

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
)
Application of DISH Network L.L.C. for) MB Docket No. 10-124
Qualified Carrier Certification)
)

APPLICATION FOR QUALIFIED CARRIER CERTIFICATION

FILED/ACCEPTED

JUN 30 2010

Federal Communications Commission
Office of the Secretary

Pantelis Michalopoulos
Christopher R. Bjornson
Andrew W. Guhr
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for DISH Network L.L.C.

[June 30, 2010]

TABLE OF CONTENTS

CHECKLIST OF CERTIFICATION REQUIREMENTS

NARRATIVE APPLICATION FOR QUALIFIED CARRIER CERTIFICATION

ATTACHMENT A – AFFIDAVIT OF DAVID SHULL Tab A

ATTACHMENT B – AFFIDAVIT OF REX POVENMIRE..... Tab B

ATTACHMENT C – AFFIDAVIT OF DAVID BAIR..... Tab C

ATTACHMENT D – DMA SPECIFIC INFORMATION AND MAPS..... Tab D

| | |
|--|------|
| 1. Alpena, Michigan..... | D.1 |
| 2. Biloxi-Gulfport, Mississippi | D.2 |
| 3. Binghamton, New York | D.3 |
| 4. Bluefield-Beckley, West Virginia..... | D.4 |
| 5. Bowling Green, Kentucky | D.5 |
| 6. Columbus, Georgia | D.6 |
| 7. Elmira, New York..... | D.7 |
| 8. Eureka, California..... | D.8 |
| 9. Glendive, Montana..... | D.9 |
| 10. Greenwood-Greenville, Arkansas..... | D.10 |
| 11. Harrisonburg, Virginia..... | D.11 |
| 12. Hattiesburg-Laurel, Mississippi..... | D.12 |
| 13. Jackson, Tennessee | D.13 |
| 14. Jonesboro, Arkansas | D.14 |
| 15. Lafayette, Indiana | D.15 |
| 16. Lake Charles, Louisiana..... | D.16 |
| 17. Mankato, Minnesota | D.17 |
| 18. North Platte, Nebraska..... | D.18 |
| 19. Ottumwa, Iowa..... | D.19 |
| 20. Parkersburg, West Virginia..... | D.20 |
| 21. Presque Isle, Maine | D.21 |
| 22. Salisbury, Maryland..... | D.22 |
| 23. Springfield-Holyoke, Massachusetts | D.23 |
| 24. St. Joseph, Missouri | D.24 |
| 25. Utica, New York | D.25 |
| 26. Victoria, Texas..... | D.26 |
| 27. Watertown, New York | D.27 |
| 28. Wheeling, West Virginia | D.28 |
| 29. Zanesville, Ohio..... | D.29 |

ATTACHMENT E – LIST OF IMPORTED STATIONS..... Tab E

Checklist of Qualified Carrier Certification Requirements Pursuant to Satellite Television Extension and Localism Act of 2010 (STELA)

| General Statutory Requirements | Provision |
|--|------------------------|
| 1. The satellite carrier provides an affidavit stating that, to the best of the affiant’s knowledge, the carrier provides local service in all 210 DMAs, and listing those DMAs in which local service was provided as of STELA’s enactment. <i>See</i> § 342(b)(1). | Shull Affidavit ¶¶ 2-3 |
| 2. The satellite carrier provides a list of each DMA in which local service was not provided as of STELA’s enactment. <i>See</i> § 342(b)(2)(A). | Narrative at 2-3 |

| Requirements Where Local Service Not Provided Prior to STELA | Provision |
|--|-------------------------|
| 1. The satellite carrier provides the location of its local receive facility in each such DMA. <i>See</i> § 342(b)(2)(A). | Attachment D |
| 2. The satellite carrier provides the number of households and maps showing the geographic distribution of such households in each such DMA based on the most recent census data. <i>See</i> § 342(b)(2)(B). | Attachment D |
| 3. The satellite carrier provides maps showing that its satellite beams, as designed, are predicted to provide a “good quality satellite signal” to at least 90% of the households in each such DMA. <i>See</i> § 342(b)(2)(C). | Attachment D |
| 4. The satellite carrier provides an affidavit stating that, to the best of the affiant’s knowledge, there have been no satellite or sub-system failures subsequent to launch that would degrade the design performance to such a degree that a satellite transponder used to provide local service to each such DMA is precluded from delivering a “good quality satellite signal” to at least 90% of the households in each such DMA. <i>See</i> § 342(b)(2)(D). | Bair Affidavit ¶¶ 2-3 |
| 5. The “good quality satellite signal” determinations above used models of satellite antennas normally used by the satellite carrier’s subscribers. <i>See</i> § 342(e)(2)(A)(i)(I). | Bair Affidavit ¶ 4 |
| 6. The “good quality satellite signal” determinations above used the same calculation methodology used to determine predicted signal availability in the top 100 DMAs. <i>See</i> § 342(e)(2)(A)(i)(II). | Bair Affidavit ¶ 4 |
| 7. Taking into account the factors set forth in § 342(e)(2)(A)(ii), the satellite carrier treats all television broadcast stations’ signals the same with respect to the statistical multiplexor prioritization. <i>See</i> § 342(e)(2)(A)(ii)(I). | Povenmire Affidavit ¶ 2 |
| 8. Taking into account the factors set forth in § 342(e)(2)(A)(ii), the number of video signals carried on the satellite transponder used to provide local service to each such DMA is not more than the then current greatest number of video signals carried on any equivalent transponder serving the top 100 DMAs. <i>See</i> § 342(e)(2)(A)(ii)(II). | Povenmire Affidavit ¶ 2 |

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

| | | |
|--|---|----------------------|
| In the Matter of |) | |
| |) | |
| |) | |
| Application of DISH Network L.L.C. for |) | MB Docket No. 10-124 |
| Qualified Carrier Certification |) | |
| |) | |

APPLICATION FOR QUALIFIED CARRIER CERTIFICATION

DISH Network L.L.C. (“DISH”) hereby requests a qualified carrier certification pursuant to Section 342 of the Communications Act, 47 U.S.C. § 342, as enacted by the Satellite Television Extension and Localism Act of 2010 (“STELA”).¹ Under that provision, the Commission “shall issue” such a certification if:

- (1) DISH is providing local service pursuant to the statutory license under Section 122 of the Copyright Act, 17 U.S.C. § 122, in each of the 210 designated market areas (“DMAs”); and
- (2) with respect to each DMA in which DISH was not providing such local service as of the date of enactment of STELA:
 - (a) DISH’s satellite beams are designed, and predicted by the satellite manufacturer’s pre-launch test data, to provide a good quality satellite signal to at least 90 percent of the households in each such DMA based on the most recent census data released by the U.S. Census Bureau; and

¹ Satellite Television Extension and Localism Act of 2010, Pub. L. No. 111-175, 124 Stat. 1218.

(b) there is no material evidence that there has been a satellite or sub-system failure subsequent to the satellite's launch that precludes the ability of DISH to satisfy the requirements of subparagraph (a) above.

Requirement (1) above is satisfied by the affidavit of David Shull, appended as Attachment A, which confirms that, since June 3, 2010, DISH has been providing, and now provides, local service pursuant to the statutory license under Section 122 of the Copyright Act, 17 U.S.C. § 122, to all 210 DMAs across the country.²

The affidavit of Mr. Shull also establishes that, as of February 27, 2010, the effective date of STELA's enactment,³ DISH was providing local service to the 181 DMAs listed in his affidavit.⁴ Thus, on that date, DISH was *not* providing local service in the following 29 DMAs:

1. Alpena, Michigan
2. Biloxi-Gulfport, Mississippi
3. Binghamton, New York
4. Bluefield-Beckley, West Virginia
5. Bowling Green, Kentucky
6. Columbus, Georgia
7. Elmira, New York
8. Eureka, California
9. Glendive, Montana
10. Greenwood-Greenville, Arkansas
11. Harrisonburg, Virginia
12. Hattiesburg-Laurel, Mississippi
13. Jackson, Tennessee
14. Jonesboro, Arkansas

² See Affidavit of David Shull ¶ 2 (affirming that DISH provides local service in all 210 DMAs pursuant to the statutory license provided for in Section 122 of Title 17, United States Code).

³ STELA § 307 (“Unless specifically provided otherwise, this Act, and the amendments made by this Act, shall take effect on February 27, 2010, and with the exception of the reference in subsection (b), all references to the date of enactment of this Act shall be deemed to refer to February 27, 2010, unless otherwise specified.”).

⁴ See Affidavit of David Shull ¶ 3 (listing the 181 DMAs in which DISH provided local service as of STELA's enactment).

15. Lafayette, Indiana
16. Lake Charles, Louisiana
17. Mankato, Minnesota
18. North Platte, Nebraska
19. Ottumwa, Iowa
20. Parkersburg, West Virginia
21. Presque Isle, Maine
22. Salisbury, Maryland
23. Springfield-Holyoke, Massachusetts
24. St. Joseph, Missouri
25. Utica, New York
26. Victoria, Texas
27. Watertown, New York
28. Wheeling, West Virginia
29. Zanesville, Ohio

Requirement (2)(a) above is satisfied by the affidavit of Rex Povenmire appended as Attachment B, the affidavit of David Bair appended as Attachment C, and the DMA-specific data and maps appended as Attachment D, which confirm that each of the satellite beams used by DISH to provide local service to each of these 29 DMAs is designed (and is predicted by the satellite manufacturer's pre-launch data) to provide a good quality satellite signal to at least 90 percent of the households in each such DMA based on the most recent census data released by the U.S. Census Bureau.

Mr. Bair's affidavit establishes that the power levels (as designed and as predicted by the satellite manufacturer's pre-launch tests, and as plotted on the maps included in Attachment D) of the satellite signals in each such beam are designed and predicted to achieve reception and demodulation at an availability level of at least 99.7 percent using models of satellite antennas normally used by DISH's subscribers and the same calculation methodology used by DISH to determine predicted signal availability in the top 100 DMAs.⁵

⁵ Affidavit of David Bair ¶ 4.

Mr. Povenmire's affidavit establishes that, taking into account the statutory factors set forth in 47 U.S.C. § 342(e)(2)(A)(ii), DISH treats all television broadcast stations' signals the same with respect to statistical multiplexer prioritization, and that the number of video signals in the relevant satellite transponders used to provide local service in each of the 29 DMAs listed above is not more than the current greatest number of video signals carried on any equivalent transponder serving the top 100 DMAs.⁶

Therefore, the affidavits of Messrs. Bair and Povenmire confirm that each of the satellite beams used by DISH to provide local service to each of the 29 DMAs listed above (as designed and as predicted by the satellite manufacturer's pre-launch tests, and as plotted on the maps included in Attachment D) meets the statutory definition of "good quality satellite signal."

Attachment D to this submission includes maps showing the geographic distribution of households in each of the 29 DMAs listed above based on the most recent census data released by the U.S. Census Bureau with superimposed effective isotropically radiated power predictions showing the contours of the satellite beams (as designed and tested) used by DISH to provide local service to each of those DMAs. These maps establish that 90 percent of such households in each of the 29 DMAs are located within the geographic area that such beams are designed to cover.

Therefore, because each of those satellite beams (as designed and as predicted by the satellite manufacturer's pre-launch tests, and as plotted on the maps included in Attachment D) meets the statutory definition of "good quality satellite signal" and 90 percent of households in each of the 29 DMAs are located within those beams, each of the satellite beams used by DISH to provide local service to each of these 29 DMAs is designed (and is predicted by the satellite

⁶ Affidavit of Rex Povenmire ¶ 2.

manufacturer's pre-launch tests) to provide a good quality satellite signal to at least 90 percent of the households in each such DMA.

Finally, requirement (2)(b) above is satisfied by the affidavit of David Bair, appended as Attachment C, which confirms that there have been no satellite or sub-system failures subsequent to the launch of the satellites used to provide local service in the 29 DMAs listed above that would degrade their design performance to such a degree that a satellite transponder used to provide local service to those DMAs is precluded from delivering a good quality satellite signal to at least 90 percent of the households in each such DMA based on the most recent census data released by the U.S. Census Bureau.⁷

Attachment E provides information on the 29 markets to which DISH was not providing local service prior to February 27, 2010. For each of those markets, the attachment identifies the local network stations being carried, any local network stations not being carried, the stations being imported to "fill" each short market under the temporary waiver issued by the U.S. District Court for the Southern District of Florida,⁸ and the DMAs from which those stations are being imported.

Mr. Povenmire's affidavit also provides certain additional information requested by Commission officials. Specifically, the affidavit provides information regarding the criteria used by DISH to determine whether transponders used in the top 100 DMAs are "equivalent" to those used in the 29 DMAs where DISH was not providing local service as of February 27, 2010, as well as a list of the four distinct transponder configurations being used to provide local service to those 29 DMAs. Also, as requested by Commission officials, the affidavit of David Bair

⁷ Affidavit of David Bair ¶ 3.

⁸ *CBS Broad. Inc. v. Echostar Commc'ns Corp.*, No. 98-2651 (S.D. Fla. June 2, 2010).

provides additional information regarding the calculation methodology used by DISH to determine predicted signal availability levels.

Based on the foregoing, DISH has met the statutory requirements for certification and respectfully requests that the Commission approve its request for qualified carrier certification under Section 342 of the Communications Act, 47 U.S.C. § 342, as enacted by STELA.

Respectfully submitted,

/s/

Pantelis Michalopoulos
Christopher R. Bjornson
Andrew W. Guhr
Steptoe & Johnson LLP
1330 Connecticut Avenue N.W.
Washington, D.C. 20036
(202) 429-3000
Counsel for DISH Network L.L.C.

June 30, 2010

ATTACHMENT A

AFFIDAVIT OF DAVID SHULL

AFFIDAVIT OF DAVID SHULL

DAVID SHULL, being duly sworn, hereby deposes and says to the best of his knowledge and belief:

1. I am the Senior Vice President of Programming for DISH Network L.L.C. (“DISH”). In this capacity, I have direct knowledge of DISH’s retransmission of local broadcast signals and all matters covered by this affidavit.

2. Since June 3, 2010, DISH has been providing, and now provides, local service in all 210 designated market areas (“DMAs”) across the United States pursuant to the statutory license provided for in Section 122 of Title 17, United States Code.

3. As of February 27, 2010, the effective date of enactment of the Satellite Television Extension and Localism Act of 2010, DISH provided local service to the following 181 DMAs pursuant to the statutory license provided for in Section 122 of Title 17, United States Code:

1. Abilene-Sweetwater, TX
2. Albany, GA
3. Albany-Schenectady-Troy, NY
4. Albuquerque-Santa Fe, NM
5. Alexandria, LA
6. Amarillo, TX
7. Anchorage, AK
8. Atlanta, GA
9. Augusta, GA
10. Austin, TX
11. Bakersfield, CA
12. Baltimore, MD
13. Bangor, ME
14. Baton Rouge, LA
15. Beaumont-Port Arthur, TX
16. Bend, OR
17. Billings, MT
18. Birmingham (Anniston and Tuscaloosa), AL
19. Boise, ID

20. Boston, MA (Manchester, NH)
21. Buffalo, NY
22. Burlington, VT-Plattsburgh, NY
23. Butte-Bozeman, MT
24. Casper-Riverton, WY
25. Cedar Rapids-Waterloo-Iowa City and Dubuque, IA
26. Champaign and Springfield-Decatur, IL
27. Charleston, SC
28. Charleston-Huntington, WV
29. Charlotte, NC
30. Charlottesville, VA
31. Chattanooga, TN
32. Cheyenne, WY-Scottsbluff, NE
33. Chicago, IL
34. Chico-Redding, CA
35. Cincinnati, OH
36. Clarksburg-Weston, WV
37. Cleveland-Akron (Canton), OH
38. Colorado Springs-Pueblo, CO
39. Columbia, SC
40. Columbia-Jefferson City, MO
41. Columbus, OH
42. Columbus-Tupelo-West Point, MS
43. Corpus Christi, TX
44. Dallas-Ft. Worth, TX
45. Davenport, IA-Rock Island-Moline, IL
46. Dayton, OH
47. Denver, CO
48. Des Moines-Ames, IA
49. Detroit, MI
50. Dothan, AL
51. Duluth, MN-Superior, WI
52. El Paso, TX
53. Erie, PA
54. Eugene, OR
55. Evansville, IN
56. Fairbanks, AK
57. Fargo-Valley City, ND
58. Flint-Saginaw-Bay City, MI
59. Fresno-Visalia, CA
60. Ft. Myers-Naples, FL
61. Ft. Smith-Fayetteville-Springdale-Rogers, AR
62. Ft. Wayne, IN
63. Gainesville, FL
64. Grand Junction-Montrose, CO
65. Grand Rapids-Kalamazoo-Battle Creek, MI

66. Great Falls, MT
67. Green Bay-Appleton, WI
68. Greensboro-High Point-Winston Salem, NC
69. Greenville-New Bern-Washington, NC
70. Greenville-Spartanburg, SC-Asheville, NC-Anderson, SC
71. Harlingen-Weslaco-Brownsville-McAllen, TX
72. Harrisburg-Lancaster-Lebanon-York, PA
73. Hartford and New Haven, CT
74. Helena, MT
75. Honolulu, HI
76. Houston, TX
77. Huntsville-Decatur (Florence), AL
78. Idaho Falls-Pocatello, ID
79. Indianapolis, IN
80. Jackson, MS
81. Jacksonville, FL
82. Johnstown-Altoona, PA
83. Joplin, MO-Pittsburg, KS
84. Juneau, AK
85. Kansas City, MO
86. Knoxville, TN
87. La Crosse-Eau Claire, WI
88. Lafayette, LA
89. Lansing, MI
90. Laredo, TX
91. Las Vegas, NV
92. Lexington, KY
93. Lima, OH
94. Lincoln and Hastings-Kearney, NE
95. Little Rock-Pine Bluff, AR
96. Los Angeles, CA
97. Louisville, KY
98. Lubbock, TX
99. Macon, GA
100. Madison, WI
101. Marquette, MI
102. Medford-Klamath Falls, OR
103. Memphis, TN
104. Meridian, MS
105. Miami-Fort Lauderdale, FL
106. Milwaukee, WI
107. Minneapolis-St. Paul, MN
108. Minot-Bismarck-Dickinson (Williston), ND
109. Missoula, MT
110. Mobile, AL-Pensacola (Ft. Walton Beach), FL
111. Monroe, LA-El Dorado, AR

112. Monterey-Salinas, CA
113. Montgomery-Selma, AL
114. Myrtle Beach-Florence, SC
115. Nashville, TN
116. New Orleans, LA
117. New York, NY
118. Norfolk-Portsmouth-Newport News, VA
119. Odessa-Midland, TX
120. Oklahoma City, OK
121. Omaha, NE
122. Orlando-Daytona Beach-Melbourne, FL
123. Paducah, KY-Cape Girardeau, MO-Harrisburg, IL
124. Palm Springs, CA
125. Panama City, FL
126. Peoria-Bloomington, IL
127. Philadelphia, PA
128. Phoenix, AZ
129. Pittsburgh, PA
130. Portland, OR
131. Portland-Auburn, ME
132. Providence, RI-New Bedford, MA
133. Quincy, IL-Hannibal, MO-Keokuk, IA
134. Raleigh-Durham (Fayetteville), NC
135. Rapid City, SD
136. Reno, NV
137. Richmond-Petersburg, VA
138. Roanoke-Lynchburg, VA
139. Rochester, MN-Mason City, IA-Austin, MN
140. Rochester, NY
141. Rockford, IL
142. Sacramento-Stockton-Modesto, CA
143. Salt Lake City, UT
144. San Angelo, TX
145. San Antonio, TX
146. San Diego, CA
147. San Francisco-Oakland-San Jose, CA
148. Santa Barbara-Santa Maria-San Luis Obispo, CA
149. Savannah, GA
150. Seattle-Tacoma, WA
151. Sherman, TX-Ada, OK
152. Shreveport, LA
153. Sioux City, IA
154. Sioux Falls (Mitchell), SD
155. South Bend-Elkhart, IN
156. Spokane, WA
157. Springfield, MO

158. St. Louis, MO
159. Syracuse, NY
160. Tallahassee, FL-Thomasville, GA
161. Tampa-St. Petersburg (Sarasota), FL
162. Terre Haute, IN
163. Toledo, OH
164. Topeka, KS
165. Traverse City-Cadillac, MI
166. Tri-Cities, TN-VA
167. Tucson (Sierra Vista), AZ
168. Tulsa, OK
169. Twin Falls, ID
170. Tyler-Longview (Lufkin and Nacogdoches), TX
171. Waco-Temple-Bryan, TX
172. Washington, DC (Hagerstown, MD)
173. Wausau-Rhineland, WI
174. West Palm Beach-Ft. Pierce, FL
175. Wichita Falls, TX-Lawton, OK
176. Wichita-Hutchinson, KS Plus
177. Wilkes Barre-Scranton, PA
178. Wilmington, NC
179. Yakima-Pasco-Richland-Kennewick, WA
180. Youngstown, OH
181. Yuma, AZ-El Centro, CA



David Shull
Senior Vice President, Programming
DISH Network L.L.C.

Sworn to before me this
21st day of June, 2010



Notary Public

ELIZABETH J WILLIAMS
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 10/25/10

ATTACHMENT B

AFFIDAVIT OF REX POVENMIRE

AFFIDAVIT OF REX POVENMIRE

REX POVENMIRE, being duly sworn, hereby deposes and says to the best of his knowledge and belief:

1. I am the Vice President, Corporate Initiatives for DISH Network L.L.C. (“DISH”). In this capacity, I am the technical interface with our subcontractors EchoStar Technologies L.L.C. and EchoStar Satellite Services L.L.C. on matters related to bandwidth, satellite receivers, and other technical issues. This affidavit is based upon my personal knowledge and upon information provided to me.

2. Taking into account the statutory factors set forth in 47 U.S.C. § 342(e)(2)(A)(ii), DISH treats all television broadcast stations’ signals the same with respect to statistical multiplexer prioritization; and the number of video signals carried in each of the satellite transponders being used to provide local service in the 29 designated market areas (“DMAs”) where DISH was not providing local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010 (February 27, 2010) is not more than the current greatest number of video signals carried on any equivalent transponder serving the top 100 DMAs.

3. To determine whether satellite transponders are “equivalent,” transponders are compared based on the following criteria:

- (a) forward error correction (“FEC”), which is influenced by the power level of the relevant satellite signal as designed; and
- (b) modulation.

4. Based on the above criteria, there are four distinct transponder configurations being used to provide local service in the 29 DMAs where DISH was not providing local service as of February 27, 2010:

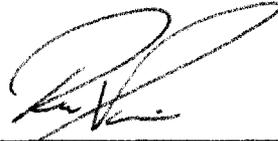
- (a) transponders using 5/6 FEC and QPSK modulation;
- (b) transponders using 7/8 FEC and QPSK modulation;
- (c) transponders using 5/6 FEC and QPSK-T modulation; and
- (d) transponders using 2/3 FEC and 8PSK modulation.

5. Since any given transponder may carry video signals that are in standard definition (“SD”) format, high definition (“HD”) format, or a combination of SD and HD formats and any given transponder may utilize MPEG-2, MPEG-4, or a combination of MPEG-2 and MPEG-4 compression, the number of video signals in a relevant transponder is converted to an equivalent number of MPEG-2 SD video signals using the proprietary conversion ratios described below.

6. The greatest number of equivalent MPEG-2 SD video signals in each distinct transponder configuration being used to provide local service in the 29 DMAs where DISH was not providing local service as of February 27, 2010, is then compared to the greatest number of equivalent MPEG-2 SD video signals carried on an equivalent transponder serving the top 100 DMAs.

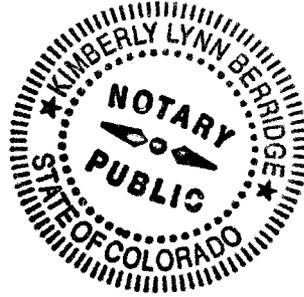
7. The proprietary conversion ratios referenced above are derived from the then-current maximum number of SD format video signals that may be carried using MPEG-2 or MPEG-4 compression, and the then-current maximum number of HD format video signals that may be carried using MPEG-2 or MPEG-4 compression, on each distinct transponder configuration being used to provide local service in the 29 DMAs where DISH was not providing local service as of February 27, 2010. These conversion ratios are updated from time to time to reflect the utilization of advances in technology that do not circumvent the intent of 47

U.S.C. § 342(e)(2)(A)(ii) to provide for non-discriminatory treatment with respect to any comparable television broadcast station signal.



Rex Povenmire
Vice President, Corporate Initiatives
DISH Network L.L.C.

Sworn to before me this
12th day of June, 2010




Notary Public

My commission expires 01/30/2012

ATTACHMENT C

AFFIDAVIT OF DAVID BAIR

AFFIDAVIT OF DAVID BAIR

DAVID BAIR, being duly sworn, hereby deposes and says to the best of his knowledge and belief:

1. I am the Senior Vice President of Space Programs and Operations for EchoStar Satellite Services L.L.C., which has contracted to monitor and control satellite operations for DISH Network L.L.C. (“DISH”). This affidavit is based upon my personal knowledge and upon information provided to me.

Operational Status of Satellites

2. The following satellites are being used to provide local service in the 29 designated market areas (“DMAs”) where DISH was not providing local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010 (February 27, 2010):

EchoStar 14 at 118.9° W.L.
EchoStar 10 at 110.2° W.L.
Ciel-2 at 128.85° W.L.
EchoStar 8 at 77° W.L.

3. As of the date of this affidavit, there have been no satellite or sub-system failures subsequent to the launch of these satellites that would degrade their design performance to such a degree that a satellite transponder used to provide local service to those 29 DMAs is precluded from delivering a good quality satellite signal to at least 90 percent of the households in each such DMA based on the most recent census data released by the United States Census Bureau.

Signal Availability Calculations

4. Utilizing the same calculation methodology used by DISH to determine predicted signal availability in the top 100 DMAs and models of satellite antennas normally used by DISH subscribers, the power levels (as designed, and as plotted on the maps included in Attachment D) of the satellite signals used to provide local service in each of the 29 DMAs where DISH was not

providing local service as of the date of enactment of the Satellite Television Extension and Localism Act of 2010 (February 27, 2010) are predicted to achieve reception and demodulation of the signals at availability levels of at least 99.7 percent.

5. The calculation methodology described above takes into account the following principal parameters:

- (i) the uplink and downlink portions of the end-to-end satellite signal,
- (ii) rain loss using the International Telecommunication Union (“ITU”) 618.6 rain rate data and ITU rain region boundaries,
- (iii) atmospheric loss,
- (iv) carrier to interference ratio (“C/I”) terms due to adjacent satellite interference,
- (v) C/I terms due to aggregate adjacent beam interference,
- (vi) cross polarization degradation,
- (vii) forward error correction, and
- (viii) modulation.



David Bair
Senior Vice President
Space Programs and Operations
EchoStar Satellite Services L.L.C.

Sworn to before me this
22nd day of June, 2010


Notary Public

KELLYE J. FABER
NOTARY PUBLIC
STATE OF COLORADO
My Commission Expires 01/07/12

ATTACHMENT D

DMA SPECIFIC INFORMATION AND MAPS

ATTACHMENT D.1

DMA – Alpena, Michigan

DISH's local receive facility for the Alpena, Michigan designated market area ("DMA") is located at the following address:

Alpena-WBKB-TV
1390 North Bagley St.
Alpena, MI 49707

According to the most recent census data released by the U.S. Census Bureau (2000 Census),⁹ the Alpena DMA contains 17,950 households, making it the 208th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Alpena 1 is a map showing the geographic distribution of those households within the DMA.

Figure Alpena 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-22-4411, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 17,950 or 100% – of these households.

⁹ U.S. Bureau of the Census, FactFinder Database, factfinder.census.gov (P15, Households: 2000, Census Summary File 1 (SF 1) 100-Percent Data; accessed April 23, 2010).

Figure Alpena 1

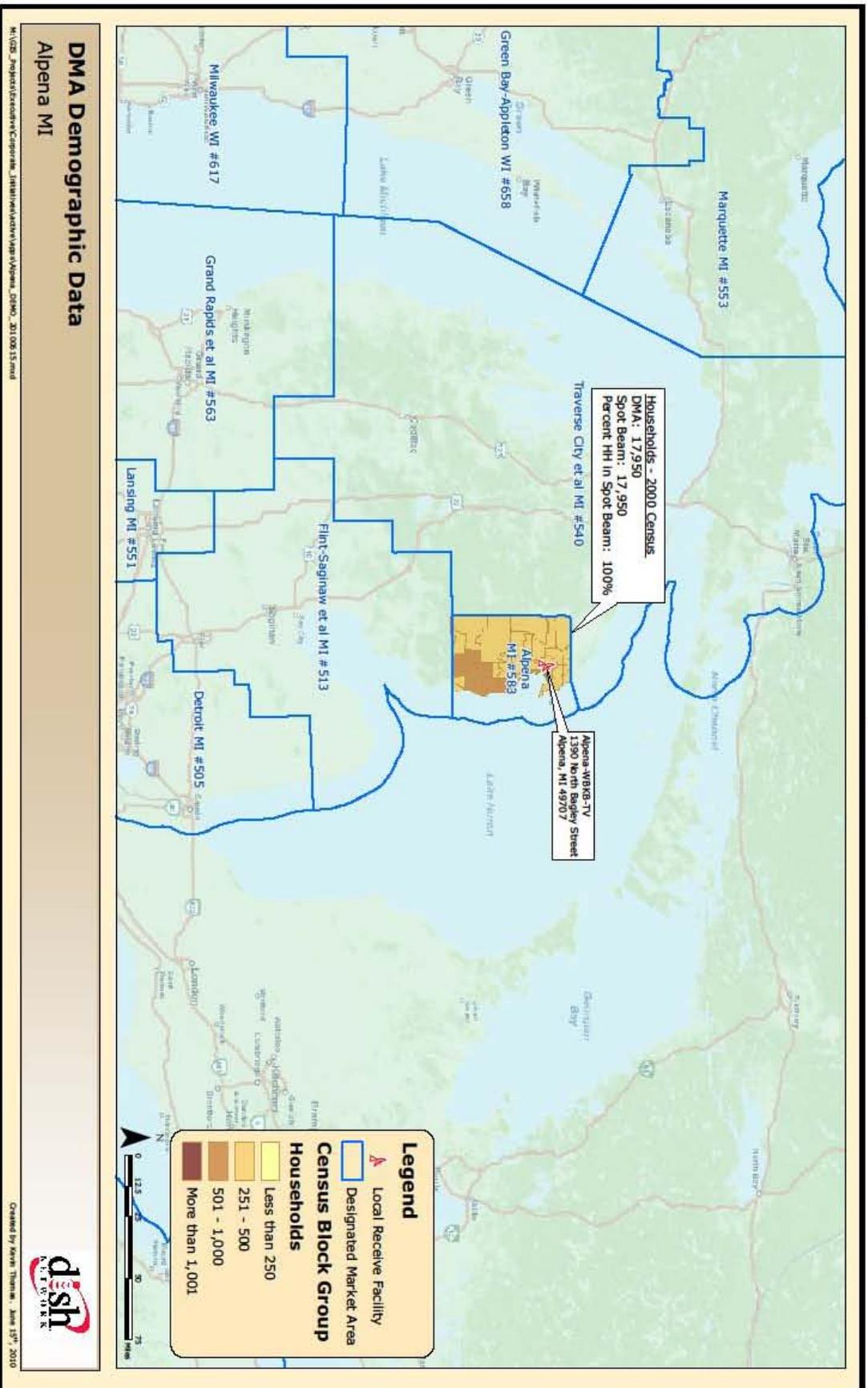
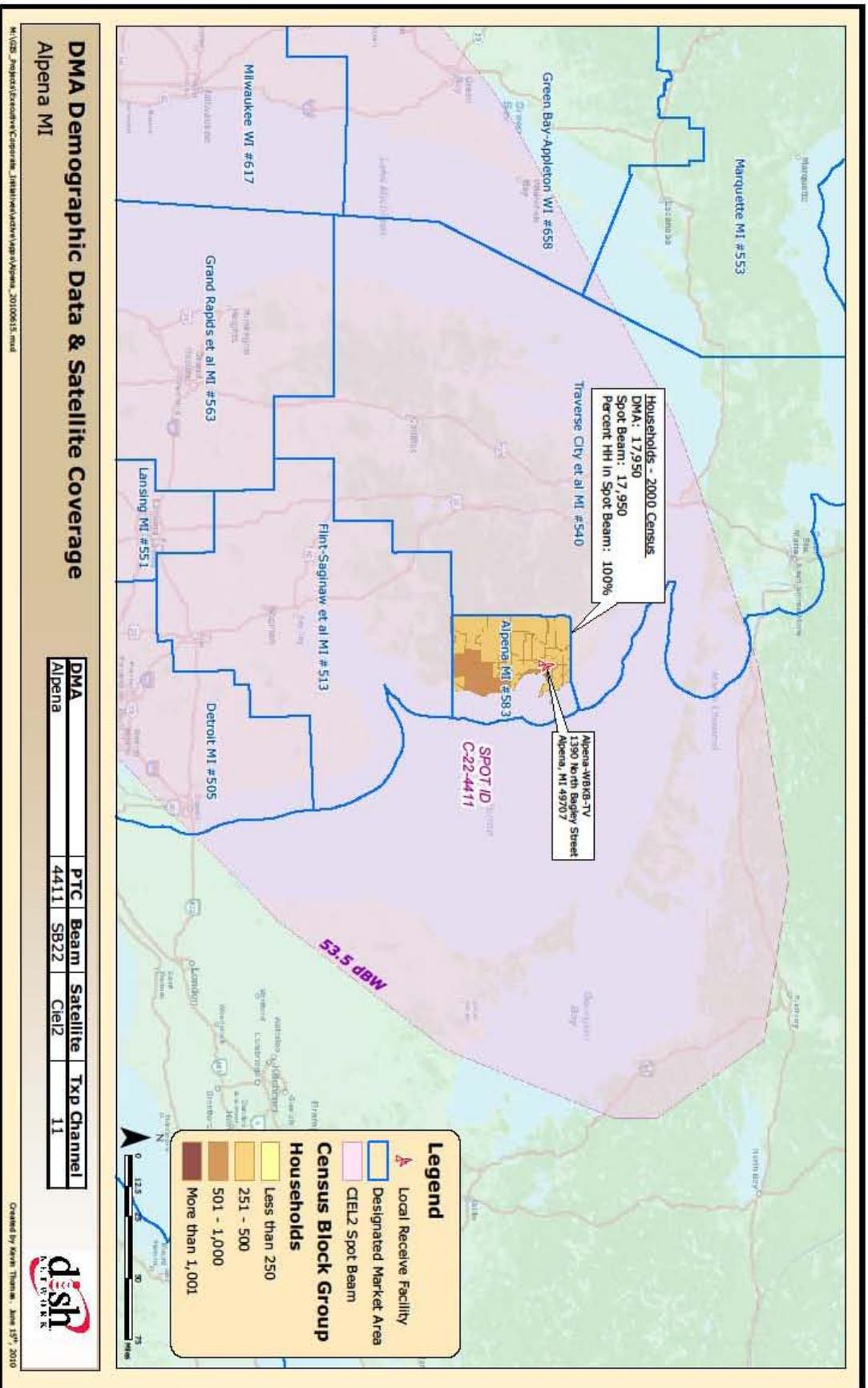


