

4/24/03

Docket # MB 03-82

DA 03-862

Federal Communications Commission
Consumer & Governmental Affairs Bureau
Consumer Complaints

I am writing you to express my concerns about DirecTV not supplying Hawaii with a competitive package. I have been involved in the satellite industry since 1986 and currently sell both Dish Network and DirecTV. DirecTV has been available here in Hawaii since 1999 with a limited package due to the capacity of the satellite that serves Hawaii. From the start DTV gave us a package that did not include the most popular basic channels like CNN, ESPN, A&E, Discovery, TNT, TBS, USA ESPN 2 and the national networks.

At first I thought that this was all they really could give Hawaii due to having only half the capacity at the 101 location. After two years of watching DirecTV move and add channels at their 101 location it is clear to me that they are keeping these popular channels away from the Hawaii customer base

Around the first of September 2002 DTV decided to add the Sunday NFL Ticket for Hawaii. This involves adding about 8-10 channels on the satellites that service Hawaii. It is great that they have given us this package, but now a Hawaii customer may be charged a \$150 fee if they only get this package without an annual commitment package. None of the programming packages that DTV provides for Hawaii qualify for the annual commitment according to DirecTV's agreement form. Because there are no promotions or popular basic programming packages available here in Hawaii like in the rest of the USA DirecTV systems are rarely sold and at a premium.

DirecTV requires myself and my customers to sign and comply with their programming policies even though we do not receive qualifying packages.

I have been trying for the past 2 years to get DirecTV to treat us fairly and give Hawaii a package that we can sell here to compete against Dish Network and Cable but they continue to refuse to deal with us. They have the ability to add these basic channels For Hawaii at any point but continue to deny us these channels

Satellite Capacity: 1 Transponder = app. 10-12 channels, 18 transponders = app. 180-210 channels.

DirecTV has 18 transponder that currently service Hawaii from their 101 location while Dish Network has 17 transponder at their 119 location.

DirecTV has approximately 66 channels of basic and movie channels, servicing Hawaii with 18 transponders.

Total = 66 channels. The NFL channels are only on Sunday

DirecTV does have over 120 more channels that are being sent to Hawaii but are not available because DirecTV does not want to deal with us.

Dish Network has approximately 160 basic, movies and sports channels, plus 6 PPV and 30 audio channels servicing Hawaii with 17 transponders. Total = 188 channels (Dish Network wants Hawaii customers)

Channels available in Hawaii

DirecTV = Over 180 available only 66 Sold = 35%

Dish Network = Over 188 available Over 188 Sold = 100 %

At the same time DirecTV is refusing to sell Hawaii the most popular channels they are sending these same channels to South America with American satellites. Hawaii should be at least as important as South America.

The question comes down to the following:

- Is DirecTV required to sever Hawaii with a comparable package as the Mainland? Answer: YES
Are the current packages comparable with the packages on the mainland? Answer: NO
- Can DirecTV give the popular basic channels to a transponder that serves Hawaii? Answer: YES
Are the most popular basic channels available to Hawaii from DirecTV? Answer
NO
- Does DirecTV have more capacity at the 101 location than Dish has at the 119 location? Answer YES
Does Dish Network serve Hawaii with the popular basic channels from less capacity? Answer: YES
- Should DirecTV be penalized for failing to service Hawaii as they are required by the FCC Answer Yes

When Dish Network started servicing Hawaii with their SkyVista service with only 6 transponders they made sure Hawaii had these basic channels. When Dish Network started their limited service to Hawaii they continued to make sure we received the most popular basic channels. For the past 8 months I have continued to try and get DirecTV to address all of the concerns for pricing, fees and business rules for Hawaii but they continue to not respond.

If you look at the actual DirecTV verses Dish Network numbers in Hawaii this will prove that DirecTV is not competing here in Hawaii. If they can add the NFL Ticket which only comes on for one day a week they surely can add a basic package that we can sell in Hawaii.

If DirecTV really wanted to serve Hawaii they could do this at any time. I currently receive a couple dozen calls per week about DirecTV service in Hawaii. After telling the callers about the programming packages here, 99.999999 % of them say No Thanks.

Closing:

I feel that DirecTV should be punished and fined for every day they have denied Hawaii a sellable service since 1999. They also should be punished and fined for every person that has called DirecTV and the dealers of Hawaii trying to get service here, only to find out that DirecTV does not have a service here that most people would want to purchase.

Before the FCC approves any sale of DirecTV, DirecTV must be required to service Hawaii with a package that is at least as good as Dish Networks or Cable.

Thank You

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