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February 12, 2007

The Honorable Kevin J. Martin
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Dear Mr. Chairman:

Recent media reports demonstrate that unlawful interference caused by satellite radio devices to free over-the-air radio service remains a pervasive problem. Therefore, the National Association of Broadcasters (NAB) renews its plea for the Commission to pursue a recall of satellite radio devices present in the marketplace that do not comply with Part 15 of the Commission's rules.¹

As revealed in studies submitted to the Commission last summer by NAB and National Public Radio, interference from satellite radio reception devices often causes "bleed through" on FM frequencies. As a result, nonsubscribers listening to FM radio will receive satellite radio programming over FM frequencies, particularly FM listeners in their cars and listeners of public and religious programming on noncommercial stations typically located at the lower end of the FM band.

In response to numerous consumer complaints, Sirius and XM temporarily suspended production of their noncompliant devices in July 2006.² Subsequently, the Commission certified newly designed devices, allowing Sirius and XM to resume the sale of Part 15-compliant radio devices.³

However, as noted in the attached recent article from *The New York Times*,⁴ these actions did nothing to resolve interference caused by noncompliant satellite radio receivers already in consumers' hands or on retailers' shelves before Sirius and XM redesigned the faulty devices. NAB highlighted this problem in a letter to Sirius and XM, dated September 21, 2006, in which

¹ Letter from David K. Rehr to the Honorable Kevin J. Martin (July 28, 2006).

² David Wilkerson, *XM, Sirius Temporarily Halt Production of Certain Radios*, MarketWatch (July 2006).

³ Kim Hart, *Decision by FCC a Break for XM*, Washington Post (Aug. 28, 2006) at p. D1.

⁴ Jacques Steinberg, *A Mystery Heard on Radio: It's Stern's Show, No Charge*, New York Times (Jan. 26, 2007) at p. A17.

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the association also sought the voluntary withdrawal of all noncompliant devices from the market, to no avail. Consequently, satellite radio continues to disrupt FM radio service, as consumers interested in noncommercial radio programming continue to receive unwelcome content such as *The Howard Stern Show*.

Given Sirius and XM's recalcitrance, it is left to the Commission to take corrective action. Therefore, NAB repeats its request that the Commission seek a recall of noncompliant satellite radio devices to prevent further disruption of listeners' access to free over-the-air radio.

NAB looks forward to discussing these and other issues of concern with you and your fellow Commissioners. Please let us know what we can do to assist the FCC in its consideration of these or other matters.

Best wishes.

Sincerely,

A handwritten signature in blue ink that reads "David K. Rehr". The signature is written in a cursive, flowing style.

David K. Rehr

cc: Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell
Helen Domenici, chief, International Bureau
Kris Monteith, chief, Enforcement Bureau

Attachment