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01-348

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United States Senate

WASHINGTON, DC 20510-2603  
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August 1, 2002

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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Michael K. Powell  
Chairman  
Federal Communications Commission  
445 12th Street S.W.  
Washington, DC 20554

RE: Consolidated Application of EchoStar Communications Corporation, General Motors Corporation, and Hughes Electronics Corporation for Authority to Transfer Control, CS Docket No. 01-348

Dear Chairman Powell:

I write with regard to the pending EchoStar/Hughes merger. I believe that as the Federal Communications Commission examines this potential merger, it should act to ensure that rural America will enjoy reasonably priced access to the same variety of programming choices that are now available in large markets.

Currently, the largest satellite television providers do not offer full "local into local" service in hundreds of the smaller markets of the United States. A larger, post-merger EchoStar would have no incentive to behave differently. At a bare minimum, if the Commission does approve the merger, it should move affirmatively against the monopolization of DBS services, while boosting choice in multichannel video programming in rural America. Specifically, the Commission should require that:

- a sufficient number of DBS channels on a single existing operational DBS satellite be conveyed to a company which is capable of establishing digital programming services nationwide on a wholesale basis immediately following approval of the merger;
- the company which receives control of those DBS channels in turn provide this capacity on a wholesale basis to rural cable television companies, competitive retail DBS service providers and other competitive retail multichannel video programming providers;
- the company which receives control of those DBS channels have no affiliation or other business relationship with the merged EchoStar/Hughes.

I continue to have serious reservations about the likely anticompetitive impact of the EchoStar/Hughes potential merger and view these recommended conditions a necessary safety net for consumers. These pro-consumer conditions are particularly vital in rural areas, where so

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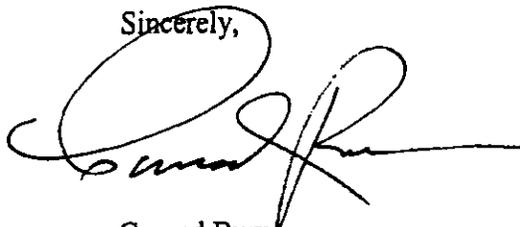
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many of my constituents believe they have little hope of receiving the competitive pricing and the variety of programming that are enjoyed by their fellow Americans in large markets.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Conrad Burns", with a large, stylized flourish extending to the right.

Conrad Burns  
United States Senator

Cc: Commissioner Kathleen Q. Abernathy  
Commissioner Michael J. Copps  
Commissioner Kevin J. Martin