

Congress of the United States

Washington, DC 20515

June 18, 2008

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

Dear Commissioner Tate:

A year ago today, we joined sixty-nine of our colleagues in signing the attached letter urging the Commission to oppose the proposed merger between XM and Sirius. Approval of such an "extraordinary" merger, a characterization used by FCC Chairman Martin, would require the Commission to abandon its long-standing commitment to competition and embrace monopoly in the satellite digital audio radio service. That is a singularly bad idea.

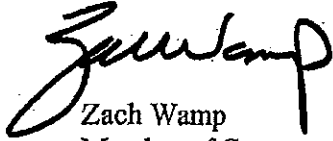
Since the presidency of Ronald Reagan, Republican FCC commissioners have championed the fight to replace regulation with competition in the telecommunications and media marketplace. Remarkable progress has been made, as evident by vibrant competition in mobile telephone service, and now increasingly in video and broadband services. Republicans, in the spirit of President Theodore Roosevelt, have vigorously rejected the notion of regulated natural monopoly. Our policies have spurred competition and remarkable technological innovations with huge dividends for American consumers.

Approval of the proposed XM-Sirius merger would turn back the page and set a dangerous precedent that would harm the ability of future FCC commissioners to resist the reregulatory calls that already are beginning to echo around Washington. Since approval of the merger would unquestionably create a monopoly, the only remaining question becomes how does one regulate it? That question leads inevitably down a slippery slope. Therefore, we write again to urge you to oppose this merger. In the simplest of terms, this merger harms competition, which in turn harms consumers.

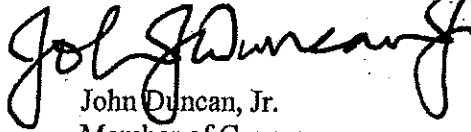
The FCC's requirement of two separate providers in the satellite digital audio radio services follows a long line of prior FCC decisions in the cellular, personal cellular service, and the direct broadcast satellite services. At their core, all these prior decisions are based upon a desire to foster competition in price and quality, as well as advances in innovation, all to benefit consumers. Despite this fact, and without putting forth any compelling pro-consumer benefits that cannot be provided absent this merger, XM and Sirius are asking the Commission to undo the very terms of the licenses that they sought in 1997 and allow them to join forces and put 25 MHz of spectrum under control of a single company. That is more spectrum than is controlled by the nearly 4,000 owners in the entire AM and FM radio bands combined.

This significant spectrum advantage will give XM and Sirius the ability to siphon off programming and advertising revenue from local radio. It also will enable XM and Sirius to leverage its sheer market size to stunt the growth of free HD radio, keeping one more alternative out of the reach of listeners. We fail to see how government action permitting such genuine harm to competition in this manner is remotely in the public interest.

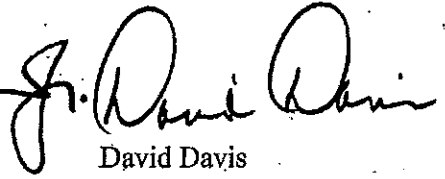
Sincerely,



Zach Wamp
Member of Congress



John Duncan, Jr.
Member of Congress



David Davis
Member of Congress

Attachment