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January 14, 2002

Ms. Magalie Roman Salas
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

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FEDERAL BUREAU OF INVESTIGATION
OFFICE OF THE ATTORNEY GENERAL

Re: Emergency Petition of the National Association of Broadcasters
Public Notice DA 02-31 – CS Docket No. 00-96

Dear Ms. Salas:

KSLs, Inc., licensee of station KSCI(TV), Long Beach, CA, fully supports the Emergency Petition filed January 4, 2002 by the National Association of Broadcasters ("NAB") in the above-referenced proceeding. Our station has been victimized by EchoStar's refusal to carry KSCI on its "primary" satellite in the Los Angeles market, meaning that EchoStar's subscribers cannot receive KSCI without obtaining and installing a second satellite dish. The Commission should immediately declare EchoStar's conduct discriminatory and direct EchoStar to carry KSCI on its "primary" satellite.

As demonstrated by NAB's filing, EchoStar's ploy is obvious - having lost its bid to have DBS must-carry overturned in the courts, EchoStar now seeks to avoid its statutory obligation to carry KSCI and other similarly situated stations in the Los Angeles market through its "second dish" gambit. The Commission clearly did not intend to permit EchoStar to create a "lower caste" of local television signals on its DBS service by relegating some but not others to "second dish" status. The adverse consequences of EchoStar's behavior for both KSCI and consumers will be compounded even further if EchoStar is permitted to acquire DirecTV and thus becomes the only DBS provider in the Los Angeles market."

It is also obvious that EchoStar has not implemented its "second dish" program in good faith – indeed, EchoStar's conduct with respect to KSCI over the past several weeks has been grossly inept and possibly deceptive. KSCI's experience with EchoStar has been as follows:

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January 2-4

- Several KSCI viewers called my Executive Assistant, Beverly Macmillan, saying that they had called EchoStar's Customer Service Department ("CSD") to complain that KSCI was not available on EchoStar's DBS system. They were told that KSCI was not being carried because KSCI had not elected must-carry. This is patently false –we have written verification of our timely must-carry election and EchoStar's confirmation that KSCI would be carried.
- Ms. Macmillan called EchoStar's CSD and was told that EchoStar was not carrying KSCI, even though EchoStar had already added other local channels (e.g., WB, UPN, KCAL, KMEX, PBS). This time, EchoStar's CSD claimed that they did not know why KSCI had not been added to EchoStar's channel lineup.
- Ms. Macmillan checked EchoStar's web site – it stated that EchoStar was not carrying KSCI.
- A KSCI employee, Annie Romero, is an EchoStar subscriber. Her husband called EchoStar's CSD and was told that KSCI had not elected must-carry and thus was not being carried on EchoStar's system. Again, this is patently false – a timely must-carry election was made and acknowledged by EchoStar.
- Ms. Macmillan spoke to EchoStar's Director of Programming, Eric Sahl. Mr. Sahl stated that EchoStar did carry KSCI (on channel 148) but that subscribers needed a second dish to receive the station. Mr. Sahl also stated that KSCI was listed as a carried station on EchoStar's web site. Ms. Macmillan subsequently checked EchoStar's web site – once again, there was no indication that EchoStar was carrying KSCI.

January 7-11

- Viewers continued to complain to us that EchoStar was not carrying KSCI, and that EchoStar was continuing to represent that the station had never elected must-carry. One viewer stated that EchoStar had told him that he would have to pay \$70 for a second dish – the viewer indicated that he was very upset about this and did not want to suffer the inconvenience of having a second dish on his roof.

- On January 10, Ms. Romero received a letter from EchoStar (addressed to her husband), advising her of EchoStar's second dish program. The text of the letter states that EchoStar was adding "new local channels" at no extra charge. In a footnote, however, EchoStar goes on to state that "some channels may require the installation of additional hardware," and that installation would no longer be free after March 31, 2002.
- Ms. Macmillan again checked the EchoStar web site – it now stated that KSCI was being carried as a "second dish" station.
- Mr. Macmillan called EchoStar's CSD and was told that *new* subscribers would receive a second dish free but that current subscribers would have to contact EchoStar and "discuss their account," after which their local EchoStar distributor would decide whether the second dish would be provided at no charge, and whether installers would even be available to install the second dish at the customer's home.

Ultimately, the victims of EchoStar's conduct are KSCI's viewers, since they are being denied full and fair access to KSCI's unique foreign language programming over EchoStar's DBS system. It is a matter of public record that KSCI is the only station in the Los Angeles market devoted full time to Korean, Chinese and Middle Eastern programming that KSCI's viewers cannot receive elsewhere. It is also a matter of public record that KSCI has received numerous awards and public commendations for its foreign language programming. The station's audience has been and will continue to be prejudiced by EchoStar's conduct unless the Commission takes remedial action immediately. We urge the Commission to do so with a clear and unequivocal statement that EchoStar's behavior will not be tolerated, and that KSCI must be carried on EchoStar's "primary" satellite in the Los Angeles market.

Sincerely,


Richard Millet
Senior Vice President
Assistant General Manager



*****AUTO**5-DIGIT 91739

Peter Centeno
11999 Stegmeir Dr
Rancho Cucamonga CA 91739-2502



January 1, 2002

Dear Peter,

Effective February 1, 2002, you will see changes in the packaging and pricing of your DISH Network programming.

America's Top Programming and Premium Movie Services

All of our America's Top programming packages (including AT50, AT100 and AT150) and our premium movie services (HBO, Showtime, Starz and Cinemax), either as a single service or a premium package, will increase by \$1. Please note, if you are a Digital Home Plan customer or an I Like 9 customer in your first 12 months, your America's Top 100 or America's Top 150 will not increase prior to the end of your commitment period.

Price changes are due solely to increased rates from programmers, but we are pleased our rate increase is well below most cable rate increases across the country.

New Local Channels At No Extra Charge

NEW channels were added January 1st to your local package including UPN, WB, PBS (normally sold separately) plus many others depending on the city*. The price of this package, when it includes PBS, continues to be \$5.99 a month. In order to accommodate the added channels to this local package, we have moved the local channels to the 8000 range on your On-Screen Guide. Enter 8-0-0-0 with your remote to see what is available with your receiver. If you currently receive one of our *distant* networks, you may see changes in your Distant Network package.

FREE Pay-Per-View Coupon

In appreciation of your continued business, please enjoy a **FREE** movie on us, and enjoy hits like Pearl Harbor, Shrek or Rush Hour 2. Just order a movie with your remote and send in the enclosed DISH On Demand Pay-Per-View coupon with your statement. It's that easy!

We believe DISH Network is the best value in television and we look forward to providing you the highest quality in television entertainment for years to come. For more information, please visit our website at www.dishnetwork.com. Thank you for your business.

Sincerely,

Soraya Cartwright
Executive Vice-President
DISH Network

* Channels vary by market. Some channels may require the installation of additional hardware; installation available at no cost until 3/31/02.
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