Figure Alpena 2



M:\CBS_Maps\dmademo\dmademo_JustAlpena\dmademo\Alpena_20100615.mxd

DMA Demographic Data & Satellite Coverage
 Alpena MI

| DMA | PTC | Beam | Satellite | Txp Channel |
|--------|------|------|-----------|-------------|
| Alpena | 4411 | SB22 | CieI2 | 11 |



ATTACHMENT D.2

DMA – Biloxi-Gulfport, Mississippi

DISH's local receive facility for the Biloxi-Gulfport, Mississippi designated market area ("DMA") is located at the following address:

Biloxi MS-FOX
14351 Hwy 49
Gulfport, MS 39503

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Biloxi-Gulfport DMA contains 123,961 households, making it the 163rd largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Biloxi 1 is a map showing the geographic distribution of those households within the DMA.

Figure Biloxi 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A14-6352, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 123,961 or 100% – of these households.

Figure Biloxi 1

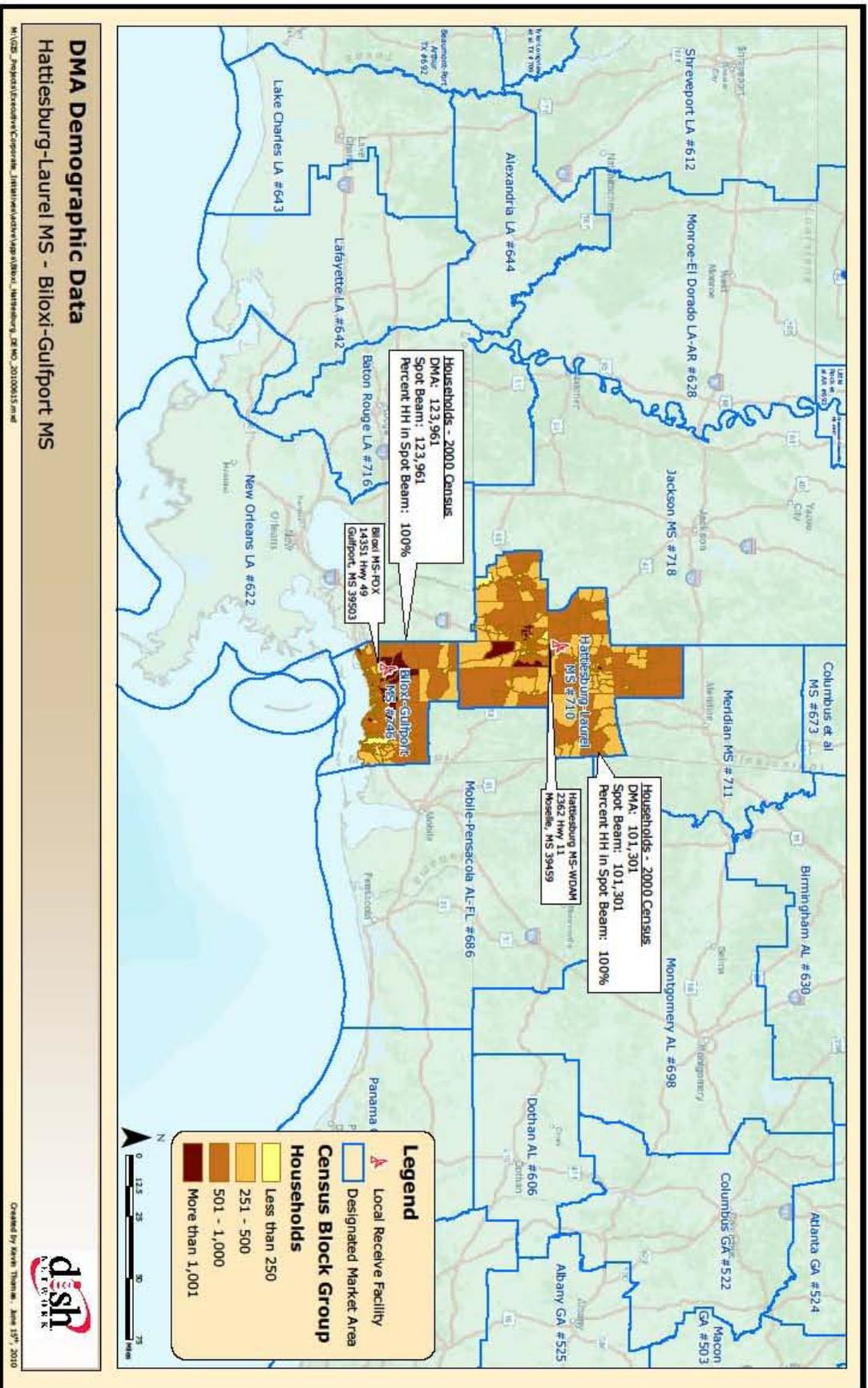
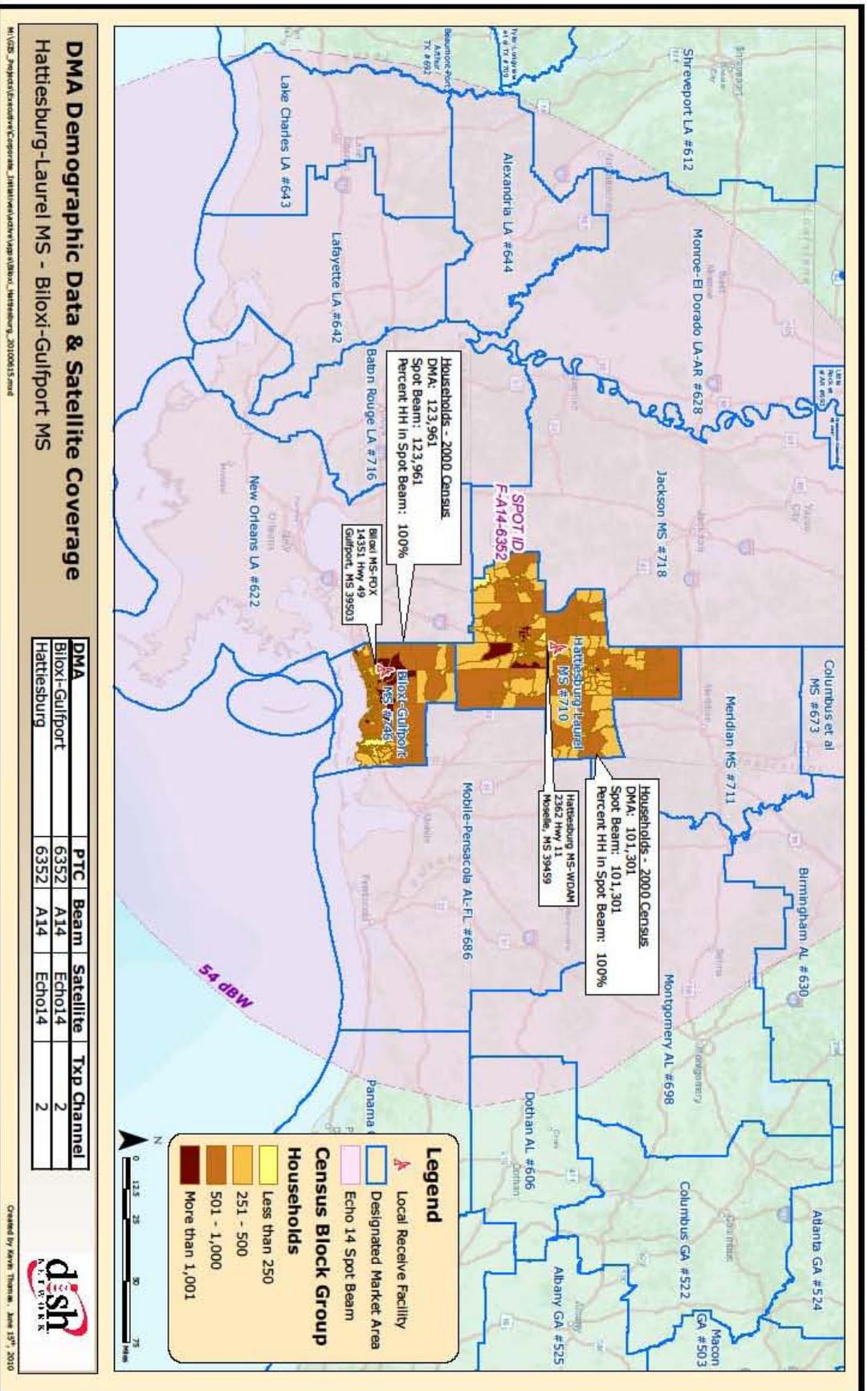


Figure Biloxi 2



ATTACHMENT D.3

DMA – Binghamton, New York

DISH's local receive facility for the Binghamton, New York designated market area ("DMA") is located at the following address:

WGNG, Inc.
560 Columbia Dr.
Johnson City, NY 13790

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Binghamton DMA contains 139,312 households, making it the 157th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Binghamton 1 is a map showing the geographic distribution of those households within the DMA.

Figure Binghamton 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A15-6501, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 139,312 or 100% – of these households.

