

list of agencies presented in the "Select Agency" box, (5) click the "Submit" button to the right of the "Select Agency" box, and (6) when the list of FCC ICRs currently under review appears, look for the title of this ICR (or its OMB Control Number, if there is one) and then click on the ICR Reference Number to view detailed information about this ICR.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judith B. Herman at 202-418-0214 or via the Internet at Judith-B.Herman@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060-0804.

Title: Universal Service—Rural Health Care Program.

Form Nos.: FCC Forms 465, 466, 466-A and 467.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit, not-for-profit institutions, and state, local or tribal government.

Number of Respondents: 6,494 respondents; 59,464 responses.

Estimated Time per Response: 10–20 hours.

Frequency of Response: On occasion, monthly, quarterly, annual, and one-time reporting requirements, and third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151, 154(i), 154(j), 201–205, 214, 254, and 403.

Total Annual Burden: 67,468 hours.

Total Annual Cost: N/A.

Privacy Act Impact Assessment: N/A.

Nature and Extent of Confidentiality: There is no need for confidentiality. However, respondents may request material or information submitted to the Commission be withheld from public inspection by requesting confidential treatment of their documents under 47 CFR 0.459 of the Commission's rules.

Needs and Uses: The Commission submitted this information collection to the OMB as an emergency request and received OMB approved on January 17, 2008. The Commission is now submitting this information collection (IC) to the OMB as an extension (no change in reporting, recordkeeping and/or third party disclosure requirements) during this comment period to obtain the full three-year clearance from them. Due to a mathematical error in the emergency request, the Commission is reporting a –952 hourly adjustment to the total annual burden.

In the Telecommunications Act of 1996 (1996 Act), Congress specifically sought to provide rural health care

providers with "an affordable rate for the services necessary for the provision of telemedicine and instruction relating to such services." In 1997, the Commission implemented this statutory directive by adopting the current Rural Health Care support mechanism, which provides universal service support to ensure that rural health care providers pay no more than their urban counterparts for their telecommunications needs and Internet access in the provision of health care services. Despite the Commission's efforts to increase the utility of the Rural Health Care support mechanism, the program has yet to fully achieve the benefits intended by the statute and the Commission.

In particular, health care providers continue to lack access to the broadband facilities needed to support the types of advanced telehealth applications, like telemedicine, that are vital to bringing medical expertise and advantage of modern health technology to rural areas of the nation. In response, the Commission issued the 2007 Pilot Program Selection Order (WC Docket No. 02–60, FCC 07–198) which selected 69 participants for the universal service Rural Health Care Pilot Program (which was originally established by the Commission in September 2006). These 69 participants are eligible for up to 85 percent of the costs associated with: (1) The construction of state or regional broadband health care networks and with the advanced telecommunications and information services provided over those networks; (2) connecting to Internet 2 or National LambdaRail, which are both dedicated nationwide backbones; and (3) connecting to the public Internet. Approximately \$417 million in universal service support over three years (or \$139 million per funding year) will be available to participants. To minimize the burden on Pilot Program participants and to streamline the process, the Commission generally uses the same forms as the existing Rural Health Care support mechanism. For example, selected participants, in order to receive support, must submit FCC Form 465 (seeking bids), FCC Form 466 (funding request and certification), FCC Form 466–A (selection of service provider), and FCC Form 467 (notification of service initiation). Due to the unique structure of the Pilot Program, however, in the 2007 Pilot Program Selection Order, the Commission provides guidance regarding how these forms should be completed and additional information is required from selected participants, including proposed network costs

worksheets, certifications, letters of agency from each participating health care provider, invoices showing actual incurred costs, and if applicable, network design studies.

The information collected provides the Commission with the necessary information to administer the existing program and the Pilot Program, determine the amount of support applicants are eligible to receive, and inform the Commission about the feasibility of revising its rules.

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. E8–20743 Filed 9–5–08; 8:45 am]

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FEDERAL COMMUNICATIONS COMMISSION

[MB Docket No. 07–57; FCC 08–178]

Applications for Consent to the Transfer of Control of Licenses, XM Satellite Radio Holdings Inc., Transferor, to Sirius Satellite Radio Inc., Transferee

AGENCY: Federal Communications Commission.

ACTION: Notice; approval of merger.

SUMMARY: This document approves the consolidated application of Sirius Satellite Radio Inc. ("Sirius") and XM Satellite Radio Holdings Inc. ("XM"; jointly, the "Applicants") for consent to the transfer of control of the licenses and authorizations held by Sirius and XM and their subsidiaries for the provision of SDARS in the United States and eliminates the prohibition on one licensee of satellite digital audio radio service (or "SDARS") acquiring control of the other SDARS licensee.

DATES: The Commission's action became effective July 25, 2008.

FOR FURTHER INFORMATION CONTACT: Marcia Glauber, Industry Analysis Division, Media Bureau, at (202) 418–7046, or Rebekah Goodheart, Industry Analysis Division, Media Bureau, at (202) 418–1438.

