



PUBLIC NOTICE

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ECHOSTAR – DIRECTV MERGER (CS Docket No. 01-348)

FEES FOR PARTICIPATING IN HEARING

The Commission's Order designating the EchoStar – DirecTV merger for hearing¹ states that the written appearances of the entities that were made parties to the proceeding must be accompanied by the fee specified in Section 1.1107 of the Commission's Rules. Section 1.1107 does not, however, provide for a fee for this type of hearing.² Accordingly, no fee is due.

¹ In the Matter of Application of EchoStar Communications Corporation, (a Nevada Corporation), General Motors Corporation, and Hughes Electronics Corporation (Delaware Corporations) (Transferors) and EchoStar Communications Corporation (a Delaware Corporation) (Transferee), CS Docket No. 01-348, Hearing Designation Order, FCC 02-284 ¶ 297 (Oct. 18, 2002).

² Section 1.1107 specifies a fee for a hearing in the DBS service in two instances: new and major/minor change, comparative construction permit hearings, and comparative license renewal hearings. Neither applies here. Further, in establishing the fee program, the Commission stated that with respect to fees for hearings, "we will not assess a fee in the following situations: individuals or organizations named parties (47 C.F.R. §1.221); intervenors (47 C.F.R. §1.223); non-parties who wish to appear and give evidence (47 C.F.R. §1.225) . . ." *Establishment of a Fee Collection Program to Implement the Provisions of the Consolidated Omnibus Budget Reconciliation Act of 1985, Report and Order*, 2 FCC Rcd 947,966 ¶ 143, 971 ¶ 191,985 n.134 (1987). Accordingly, even if Section 1.1107 specified a fee, it would not apply to those entities named as parties in paragraph 297 of the *Hearing Designation Order*.