



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, D.C. 20580

Office of the Secretary

JAN 15 2002

*C/S/B
Merger
10/17*

The Honorable Judd Gregg
United States Senate
Washington, D. C. 20510

RECEIVED

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Gregg:

Thank you for your letter on behalf of Mr. Darrin Apichell, concerning a proposed merger between DirecTV and Dish Network. As you know, the Federal Trade Commission has been directed by Congress to act in the interest of all consumers to prevent deceptive or unfair practices and unfair methods of competition, pursuant to the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.* In determining whether to take enforcement or other action in any particular situation, the Commission may consider a number of factors, including the type of violation alleged; the nature and amount of consumer injury at issue and the number of consumers affected; and the likelihood of preventing future unlawful conduct and securing redress or other relief. As a matter of policy, the Commission does not generally intervene in individual disputes. However, letters from your constituents provide valuable information that is frequently used to develop or support Commission enforcement initiatives.

I appreciate learning of your constituent's problem, but primary jurisdiction over this issue lies with the Federal Communications Commission. Therefore, I have taken the liberty of forwarding your inquiry to the Commission for their review. I appreciate your interest in this matter, and please let us know whenever we can be of assistance.

Sincerely,

Donald S. Clark
Secretary of the Commission

cc: Director of Congressional Liaison
Federal Communications Commission
1919 M Street, N. W.
Washington, D. C. 20590

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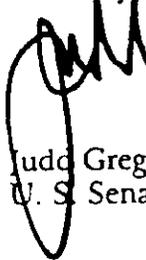
Mr. David Thomas, Director, Congressional Relations
Federal Trade Commission
Room 404
6th & Pennsylvania Ave., N.W.
Washington, DC 20580

Dear Mr. Thomas:

Enclosed please find a copy of a letter from a constituent of mine, Mr. Darrin Apichell, of Marlow, New Hampshire. Mr. Apichell is concerned with the potential DirecTV and Dish Network merger. He feels that this would create an unfair monopoly within the satellite market.

Thank you in advance for your attention to this matter.

Sincerely,



Judd Gregg
U. S. Senator

JG/mc
Enclosure

Ticket: 10302001B05232339

Subject: Echostar and Hughes Electronics Merger

Message: Dear Charlie, John, Judd, Bob, Mike, and others, thanks for your time. I am writing to you to express my extreme displeasure of hearing that Dish Network and DirecTV will become one and the same company under Echostar. This is a clear case of Monopoly!! Any intelligent citizen can see this clear as day. Top execs are saying that this would not create a monopoly because they are competing against cable. Let's see, 91% market share in satellite TV service and \$26B to be split amongst executives and shareholders. That reminds me of another company out there that has pretty much been let off the hook. In addition to satellite TV they will also control 91% of satellite internet service.

Take a look at my example. I live in Marlow, New Hampshire. We do not have a choice for cable. If I use an antenna I get two maybe three stations. I have to use satellite. I use Dish Network and I have to say that they are horrible. Their service is really bad, they provide only a 90 day warranty on all of their hardware and they seriously overcharge to make a service call. I have not switched to Direct TV yet. However, I like the fact that I have a choice. If this deal goes through there is no choice. Not only is there no choice, but for people like myself who can't get cable my rates will most likely go up and customer service will go straight down because of the amount of customers this deal would add to one company.

I know that the main focus of this country right now is to keep Americans safe and I appreciate that. I think that all of you are doing a great job in this area. However, this deal is no good and I am begging you to block it.

Thanks for your time.

Darrin Apichell
PO Box 396
Marlow, NH 03456
603-352-3535

PCats: Communications/Technology

RCats: