

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

FCC 02M-106  
01744

NO. 01-21

In the Matter of

Application of

CS Docket No. 01-348

**ECHOSTAR COMMUNICATIONS CORP.**,  
(a Nevada corporation), **General Motors  
Corporation**, and **Hughes Electronics  
Corporation** (Delaware Corporations

(Transferors)

and

**ECHOSTAR COMMUNICATIONS  
CORPORATION** (A Delaware Corporation)

(Transferee)

**PROCEDURAL ORDER**

**Issued:** November 25, 2002

**Released:** November 26, 2002

On November 18, 2002, EchoStar Communications Corporation and General Motors Corporation/Hughes Electronics Corporation (collectively the "Applicants") filed a Request to Certify Question as to Whether Hearing Should be Held ("Request"). The Request was properly directed to the Chief Administrative Law Judge, who is the assigned Presiding Judge.

The Request stated:

The Applicants soon plan to request suspension of the hearing pending Commission review of a remedial proposal that the Applicants plan to submit, as invited by the Commission in the HDO.<sup>1</sup>

Request at 2.

The Commission instructed the Applicants:

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<sup>1</sup> *In the Matter of EchoStar Communications Corporation, et al., Hearing Designation Order*, FCC 02 – 284, released October 18, 2002, at Para. 295.

[T]he parties may file an amended application with the Commission to ameliorate the competition concerns identified in this Order and may also file a petition to suspend the hearing pending review of the amended application.

*HDO* at Para. 295. The deadline for filing the petition to suspend hearing is November 27, 2002. *Id.*

Should there be a question on the proper procedure, the Applicants are instructed that their contemplated petition to suspend the hearing pending review of amended application must be addressed to the Commission and not to the Chief Administrative Law Judge.<sup>2</sup>

SO ORDERED.<sup>3</sup>

FEDERAL COMMUNICATIONS COMMISSION

A handwritten signature in black ink, appearing to read "Richard L. Sippel". The signature is written in a cursive, somewhat stylized font.

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>2</sup> The procedure set in this case for prehearing review of amended application was set in the Commission's *HDO*. Therefore, the appropriate and most efficient course of action for the Applicants is to file their request for suspension of hearing pending review of an amended application directly with the Commission.

<sup>3</sup> Because **of** the closeness to the November 27, **2002** action date, courtesy copy **of** this Procedural Order is being sent on issuance to the Applicants' counsel, and a copy also is being sent to Bureau counsel.