

STEPTOE & JOHNSON^{LLP}

ATTORNEYS AT LAW

Pantelis Michalopoulos
202.429.6494
pmichalo@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com

December 13, 2004

VIA ELECTRONIC FILING

Ms. Marlene Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: *Ex Parte* – MB Docket No. 03-206

Dear Ms. Dortch:

EchoStar Satellite L.L.C. (“EchoStar”) writes in response to a November 22, 2004 letter filed by Dominion Video Satellite, Inc. (“Dominion”) in Enforcement Bureau Docket No. EB-04-IH-0140 (“November 22 Dominion Letter”), that was subsequently filed by Dominion in the above-referenced docket.¹ Among other things, the November 22 Dominion Letter characterizes as “misleading” an EchoStar statement that EchoStar carries some local stations of the Daystar Television Network (“Daystar”). *See* Dominion November 22 Letter at 1-2. Dominion goes on to question whether EchoStar’s carriage of Daystar local stations complies with the Commission’s must-carry rules, and suggests that it does not. *Id.*

Dominion’s allegations are misguided. In each local market where Daystar has a qualified station that has elected must-carry, EchoStar retransmits the feed provided to it by Daystar. As EchoStar has previously informed the Commission, Daystar provides EchoStar with a single feed for all Daystar local stations simply because EchoStar understands that all Daystar stations broadcast the same content.²

Dominion’s allegations also exceed the boundaries of any interest it could have in EchoStar’s carriage of Daystar stations. Dominion’s assertion that EchoStar’s carriage “den[ies] viewers in

¹See Letter from Marvin Rosenberg, Counsel for Dominion Video Satellite, Inc., to Marlene Dortch, Secretary, FCC (dated Nov. 29, 2004).

²See Letter from Pantelis Michalopoulos, Counsel for EchoStar, to William D. Freedman, Enforcement Bureau, FCC (dated Mar. 22, 2004) (“EchoStar March 22, 2004 Letter”), at 4.

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[Daystar local markets] . . . the local programming of Daystar's local stations" and its exhortations about localism ring particularly hollow. *Id.* at 2. Dominion simply has no standing to attempt to vindicate the concerns of local viewers, even putting aside the meritless nature of its allegations. Dominion likewise has no standing to complain about the channel placement of Daystar's local stations. *See id.* The must-carry rules that Dominion invokes are meant to protect Daystar, not Dominion.

EchoStar has previously responded to the remaining allegations in the November 22 Dominion Letter and will not duplicate those responses here, but incorporates them by reference.³

Respectfully submitted,



Pantelis Michalopoulos
Rhonda M. Bolton
Counsel for EchoStar Satellite L.L.C.

cc: W. Kenneth Ferree, Media Bureau
Eloise Gore, Media Bureau
Rosalee Chiara, Media Bureau
Kenneth M. Scheibel, Jr., Enforcement Bureau
Robert L. Olender, Counsel for Word of God Fellowship, Inc., d/b/a Daystar Television Network
Marvin Rosenberg, Counsel for Dominion Video Satellite, Inc.

³ *See* EchoStar March 22, 2004 Letter *and* Letter from Pantelis Michalopoulos, Counsel for EchoStar, to William D. Freedman, Enforcement Bureau, FCC (dated May 24, 2004).