

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of

Application of )  
)  
EchoStar Communications Corporation, (a Nevada )  
Corporation), General Motors Corporation, and )  
Hughes Electronics Corporation (Delaware )  
Corporations) )

CS Docket No. 01-348

(Transferors) )

and )

EchoStar Communications Corporation (a )  
Delaware Corporation) )

(Transferee) )

To: Managing Director



**Motion to Defer Hearing Fee**

The Word Network (hereinafter "Word"), by and through counsel and pursuant to Section 1.1117 of the Commission's Rules, 47 CFR § 1.1117, hereby files a Motion to Defer Hearing Fee. In support, the following is shown:

1. By Hearing Designation Order, (FCC 02-284, released October 18,2002) (hereinafter "HDO"), the Commission designated the above-captioned matter for hearing and named the Word, *inferalia*, a party. The Word was directed to file a Notice of Appearance pursuant to Section 1.221(e) of the Commission's Rules, 47 CFR § 1.221(e). In addition, the Word and the other parties were instructed as follows:

Such written appearance must also be accompanied (sic) by the fee specified in Section 1.1107 of the Commission's Rules or be accompanied by a deferral request pursuant to

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Section 1.11 17 of the Commission's Rules

The Word does not believe that a hearing fee should be required of non-applicant parties and, accordingly, files the instant Motion to Defer Hearing Fee. In the event a hearing fee will be required, the Word requests that payment of the fee be deferred, at least until any amendments are filed in this proceeding,' and if the Word chooses to participate in the hearing on these applications, as amended, the Word requests that the hearing fee, ultimately be waived.

2. The Commission, in adopting the schedule of application processing fees stated, with regard to hearing fees, that:

We will not, however, require the hearing fee for parties designated for hearing in a renewal, assignment/transfer, or revocation proceeding. These actions are in the nature of an enforcement action against a licensee and the imposition of a fee against the licensee would be inconsistent with the licensee's right to a hearing. 134

*Establishment of a Fee Collection Program, 2 FCC Rcd 947 at para. 143 (1987), recon. den. 3*

FCC Rcd 5987 (1988). At note 134, the Commission stated:

As we proposed in the NPRM, we will not assess a fee in the following situations: **individuals or organization named parties** (47 CFR § 1.221); intervenors (47 CFR § 1.223); non-parties who wish to appear and give evidence (47 CFR § 1.225); **those who file Petitions to Deny** (47 CFR § 73.3584); or Informal Objections (47 CFR § 73.3587).

*Id* (emphasis supplied).' Consequently, no hearing fee should be required from those such as the Word, who filed petitions to deny and were named parties to the proceeding.

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<sup>1</sup> At paragraph 295 of the HDO, the Commission gave the parties an opportunity to amend their applications within 30 days. The Word, however, must file its Notice of Appearance within 20 days.

<sup>2</sup> Although the language quoted above relates to Mass Media Bureau services, the Commission specifically made the hearing fee for proceedings involving Direct Broadcast Satellites subject to the limitations established at para. 143. *Id.* at para. 191.

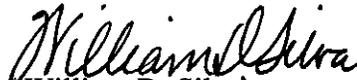
3. Moreover, imposition of the hearing fee, in this case \$9,020.00, would undermine the Word's right to participate in the Commission's licensing process under Section 309(d) of the Communications Act of 1934, as amended. 47 USC § 309(d). Under this section of the Act , any party in interest may file a petition to deny and, "Any hearing subsequently held upon such application shall be a full hearing in which the applicant and all other parties in interest shall be permitted to participate." 47 USC § 309(e). Conditioning the Word's participation on the payment of a substantial hearing fee runs counter to the Act and eviscerates its right to fully participate in this proceeding.

4. However, in the event it is determined that payment of the hearing fee is a proper condition precedent to the Word's participation, it is respectfully requested that the hearing fee be deferred at this time and, ultimately waived. The Word Network is a two year old, non-profit network providing 24 hours of non-commercial educational programming each day. The network provides national and regional ministries, gospel music, live special events, inspirational movies and educational interviews and talk shows. The Word Network is family friendly with a very large, loyal and devoted following. Its audience is primarily urban and African American. The Word has established its standing to participate in this proceeding and has gone to the trouble and expense of filing a petition to deny in this matter. It has a particular interest in Issues 1 and 2 and is in a position to assist the Commission in developing a full and complete record on these issues. These factors serve as a basis of deferring the hearing fee in the event it is determined that a hearing fee is proper.

5. In conclusion, it is submitted that the imposition of a hearing fee against the Word is not justified. The legislative history of Section 1.1107 makes it clear that a hearing fee should

not be imposed in this situation. In the event it is determined that the Word must pay a hearing fee to participate in this proceeding, it is requested that the fee be deferred at least until the applicant parties file any amendment, and, ultimately waived, based upon the Word's non-profit status and its willingness and ability to assist the Commission in resolving this matter.

Respectfully submitted,  
THE WORD NETWORK



By: /s/ William D. Silva

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October 30, 2002

**CERTIFICATE OF SERVICE**

I, William D. Silva, hereby certify that true and correct copies of the foregoing Motion to Defer Hearing Fee were served on the following individuals by first class mail, postage prepaid on this 30th day of October 2002 :

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