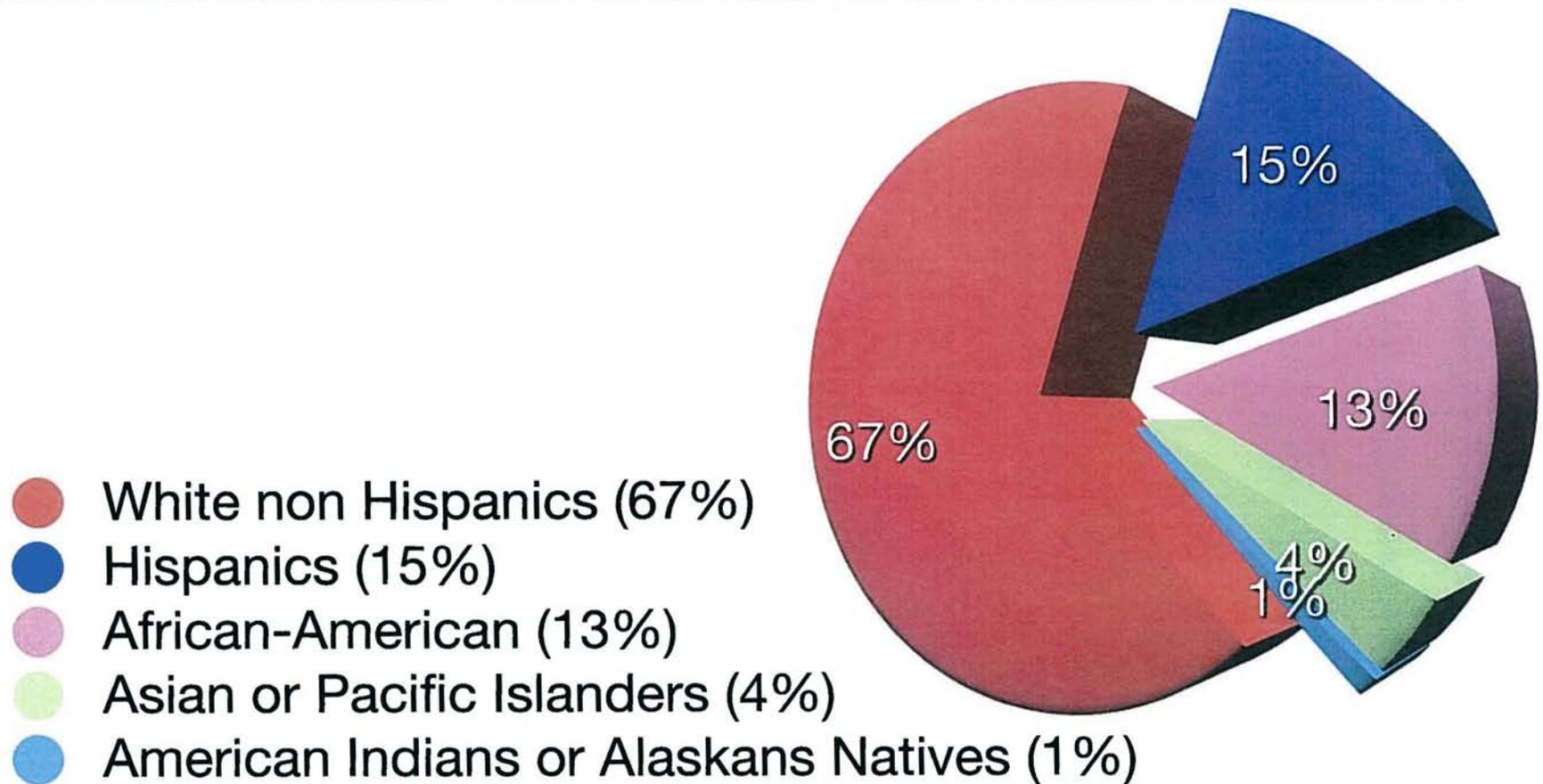
# Who is RSS and what does RSS bring to the table?

