



PUBLIC NOTICE

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**MEDIA BUREAU ANNOUNCES LOCATION OF APPLICATION
PROCEDURES FOR IMPLEMENTATION OF THE SIRIUS XM LEASING CONDITION
(MB Docket No. 07-57)**

On July 25, 2008, the Commission approved the transfer of control of licenses and authorizations held by Sirius Satellite Radio Inc. (“Sirius”) and XM Satellite Radio Holdings Inc. (“XM”) subject to several voluntary commitments and other conditions, including a commitment to lease a portion of their channel capacity to Qualified Entities (the “Leasing Condition”).¹ Specifically, Sirius and XM committed to enter into long-term leases or other agreements to provide Qualified Entities with rights to use four percent of the full-time audio channels on the Sirius platform and four percent of the full-time audio channels on the XM platform. This is an important step that will promote access for new entrants and more diverse programming in the satellite digital audio radio service.

On October 19, 2010, the Commission issued implementation details for the channels set aside under the Leasing Condition, including a revised definition of “Qualified Entity.”² The Commission required Sirius XM to notify it regarding a public website or similarly accessible source where it would make available information relating to the application process. We issue this Public Notice to inform the public about the location of this information.

Sirius XM Radio Inc. (“Sirius XM”) has notified the Commission that the application procedures for channels set aside for Qualified Entities under the Leasing Condition will be posted at www.siriusxm.com/qualifiedentity.³ No later than November 23, 2010, Sirius XM will make the following information available at this location: (1) the definition of Qualified Entity; (2) the deadline and procedures for submitting applications to lease channels capacity; (3) any specific information that it will require applicants to submit; and (4) any specific application criteria that Sirius XM intends to apply

¹ See *Application 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 and Report and Order, 23 FCC Rcd 12348, 12408, 12410-11, 12434-35 ¶¶ 1, 131, 135, App. B (2008) (“*Sirius XM Merger Order*”)

² See *Application 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, FCC 10-184 (rel. Oct. 19, 2010) (“*Leasing Condition Order*”). The Commission defined “Qualified Entity” to require that a lessee: (1) not be directly or indirectly owned, in whole or in part, by Sirius XM or any affiliate of Sirius XM; (2) not share any common officers, directors, or employees with Sirius XM or any affiliate of Sirius XM; and (3) not have any existing relationships with Sirius XM for the supply of programming during the two years prior to the adoption date of the *Leasing Condition Order*. *Id.* at ¶ 10.

³ See Letter from James S. Blitz, Vice President, Regulatory Counsel, Sirius XM Radio Inc., to Marlene H. Dortch, Secretary, FCC (Nov. 12, 2010).

in reviewing potential lessees.⁴ Interested parties should refer to the *Leasing Condition Order* for additional information regarding the application process and other implementation details for the Leasing Condition.⁵

For further information, please contact Marcia Glauber at (202) 418-7046, marcia.glauber@fcc.gov. Press inquiries should be directed to Janice Wise at (202) 418-8165, janice.wise@fcc.gov.

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⁴ *Id.*

⁵ *See Leasing Condition Order supra* n.5.