

July 23, 2008



Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: Notice of Oral *Ex Parte* Presentation
MB Docket No. 07-57 (Transfer of Control of XM Satellite Radio
Holdings Inc. and Sirius Satellite Radio Inc.)

Dear Ms. Dortch:

On July 23, 2008, I had a telephone conversation with Elizabeth Andrion, Acting Legal Advisor to the Chairman concerning the proposed merger of XM Satellite Radio with Sirius Satellite Radio.

In the conversation, I reiterated previously expressed positions with respect to the administration of MAP's proposal for a set aside of spectrum for qualified non-commercial educational programming modeled on the DBS set aside created by 47 U.S.C. §335. With respect to the selection of programmers, I advocated use of a lottery or having the selection of programmers delegated to an independent third party. I stated that allowing the licensee to select the programmers was less desirable, but would be acceptable so long as the Commission enforced a strict policy of allowing no more than one program feed per programmer. I also argued that the licensee should bear the transmission and other costs of providing the set aside programming.

Pursuant to Section 1.1206(b), 47 C.F.R. §1.1206(b) of the Commission's rules, this letter is being filed electronically with your office today.

Respectfully submitted,

/s/

Andrew Jay Schwartzman
President and CEO
Media Access Project

cc: Elizabeth Andrion