



Federal Communications Commission  
Washington, D.C. 20554

October 2, 2002

**DOCKET FILE COPY ORIGINAL**

*Via Facsimile*

Jack Richards  
Counsel for the National Rural Telecommunications Cooperative  
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Suite 500 West  
Washington, D.C. 20001

**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 Mr. Richards:

On August 15, 2002, on behalf of your client, the National Rural Telecommunications Cooperative ("NRTC"), you requested the Commission's assistance in making available for review by the Department of Justice ("DOJ") certain confidential documents that were submitted by EchoStar Communications Corporation ("EchoStar"), General Motors Corporation, and its wholly owned subsidiary, Hughes Electronics Corporation ("Hughes") (the "Applicants") in the above-referenced proceeding.<sup>1</sup> The Applicants have opposed your request.<sup>2</sup>

Specifically, you seek a determination that the term "this proceeding" in paragraph 3 of the Protective Orders issued by the Commission<sup>3</sup> should be interpreted to include not only the proceeding pending before the Commission in which those Protective Orders were issued, but also the review of the proposed merger of EchoStar and Hughes pending before the Antitrust

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<sup>1</sup> Letter from Jack Richards, counsel for NRTC, to Marlene H. Dortch, Secretary, FCC (Aug. 15, 2002).

<sup>2</sup> See Letter from Gary M. Epstein, counsel for Hughes and GM, and Pantelis Michalopoulos, counsel to EchoStar, to Marlene H. Dortch, Secretary, FCC (Aug. 22, 2002) (opposing NRTC's request). See also Letter from Jack Richards, counsel for NRTC, to Marlene H. Dortch, Secretary, FCC (Aug. 29, 2002) (responding to Applicants' opposition).

<sup>3</sup> EchoStar Communications Corporation, General Motors Corporation, and Hughes Electronics Corporation, Order Adopting Protective Order, DA 02-27 (rel. Jan. 9, 2002) and EchoStar Communications Corporation, General Motors Corporation, and Hughes Electronics Corporation, Order Adopting Second Protective Order, DA 02-964 (rel. Apr. 25, 2002).

Division of DOJ. The term "this proceeding" should not be read to encompass proceedings at other agencies. Indeed, such a reading would be inconsistent with the terms of the Order, which prohibit use by signers "in any other administrative . . . proceedings" unless allowed under some other provision of the Order, and would create undue uncertainty as to the scope of potential use. Alternatively, NRTC requests the Commission's consent to disclose material produced by other parties in our proceeding pursuant to the Protective Order to the Antitrust Division in this particular case. Under the terms of the governing Protective Order and the particular circumstances presented by this request, we decline to do so.

Sincerely,  
  
W. Kenneth Ferree  
Chief, Media Bureau

cc: Pantelis Michalopoulos  
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