Figure Binghamton 1

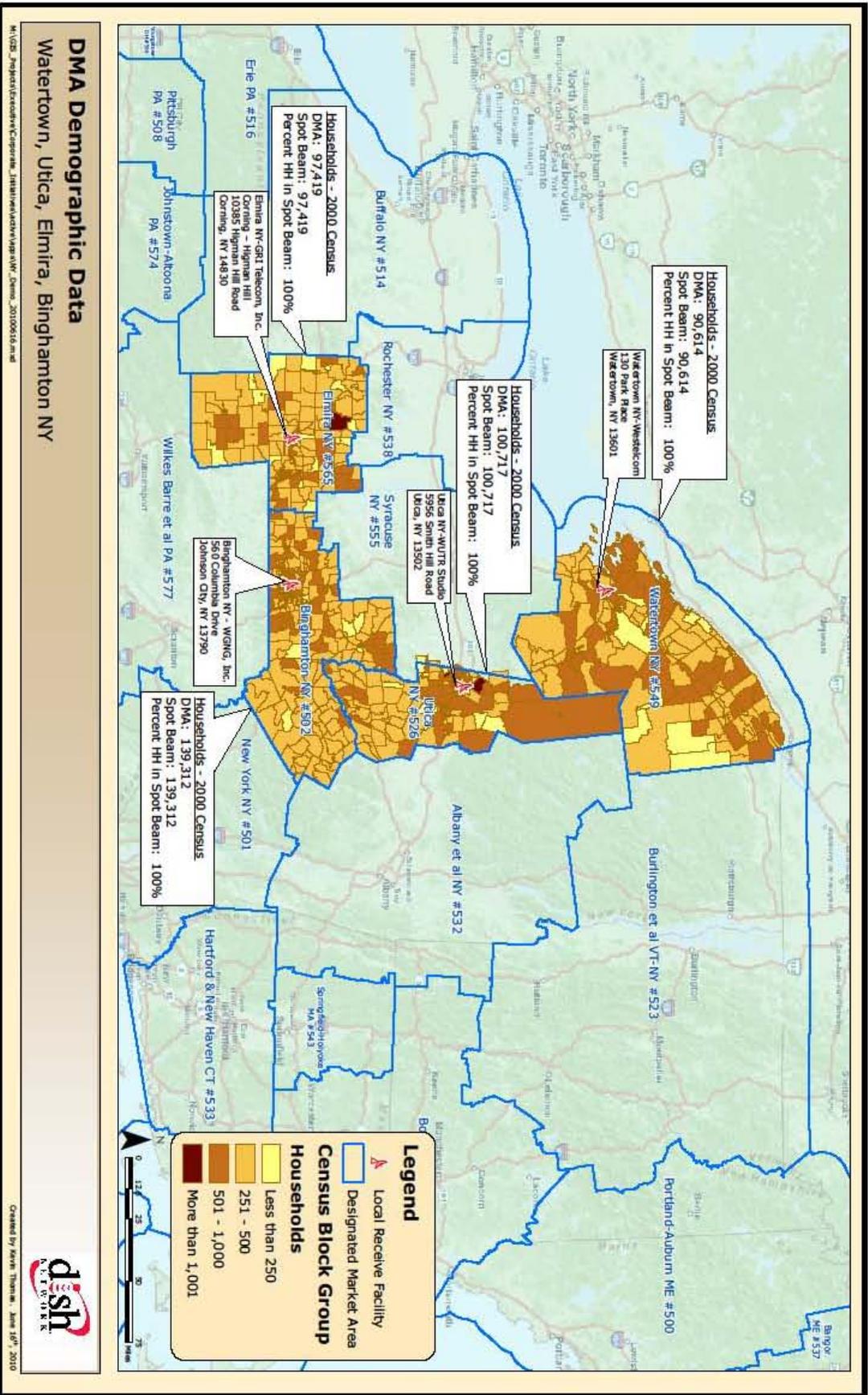
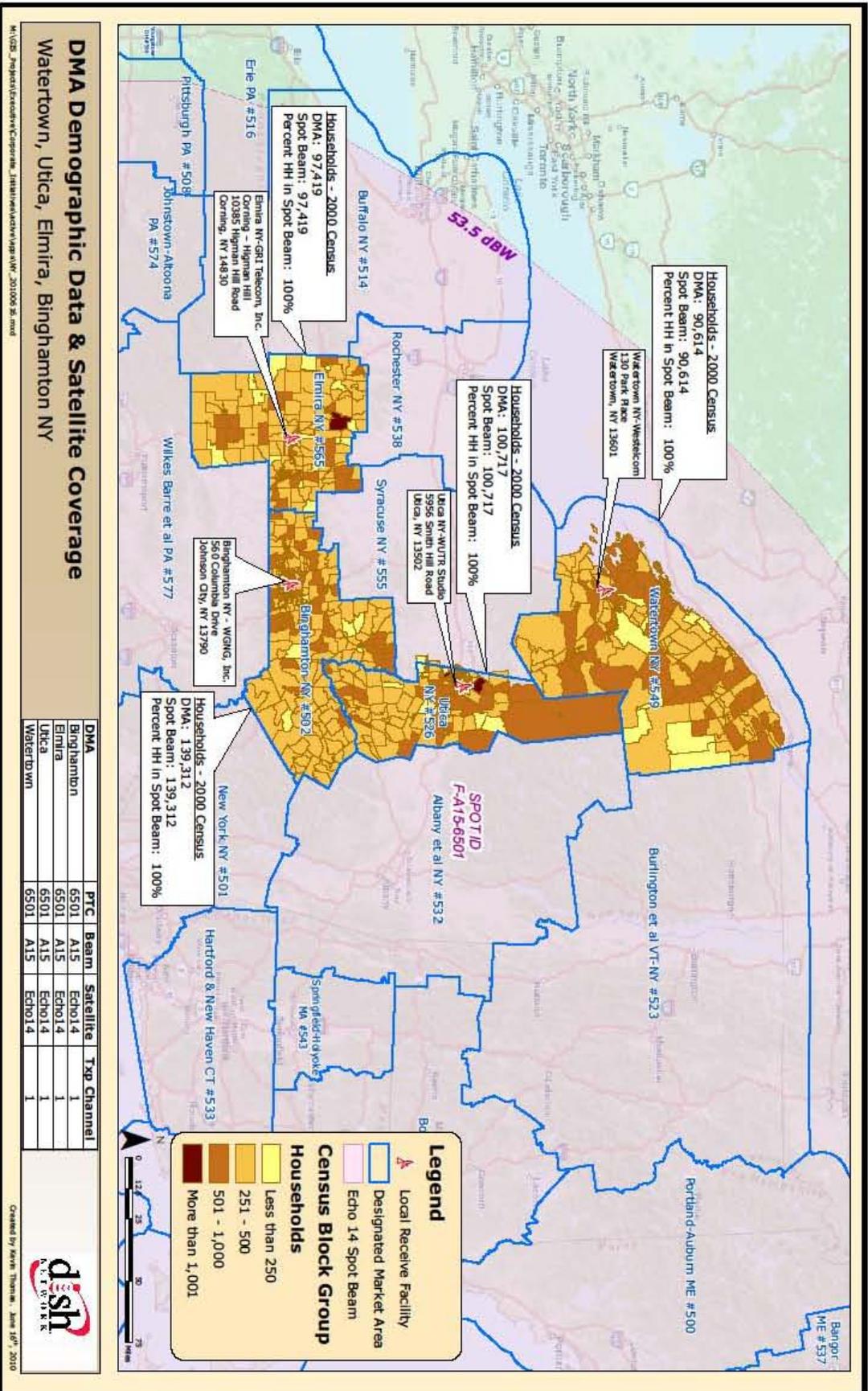


Figure Binghamton 2



ATTACHMENT D.4

DMA – Bluefield-Beckley-Oak Hill, West Virginia

DISH's local receive facility for the Bluefield-Beckley-Oak Hill, West Virginia designated market area ("DMA") is located at the following address:

WVNS-TV
141 Old Cline Rd.
Ghent, WV 25843

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Bluefield-Beckley DMA contains 142,695 households, making it the 156th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Bluefield 1 is a map showing the geographic distribution of those households within the DMA.

The local stations for the Bluefield-Beckley DMA are carried on a CONUS beam from the EchoStar 8 satellite, operating at the 77° W.L. orbital location. Figure Bluefield 2 superimposes on the DMA map the effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 8 satellite's CONUS beam. As confirmed by the affidavits of Messrs. Bair and Povenmire, this map shows that the contour of the CONUS beam, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal to at least 90 percent – in fact, all 142,695 or 100% – of these households.

