



FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF GENERAL COUNSEL

Memorandum

TO: Director, Reference Information Center

FROM: *DMA* Daniel M. Armstrong
Associate General Counsel

SUBJECT: *Michael Hartleib v. FCC & USA*, No. 08-1289. Filing of a Petition for Review in the United States Court of Appeals for the District of Columbia Circuit.

DATE: December 23, 2008

This is to advise you that on September 3, 2008, Michael Hartleib ("Petitioner") filed a Petition for Review in the U.S. Court of Appeals for the District of Columbia Circuit pursuant to 47 U.S.C. § 402(a), of the following order: *In the Matter of Applications for Consent to the Transfer of Control of Licenses XM Satellite Radio Holdings Inc., Transferor To Sirius Satellite Radio Inc., Transferee*, MB Docket No. 07-57, Memorandum Opinion and Order, 23 FCC Rcd 12348 (2008); *In the Matter of XM Radio, Inc.*, File Nos. EB-06-SE-148 and EB-06-SE-356 (Acct. No. 200832100062 - FRN No. 0007714579), Order, 23 FCC Rcd 12327 (2008); *In the Matter of Sirius Satellite Radio Inc.*, File Nos. EB-06-SE-250 and EB-06-SE-386 (Acct. No. 200832100061 - FRN No. 0006345730), Order, 23 FCC Rcd 12303 (2008).

Petitioner challenges FCC approval of the XM/Sirius merger on multiple grounds, alleging, among other things, that the FCC failed to consider the public interest & ignored record evidence re: applicants' disclosures of potential antitrust violations.

The Court has docketed this case as No. 08-1289. The attorney assigned to handle the litigation of this case is Nandan Joshi.