

**STATEMENT OF
COMMISSIONER MICHAEL J. COPPS**

Re: *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*

Two years ago, I dissented to the Sirius-XM merger. While the majority endorsed a number of conditions as prerequisite to Commission approval, I stated my belief that they did not off-set the potential for consumer harms, and I noted also that some of them were chock-full of holes and limitations that could render them meaningless.

Today the Commission attempts to make sense out of one of those voluntary commitments--for Sirius-XM to lease a portion of its channel capacity to Qualified Entities. Following approval of the merger, it quickly became apparent that this particular condition--perhaps well-intentioned, but hastily and inartfully drawn—was going to cause problems. It did, and it has taken more than two years to get to today's solution. Those were two lost years for more diverse programming on these satellite channels.

Hopefully the balance struck today can open the door to more diverse voices emanating from the merged entity. The conditions in this Order are fairly rigorous and also appear more likely to withstand legal scrutiny. Certainly a merger of this size and scope requires incentive for the new company to offer an array of program channels that otherwise might not make it to the air in a consolidated market. We have arguably accomplished this here. Hopefully this will pave the road for the delivery of more diverse content to underserved audiences.

I encourage as many qualified participants as possible to apply for these new opportunities. And I express my strong hope and confidence that the required FCC review of the qualified entities chosen by Sirius-XM will be diligent to ensure that the company follows the agreed-upon instructions to the best of its ability in making its selections.

I thank the Media Bureau for its hard work in navigating the difficult questions presented by the original merger approval. I also thank the company for its serious and sustained engagement to work through these problems and come up with today's resolution. The original merger condition for these particular programming commitments created legal vulnerabilities not only for the Commission, but for the company, too. Hopefully this item corrects the original error and will open the way for more of the kind of diverse programming that our country so desperately needs.