Figure Bluefield 1

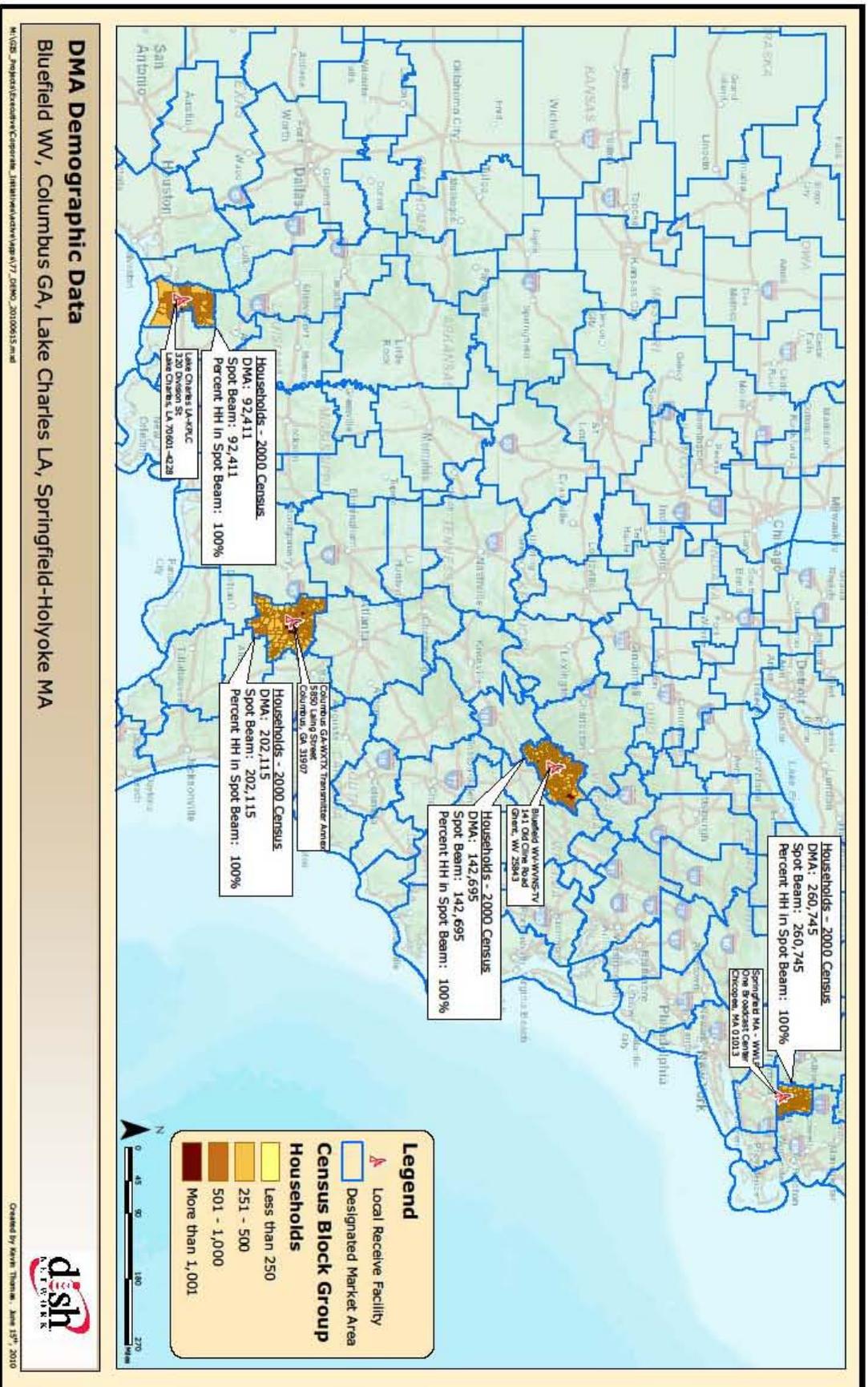
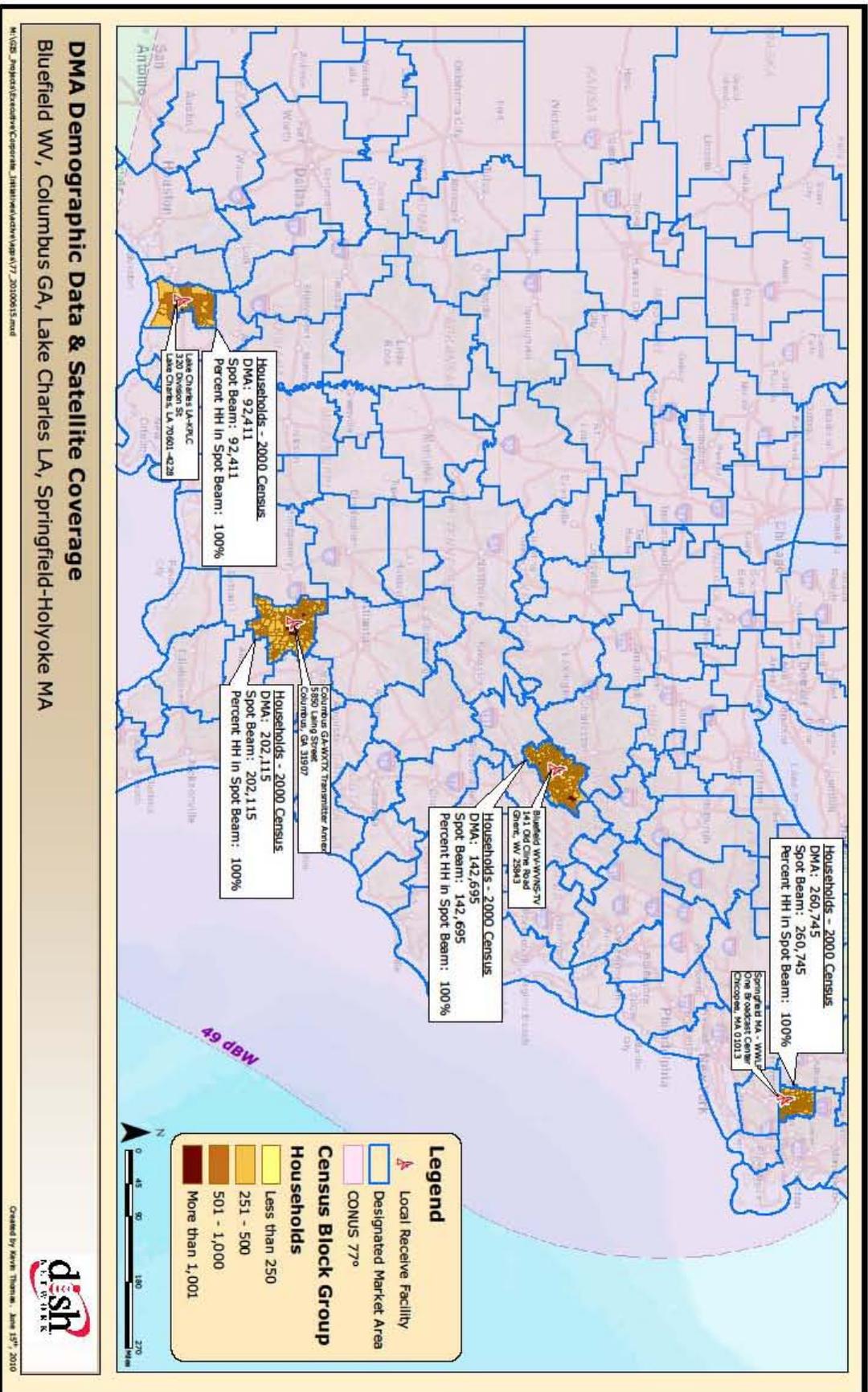


Figure Bluefield 2



ATTACHMENT D.5

DMA – Bowling Green, Kentucky

DISH's local receive facility for the Bowling Green, Kentucky designated market area ("DMA") is located at the following address:

WBKO TV Studios
2727 Russellville Rd.
Bowling Green, KY 04210

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Bowling Green DMA contains 71,203 households, making it the 182nd largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Bowling Green 1 is a map showing the geographic distribution of those households within the DMA.

Figure Bowling Green 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-B14-6454, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 71,203 or 100% – of these households.

Figure Bowling Green 1

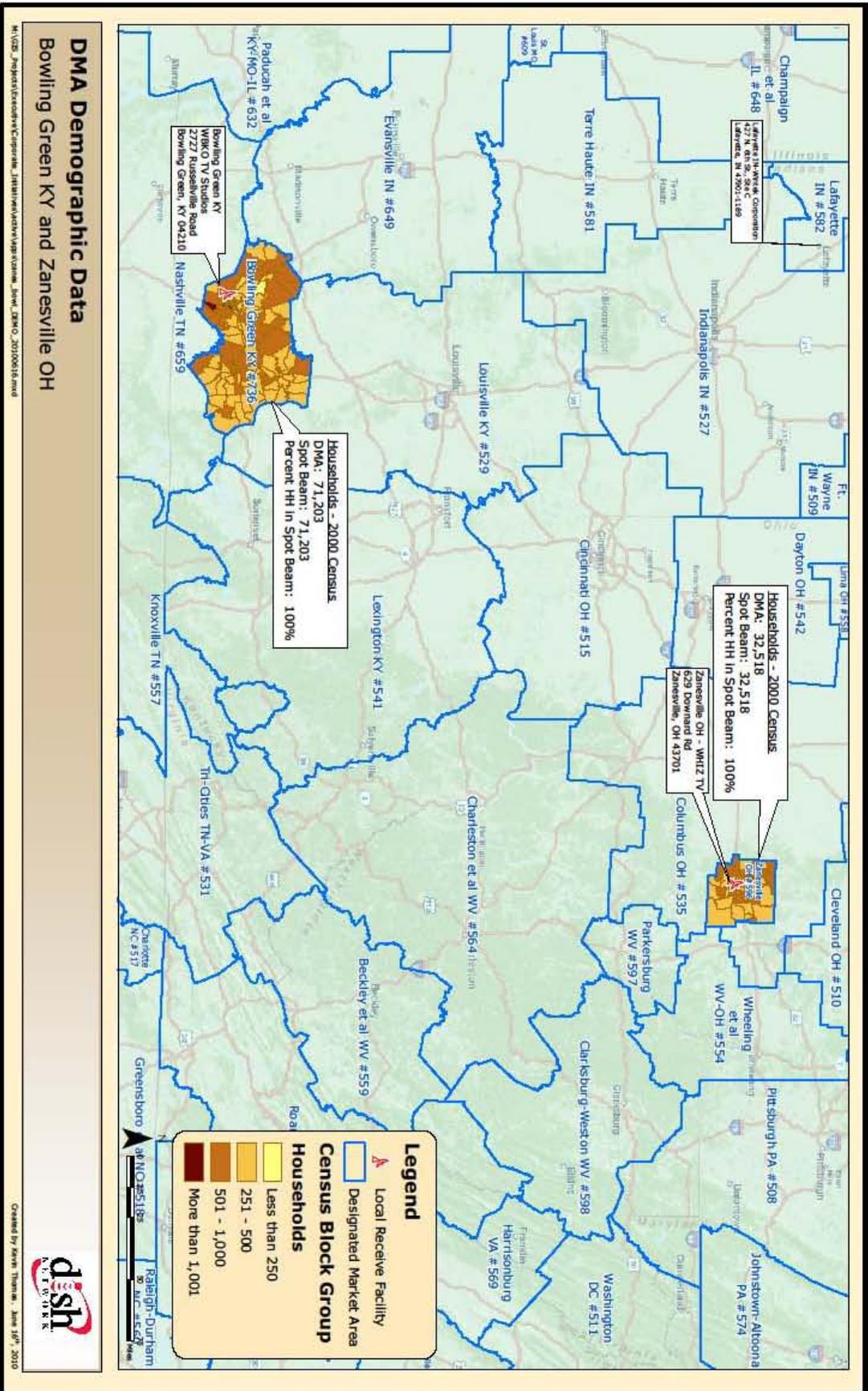
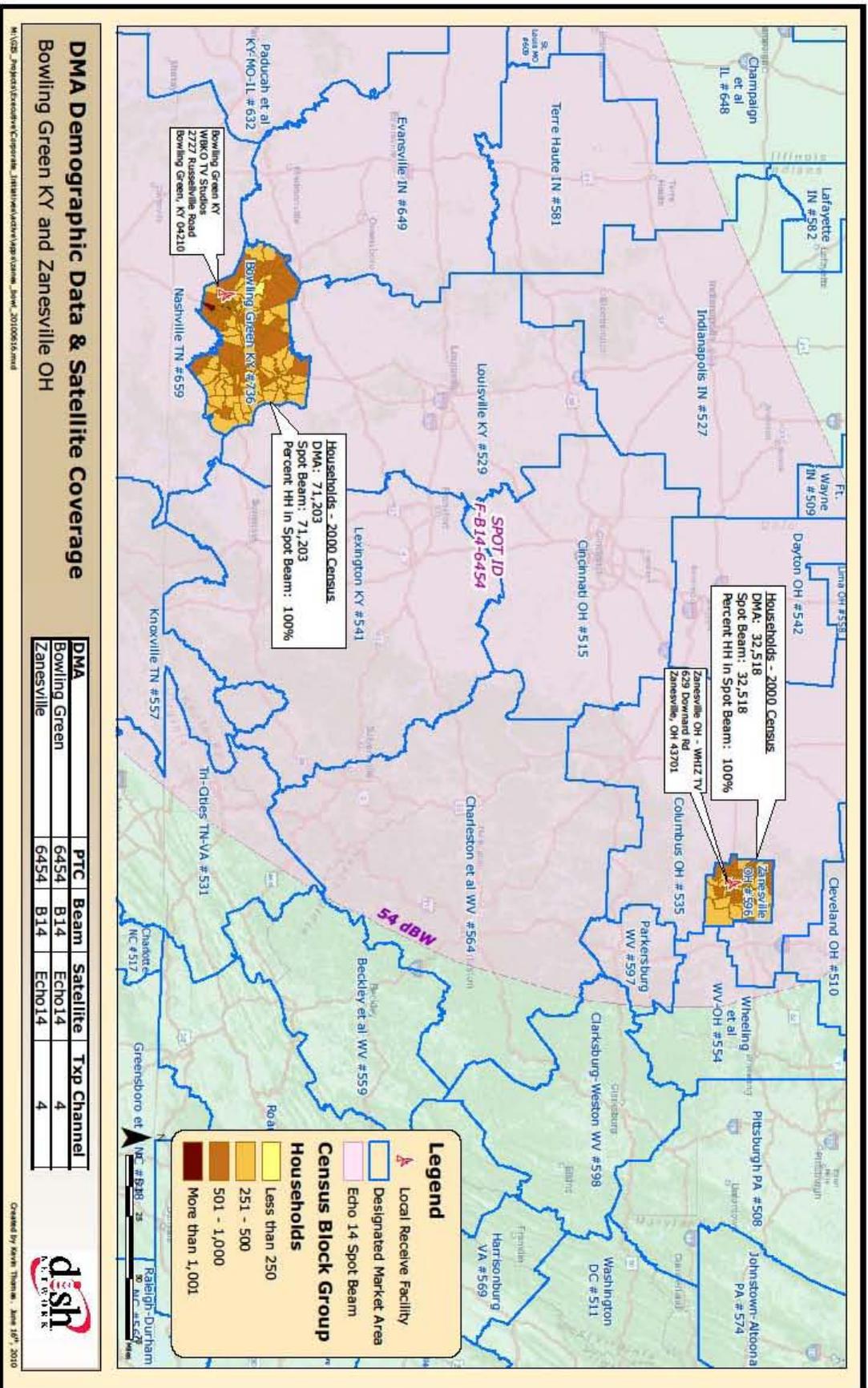


Figure Bowling Green 2



ATTACHMENT D.6

DMA – Columbus, Georgia

DISH's local receive facility for the Columbus, Georgia designated market area ("DMA") is located at the following address:

WXTX Transmitter Annex
5850 Laing St.
Columbus, GA 31907

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Columbus DMA contains 202,115 households, making it the 128th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Columbus 1 is a map showing the geographic distribution of those households within the DMA.