- 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

## 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

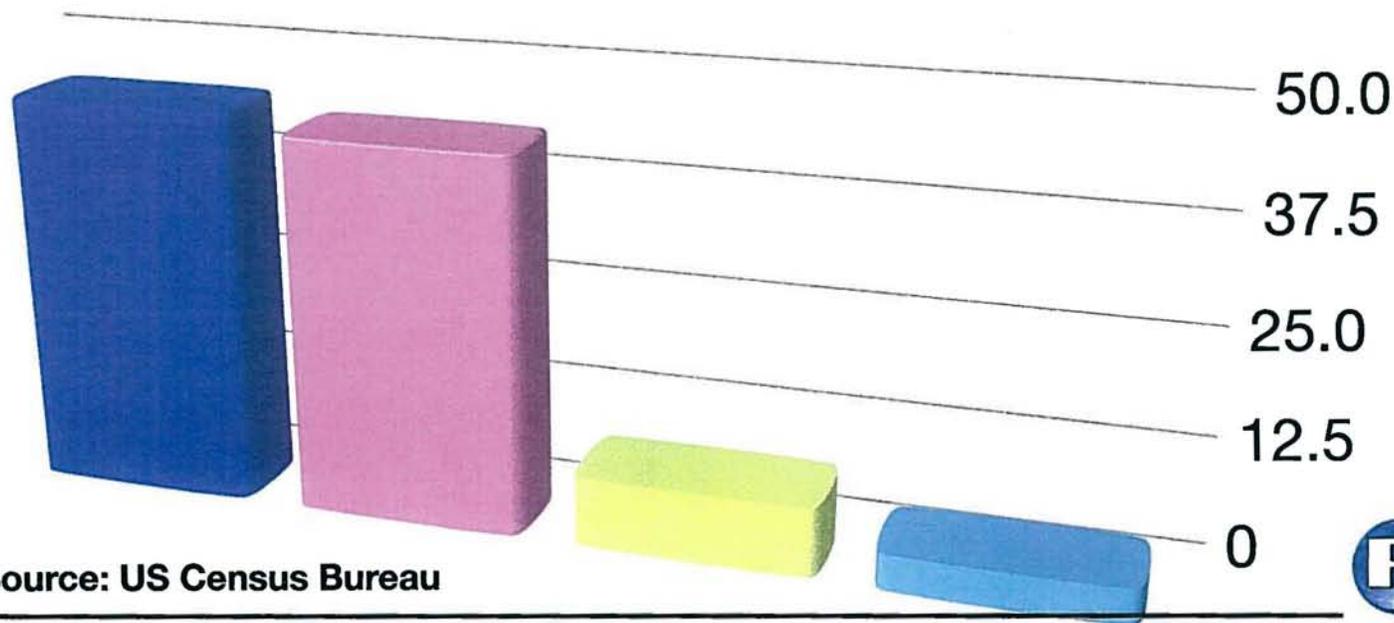
# US Population



Source: US Census Bureau

# Minority Population

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

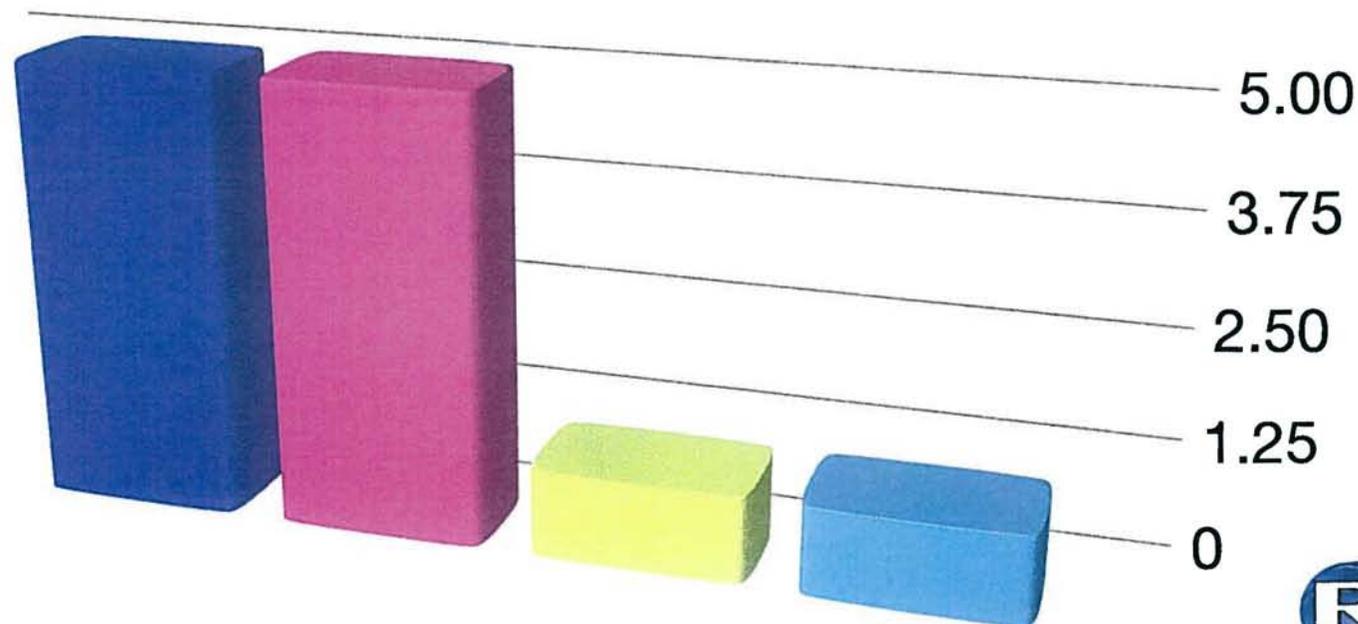


Source: US Census Bureau



# 12 Channels Distribution

- Hispanics ( RSS Network Corp. 5 or 6 Channels)
- African-Americans (4 or 5 Channels)
- Asian or Pacific Islanders (1Channel)
- American Indians or Alaska Natives (1Channel)



# The Process for Implementation -1-

- RSS urges the FCC to establish a process for determining the eligibility of Qualify Entities to lease channels that is streamlined and subject to clear and effective criteria
- The goal of this “guidelines” approach is to provide a basis upon which Sirius-XM or its proxy can make an intelligent selection or selections among Qualified Entities that seek access to the Hispanic, African American, Asian, or American Indian/Native Alaskan channel Allotments
- To be eligible to lease one or more channels, any interested entity would submit an expression of interest to Sirius-XM containing the following information:
  1. A demonstration that the entity meets the definition of Qualify Entity (preference given for greater minority ownership)
