

**STATEMENT OF  
COMMISSIONER MIGNON L. CLYBURN**

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*

I am pleased to have this Order implementing the channel set-aside commitment that XM-Sirius agreed to as a condition of their merger three long years ago. This important step will create real opportunities for new entrants to program on a national platform that reaches over 19 million subscribers.

As a result of this action, four percent of the XM and Sirius channel capacity is available for new and diverse programming from new and diverse programmers. These new voices can add new content to attract an expanded audience to Sirius XM and offer access for entrepreneurs to a media platform. We encourage Sirius XM to take full advantage of this opportunity for a win-win-win for their service, new lessees, and new subscribers.

Yes, it has taken a while to finalize the terms of this condition. And No, it is not perfect in my opinion. However, the Order strikes an intelligent and well-crafted balance that defines entities that can qualify for the set aside and establishes procedures and criteria for their selection. The Order wisely involves Sirius XM in the process, instructs them on the factors to consider, and permits them to use customary terms in their contracts with the selected entities. I am also pleased that the Commission will play an ongoing role in reviewing Sirius XM's implementation of the leasing condition. I look forward to working closely with my colleagues on the Commission and with the Media Bureau as we monitor Sirius XM's steps to bring this condition to life.

I commend the Media Bureau and the Chairman on threading this needle to negotiate with Sirius XM while holding fast to the fundamental goal of opening up this unique platform for new voices. And I thank Sirius XM for reaching this agreement. I trust it will implement the condition in a manner that will achieve the goals articulated in the Order: to promote source, viewpoint, and programming diversity expeditiously.

I think the completion of this process was, frankly, a challenge due in large part to the approach taken in the Merger Order three years ago.

I am not, however, going to look backwards. I am looking forward to do all that I can, working with my colleagues on the Commission, to achieve an even better result in future transactions. We learned much from this experience, both in terms of process and substance.

First, in future transactions, let's include all the details associated with similar conditions in the merger order itself, rather than leaving the details to be addressed in a later proceeding.

Second, to facilitate that result, I urge interested parties to submit in the record concrete ideas for how to implement conditions and commitments. A complete record with concrete data will greatly enhance our decision-making.

Third, to those who have criticized the terms of this agreement, I say that we have a laudable achievement here. It is no surprise that we can't please everyone, but there are people and entities that now have a chance to reach a nationwide audience who did not have that chance before this action. Those entities that already have a presence on Sirius XM do not need this opportunity and those that already have a broadcast voice can participate but cannot dominate this new opportunity.

Fourth, these terms are not a template for other transactions. We will consider what we have learned here and strive for improvements in the next transaction and the ones after that. This is a dynamic process, tailored to the applicants and industries involved in each case and necessarily limited by applicable laws. I look forward to creative approaches and cooperative efforts to deal with the limitations we confronted here.

I am pleased to see the Chairman and transaction team taking a systematic and practical approach going forward. I am also pleased that providing and protecting opportunities for new entrants is front and center in ongoing proceedings.

I cast my vote today with a sense of pride in getting this job done, the best way we can in these unique circumstances. I look forward to upcoming proceedings to give us the opportunity for even greater strides in this direction.