## James C. Miller III

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July 16, 2008

Ms. Marlene H. Dortch Secretary Federal Communications Commission 445 12<sup>th</sup> Street SW Washington DC 20554

Re: MB Docket No. 07-57

Dear Ms. Dortch:

On July 15, 2008, on behalf of the National Association of Broadcasters ("NAB"), the undersigned spoke by telephone with Wayne Leighton of Commissioner Deborah Taylor Tate's office concerning the proposed merger of XM Satellite Radio Holdings, Inc. ("XM") and Sirius Satellite Radio, Inc. ("Sirius").

We discussed the primary arguments against the proposed merger consistent with prior *ex parte* communications submitted in this proceeding by NAB and various NAB members. Specifically, we discussed the anti-competitive harms that enabling Sirius and XM to merge will impose on consumers, as well as the overall inadequacy of the merger concessions offered by Sirius and XM in their joint letter submitted on June 16, 2008.<sup>1</sup> I also explained that enabling Sirius and XM to merge will reward them with an unprecedented monetary windfall, given that Sirius and XM initially purchased their spectrum pursuant to stringent auction rules, including a prohibition against a merger of the only two satellite radio licensees.

Respectfully submitted,	
/s/	
James C. Miller III	

<sup>&</sup>lt;sup>1</sup> Letter to the Honorable Kevin J. Martin, Chairman, Federal Communications Commission, from Richard E. Wiley, Counsel to Sirius Satellite Radio Inc. and Gary M. Epstein, Counsel to XM Satellite Radio Holdings Inc., MB Docket No. 07-57 (June 16, 2008).