  2. A statement of which minority group’s channel allocation the entity is seeking to use

# The Process for Implementation -2-

- A detailed explanation of the extent to which principals in the entity own or control 10% or greater interests in current broadcast licensees (preference given for no current ownership)
- A description of the extent to which the entity would air original programming over the leased channel (preference for higher content of original content)
- 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” lease
- RSS urges the Commission to require that the initial lease be for 10 Years
- RSS believes that there should be an expectation of lease renewal for the lessee(s)

Channel-1



**Radio  
Spanish Satellite**

NOTICIAS  
ESPANOLAS

Channel-2



**Radio  
Spanish Satellite**

RSS ENTRETENIMIENTO 1



**Radio  
Spanish Satellite**



**Radio  
Spanish Satellite**

RSSDEPORTES2

Char



**Radio  
Spanish Satellite**

RSSCOMEDIA  
SINCENSURA



**Radio  
Spanish Satellite**

Channel-5

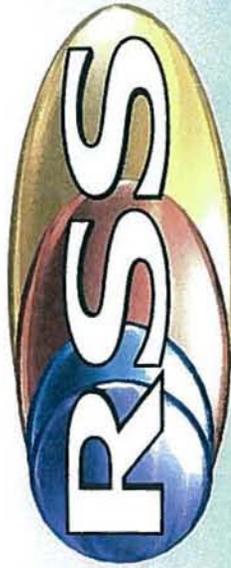


**Radio  
Spanish Satellite**

RSSTODOFUTBOL

El mundo RSS

Channel-6



**Radio  
Spanish Satellite**

RSSCONTROVERSIA



**Radio  
Spanish Satellite**

# 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!!

# Thanks...

- For more information please visit our web site  
[www.radiospanishsatellite.com](http://www.radiospanishsatellite.com)