The local stations for the Columbus DMA are carried on a CONUS beam from the EchoStar 8 satellite, operating at the 77° W.L. orbital location. Figure Columbus 2 superimposes on the DMA map the effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 8 satellite's CONUS beam. As confirmed by the affidavits of Messrs. Bair and Povenmire, this map shows that the contour of the CONUS beam, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal to at least 90 percent – in fact, all 202,115 or 100% – of these households.

Figure Columbus 1

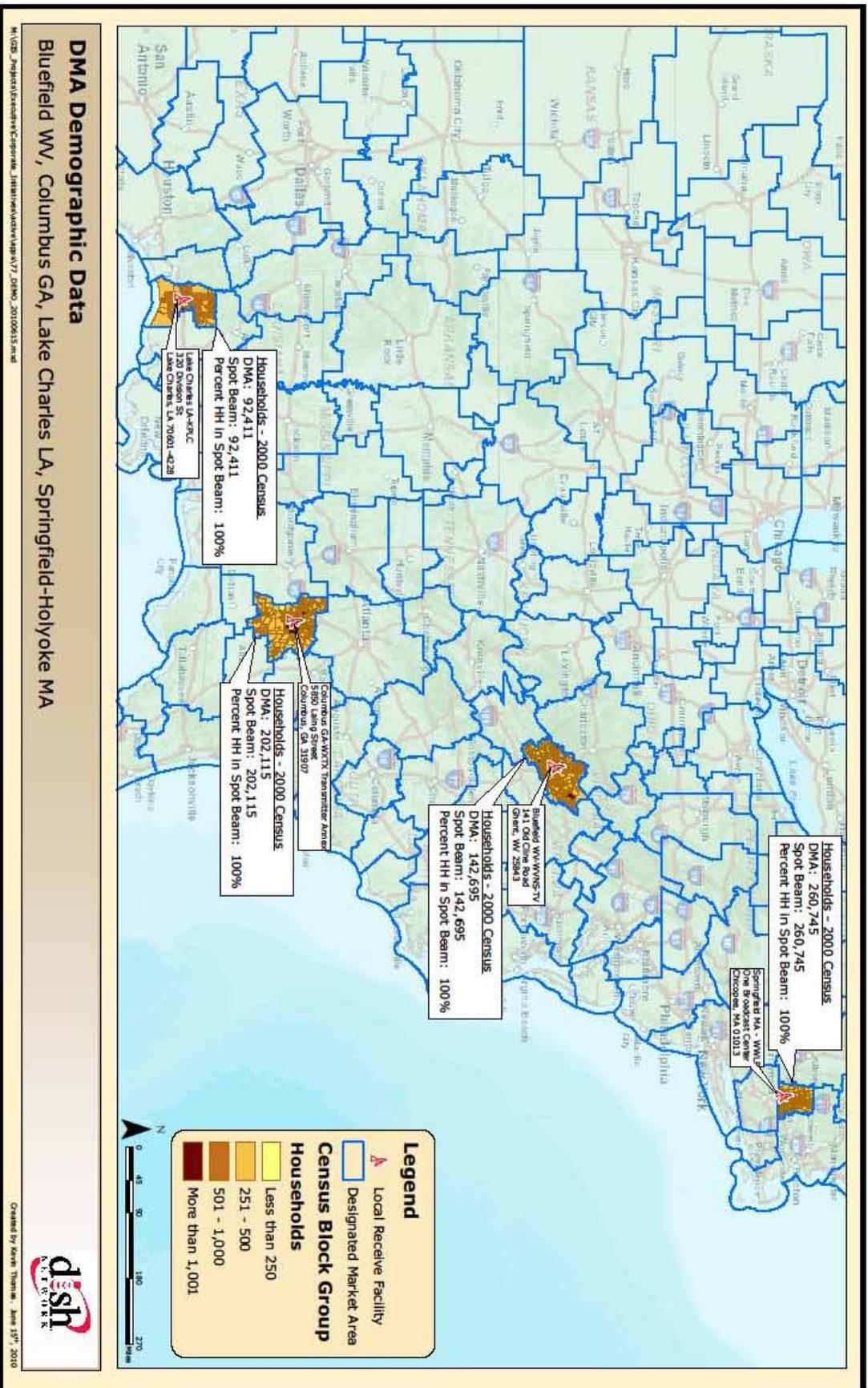
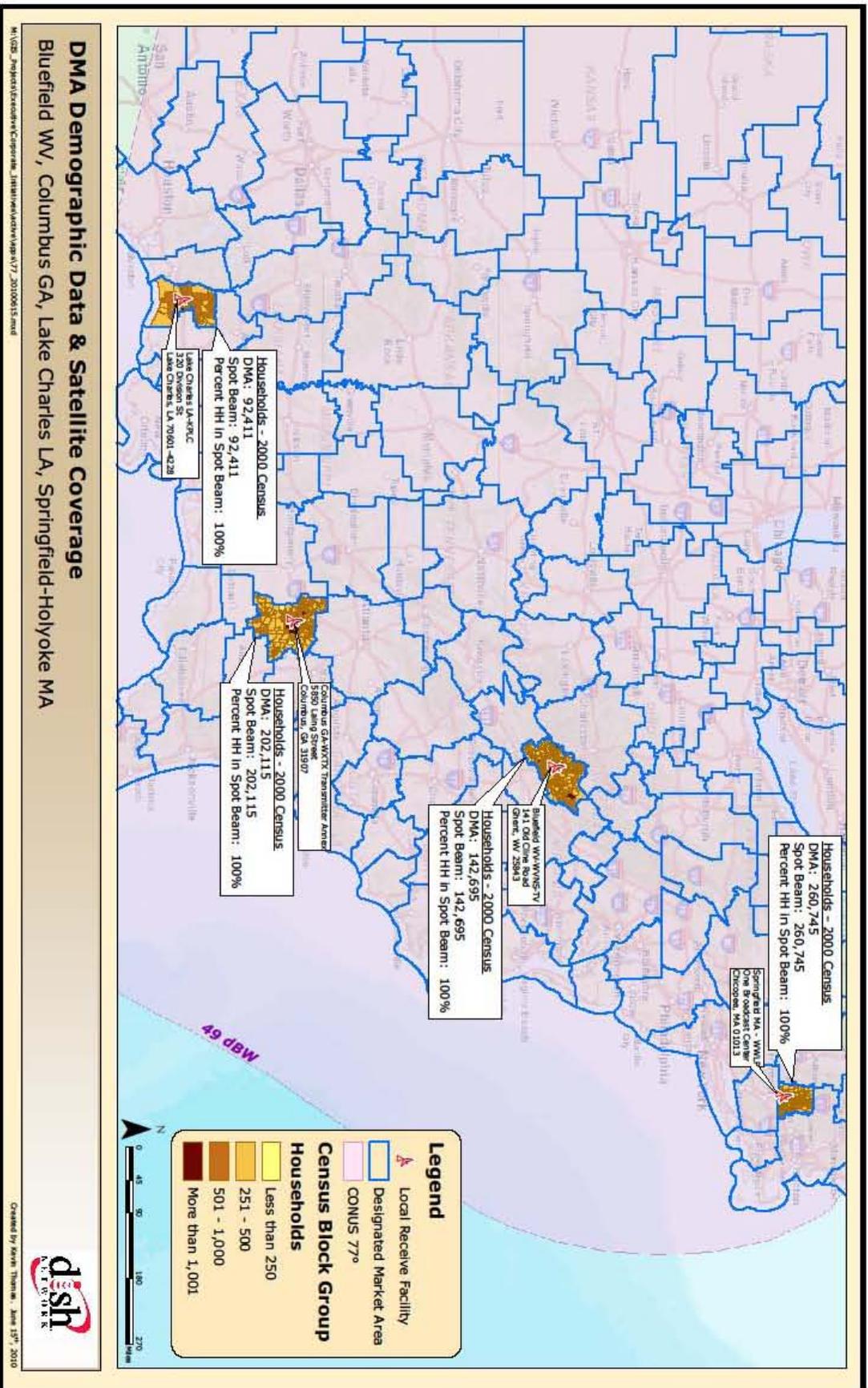


Figure Columbus 2



ATTACHMENT D.7

DMA – Elmira, New York

DISH's local receive facility for the Elmira, New York designated market area ("DMA") is located at the following address:

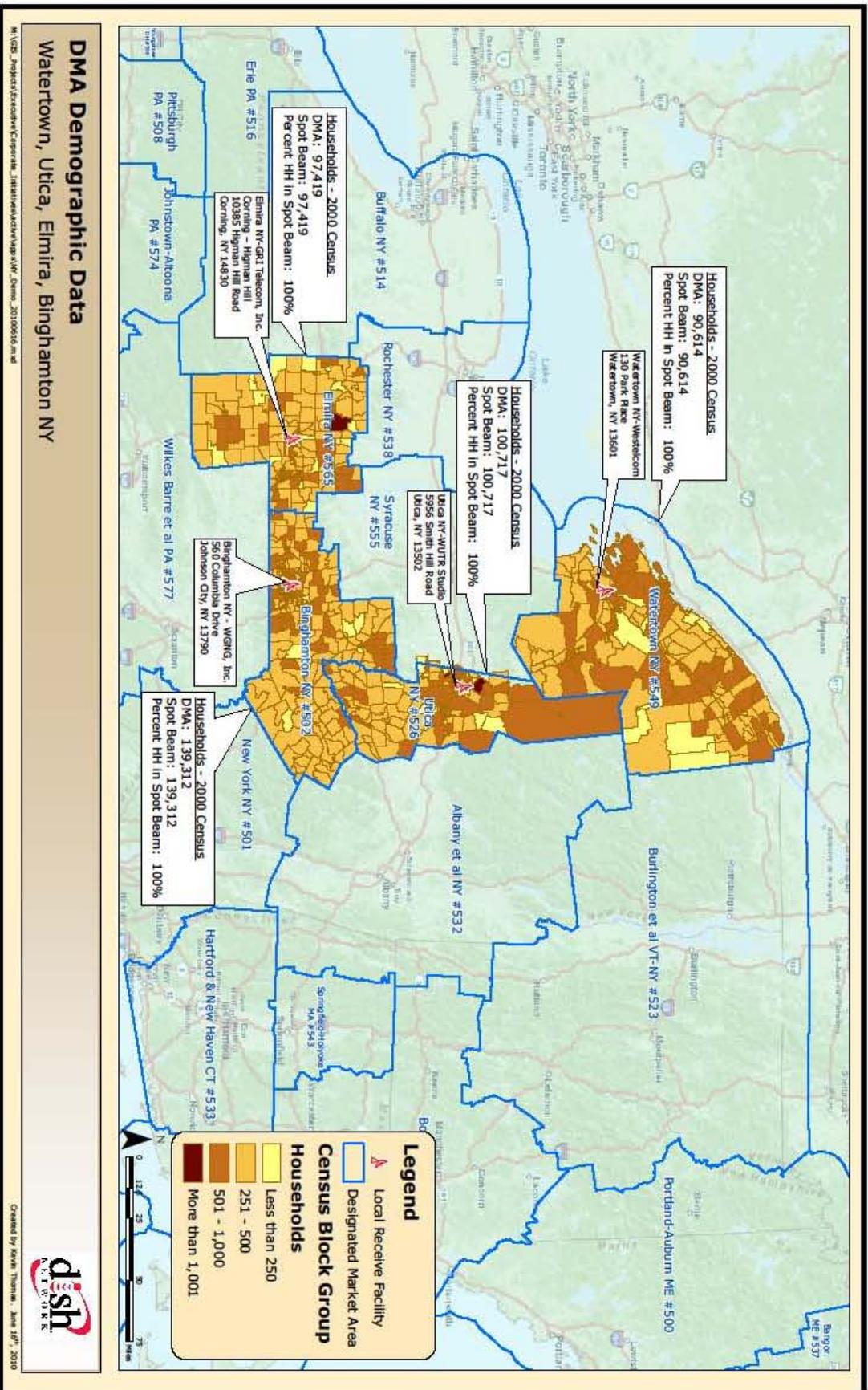
GRI Telecom, Inc.
Corning – Higman Hill
10385 Higman Hill Rd.
Corning, NY 14830