SUPPLEMENTARY INFORMATION: This is a summary of the Federal Communications Commission's *Memorandum Opinion and Order and Report and Order* (the "Order") in MB Docket No. 07–57; FCC 08–178, adopted July 25, 2008, and released August 5, 2008. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street, SW., CY–A257, Washington, DC

20554. These documents will also be available via ECFS (<http://www.fcc.gov/cgb/ecfs>). The complete text may be purchased from the Commission's copy contractor, 445 12th Street, SW., Room CY-B402, Washington, DC 20554. To request this document in accessible formats (computer diskettes, large print, audio recording and Braille), send an e-mail to fcc504@fcc.gov or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Summary of the Order

1. In 1997, the Commission established the SDARS service and determined that there would be two initial SDARS licenses, sold at auction to different parties. The 1997 *SDARS Service Rules Order*, 62 FR 11083, 11102, March 11, 1997 ("1997 Order"), contained the following language:

Even after DARS licenses are granted, one licensee will not be permitted to acquire control of the other remaining satellite DARS license. This prohibition on transfer of control will help assure sufficient continuing competition in the provision of satellite DARS service.

2. In this Order, the Commission found that the merger would be prohibited by the language in the 1997 Order. For the reasons summarized below, however, the Commission found that approval of the merger, subject to the Applicants' voluntary commitments and other conditions, would benefit consumers by making available to them a wider array of programming choices at various price points and affording them greater choice and control over the programming to which they subscribe, and that those benefits would exceed the harms. For the same reasons, the Commission concluded that elimination of the prohibition on one licensee of SDARS acquiring control of the other SDARS licensee, on balance, would serve the public interest.

3. The Commission's decision was based on consideration of the consolidated application of Sirius and XM for consent to the transfer of control of the licenses and authorizations held by Sirius and XM and their subsidiaries for the provision of SDARS in the United States. After reviewing the empirical data available as part of its competitive analysis, the Commission determined there was insufficient evidence in the record to predict the likelihood of anticompetitive harms. It therefore evaluated the Application under "worst-case" assumptions, i.e., that the relevant market is limited to SDARS. This approach permitted the Commission to protect consumers from potential adverse effects of the

transaction while also allowing the Commission to balance potential harms against potential public interest benefits. The Commission concluded that the merger, absent the Applicants' voluntary commitments and other conditions, would result in potential harms. The Commission found that, with the Applicants' voluntary commitments and other conditions, the potential public interest benefits of the transaction, on balance, outweigh the potential harms, and approval of the transaction is in the public interest.

4. The Commission conditioned grant of the application on the merged firm's fulfillment of the Applicants' voluntary commitments and other conditions. The Commission accepted the Applicants' voluntary commitments and imposed conditions to:

a. Cap prices for at least 36 months after consummation of the transaction, subject to certain cost pass-throughs after one year. In addition, six months prior to the end of commitment period, the Commission will seek public comment on whether the cap continues to be necessary in the public interest and will determine whether it should be extended, removed, or modified. The merger approval is conditioned on the Commission's ability to modify or extend the price cap beyond the three-year commitment period.

b. Offer to consumers, within three months of consummation of the transaction, the ability to receive a number of new programming packages, including the ability to select programming on an a la carte basis.

c. Make available four percent of its capacity for use by certain Qualified Entities, and an additional four percent of capacity for the delivery of noncommercial educational or informational programming, which will enhance the diversity of programming available to consumers.

d. Offer interoperable receivers in the "retail after-market," i.e., receivers available at retail outlets for installation in consumers' automobiles or homes, within nine months of consummation of the merger.

e. Refrain from entering into any agreement that would grant an equipment manufacturer an exclusive right to manufacture, market, and sell SDARS receivers. Applicants also commit to refrain from barring any manufacturer from including in any receiver non-interfering digital audio broadcast (or, "HD Radio") functionality, iPod compatibility, or other audio technology.¹ In addition,

¹ Although the Commission found it unnecessary to impose a condition requiring the inclusion of HD

Applicants will make available the intellectual property needed to allow any device manufacturer to develop equipment that can deliver SDARS.

f. File the applications needed to provide Sirius satellite service to Puerto Rico via terrestrial repeaters within three months of the consummation of the merger.

5. The Commission reiterated that SDARS licensees are already prohibited, independent of the merger, from using terrestrial repeaters to distribute local content—including both programming and advertising—that is distinct from that provided to subscribers nationwide via satellite. The Commission also prohibited the merged entity from entering into agreements that would bar any terrestrial radio station from broadcasting live local sporting events.

6. The Commission clarified that the merged entity must comply with the Commission's equal employment opportunity rules and policies for broadcasters, including periodic submissions to the Commission consistent with the broadcast reporting schedule.

Federal Communications Commission.

Marlene H. Dortch,
Secretary.

[FR Doc. E8-20735 Filed 9-5-08; 8:45 am]

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FEDERAL MARITIME COMMISSION

Meetings; Sunshine Act

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: September 11, 10 a.m.

PLACE: 800 North Capitol Street, NW., First Floor Hearing Room, Washington, DC.

STATUS: A portion of the meeting will be in Open Session and the remainder of the meeting will be in Closed Session.

MATTERS TO BE CONSIDERED:

Open Session

(1) FMC Agreement No. 201192, South Florida Container Terminal Cooperative Working Agreement.

(2) Docket No. 02-04, Anchor Shipping Co. v. Alianca—Request for Extension of Time for Initial and Final Decision.

(3) Constitution Day and Citizenship Day, 2008.

Radio technology in SDARS receivers, it recognized that important questions were raised about HD Radio that warrant further examination in a separate proceeding. The Commission will initiate a notice of inquiry within 30 days after adoption of the merger order to gather additional information on the issues.