

Before the
Federal Communications Commission
Washington, D.C. 20554

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

ORDER

Adopted: October 21, 2009

Released: October 21, 2009

By the Chief, Media Bureau:

1. In this Order, the Media Bureau, on its own motion, grants an extension until February 24, 2010, for Sirius Satellite Radio Inc. and XM Satellite Radio Holdings Inc. to implement their voluntary commitment to enter into long-term leases or other agreements to provide a Qualified Entity or Entities rights to four percent of the full-time audio channels on the Sirius and XM platforms ("Leasing Condition").

2. On July 25, 2008, the Commission approved the transfer of control of licenses and authorizations held by the Applicants, subject to the Applicants' fulfillment of the Leasing Condition, among other commitments and conditions. In response to commenters' concerns about the mechanics of the channel lease administration and allocation, the Commission deferred a decision as to specific implementation details for the Leasing Condition. On February 27, 2009, the Media Bureau issued a Public Notice seeking comment on the implementation details of the Leasing Condition. In response to

1 Applications for Consent to the Transfer of Control of Licenses, XM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee., MB Docket 07-57, Memorandum Opinion and Order and Report and Order, 23 FCC Rcd 12348, 12409-10 & 12433-39, ¶ 134 & App. B (2008) ("Sirius-XM Merger Order"). We refer to Sirius Satellite Radio Inc. and XM Satellite Radio Holdings Inc. collectively herein as the "Applicants." The term "Applicants" also refers to the surviving post-merger entity, Sirius XM Radio Inc. or "Sirius XM."

2 Id. at 12408, ¶ 131.

3 Id. at 12411, ¶ 135 and n.444.

4 Media Bureau Seeks Comment on Implementation of Sirius-XM Merger Condition that Four Percent of Audio Channels be Leased to Qualified Entities and Extends the Deadline for Compliance with this Condition, MB Docket No. 07-57, Public Notice, 24 FCC Rcd 2855 (MB, rel. Feb. 27, 2009). The Media Bureau, on its own motion, subsequently extended the deadline for the Leasing Condition until October 27, 2009. 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, Order, 24 FCC Rcd 10616 (MB, rel. Aug. 10, 2009). See also 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, Order, 24 FCC Rcd 8905 (MB, rel. June 29, 2009); Applications for (continued....)

the Public Notice, commenters raised a number of additional concerns and proposed a range of models to implement the Leasing Condition.⁵ The Bureau anticipates Commission action on the implementation guidelines in the near future, and thus this brief extension is appropriate. The Commission will address any additional timing issues in its implementation order.

3. Accordingly, IT IS ORDERED, that pursuant to Sections 4(i), 4(j), 303(r), and 310(d), of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 303(r) and 310(d), and authority delegated in Section 1.46 of our rules, 47 C.F.R. § 1.46, Sirius XM is granted an extension of time, *sua sponte*, until February 24, 2010, to fulfill its voluntary commitment to enter into long-term leases or other agreements to provide a Qualified Entity or Entities rights to four percent of the full-time audio channels on the Sirius platform and on the XM platform.

FEDERAL COMMUNICATIONS COMMISSION

William T. Lake
Chief, Media Bureau

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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, Order, 24 FCC Rcd 7367 (MB, rel. May 29, 2009); *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, Order, 23 FCC Rcd 17285 (MB, rel. Nov. 28, 2008).

⁵ See Comments of iClick2Media Inc./AlphaStar International Inc.; FluteRadio LLC; Randolph J. May (President, Free State Foundation); Media Access Project; Mosaic Communications Partners, LLC; The Progress & Freedom Foundation; Radio One, Inc.; RSS Network Corporation; John Pavlica Jr. and Patrick Sharpless. See also Reply Comments of iClick2Media Inc./AlphaStar Inc.; Entravision Communications Corporation; FluteRadio; Hispanic Information and Telecommunications, Inc.; Metro Radio Korea Inc.; RSS Network Corporation; and Sirius XM Radio Inc. Further, a number of interested parties have made *ex parte* presentations regarding implementation details. See Letter from Jeneba Jalloh Ghatt, Counsel to iClick2Media, Inc. and AlphaStar International Inc., to Marlene H. Dortch, Secretary, FCC (Apr. 30, 2009) (“iClick2Media Apr. 30, 2009 *Ex Parte*”); Letter from Barry A. Friedman, Counsel to Entravision Communications Corporation, to Marlene H. Dortch, Secretary, FCC (May 5, 2009) (“Entravision May 5, 2009 *Ex Parte*”); Letter from Linda J. Vilardo, Vice President and Chief Administrative Officer, Radio One, Inc., to Marlene H. Dortch, Secretary, FCC (May 5, 2009) (“Radio One May 5, 2009 *Ex Parte*”); Letter from Stephen D. Baruch, Counsel to RSS Network Corp., to Marlene H. Dortch, Secretary, FCC (May 15, 2009) (“RSS Network May 15, 2009 *Ex Parte*”); Letter from Bruce A. Olcott, Counsel to Howard University, to Marlene H. Dortch, Secretary, FCC (May 29, 2009) (“Howard University May 29, 2009 *Ex Parte*”); Letter from Raul A. Rodriguez and Stephen D. Baruch, Counsel to RSS Network Corp., Marlene H. Dortch, Secretary, FCC (June 1, 2009) (“RSS Network June 1, 2009 *Ex Parte*”).