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Elmira DMA contains 97,419 households, making it the 176th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Elmira 1 is a map showing the geographic distribution of those households within the DMA.

Figure Elmira 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A15-6501, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 97,419 or 100% – of these households.

Figure Elmira 1



ATTACHMENT D.8

DMA – Eureka, California

DISH's local receive facility for the Eureka, California designated market area ("DMA") is located at the following address:

Eureka Television Group
Eureka Professional Building
730 7th St., Suite 201
Eureka, CA 95501

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Eureka DMA contains 60,408 households, making it the 195th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Eureka 1 is a map showing the geographic distribution of those households within the DMA.

Figure Eureka 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-B02-6293, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, 56,827 or 94% – of these households. In Figure Eureka 2, any Census Block Group that is not entirely covered by the predicted contour line of the spot beam was assumed to be entirely unserved. Therefore, any households within that Census Block Group were removed from the numerator in the coverage calculation, while still being included in the overall DMA household

count – the denominator in the calculation. Even using this conservative approach, the Eureka DMA exceeds the required 90% coverage threshold.

Figure Eureka 1

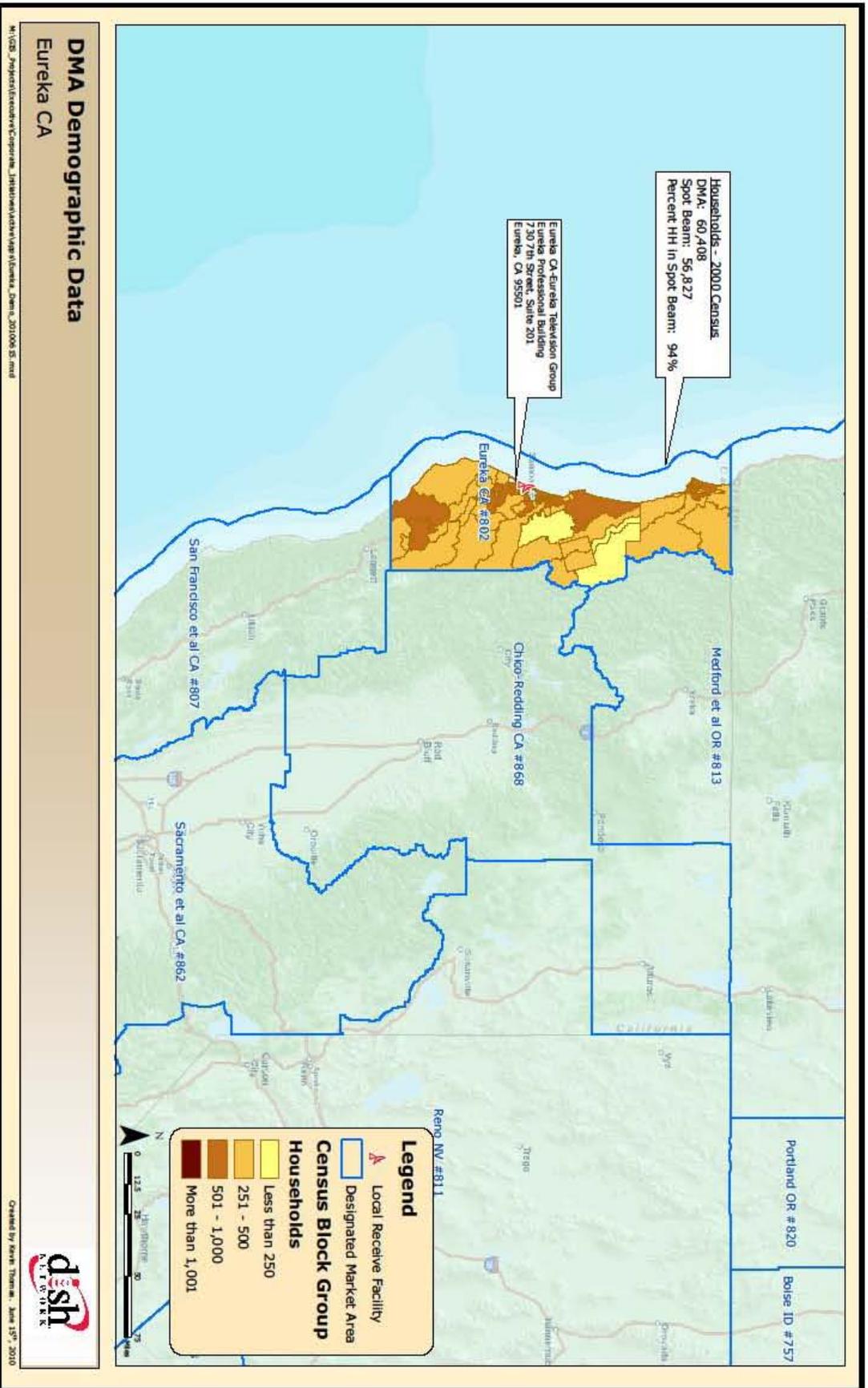
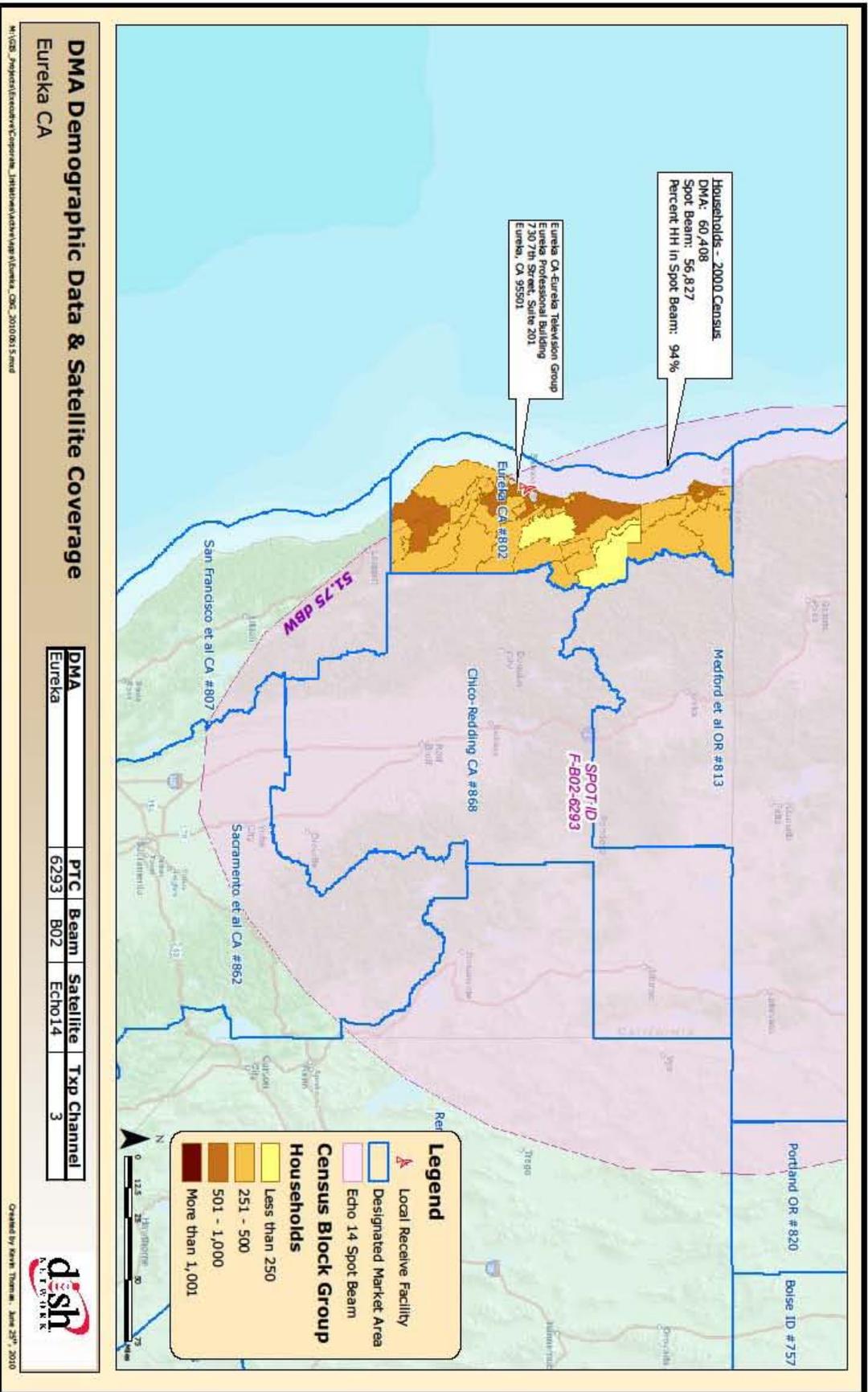


Figure Eureka 2



ATTACHMENT D.9

DMA – Glendive, Montana

DISH's local receive facility for the Glendive, Montana designated market area ("DMA") is located at the following address:

KXFN
210 S. Douglas St.
Glendive, MT 59330

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Glendive DMA contains 4,162 households, making it the 210th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Glendive 1 is a map showing the geographic distribution of those households within the DMA.

Figure Glendive 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 10 satellite. These maps show that the contour of spot beam X-33-2286S, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, 3,927 or 94% – of these households. In Figure Glendive 2, any Census Block Group that is not entirely covered by the predicted contour line of the spot beam was assumed to be entirely unserved. Therefore, any households within that Census Block Group were removed from the numerator in the coverage calculation, while still being included in the overall DMA household count – the denominator in the calculation. Even using this conservative approach, the Glendive DMA exceeds the required 90% coverage threshold.

Figure Glendive 1

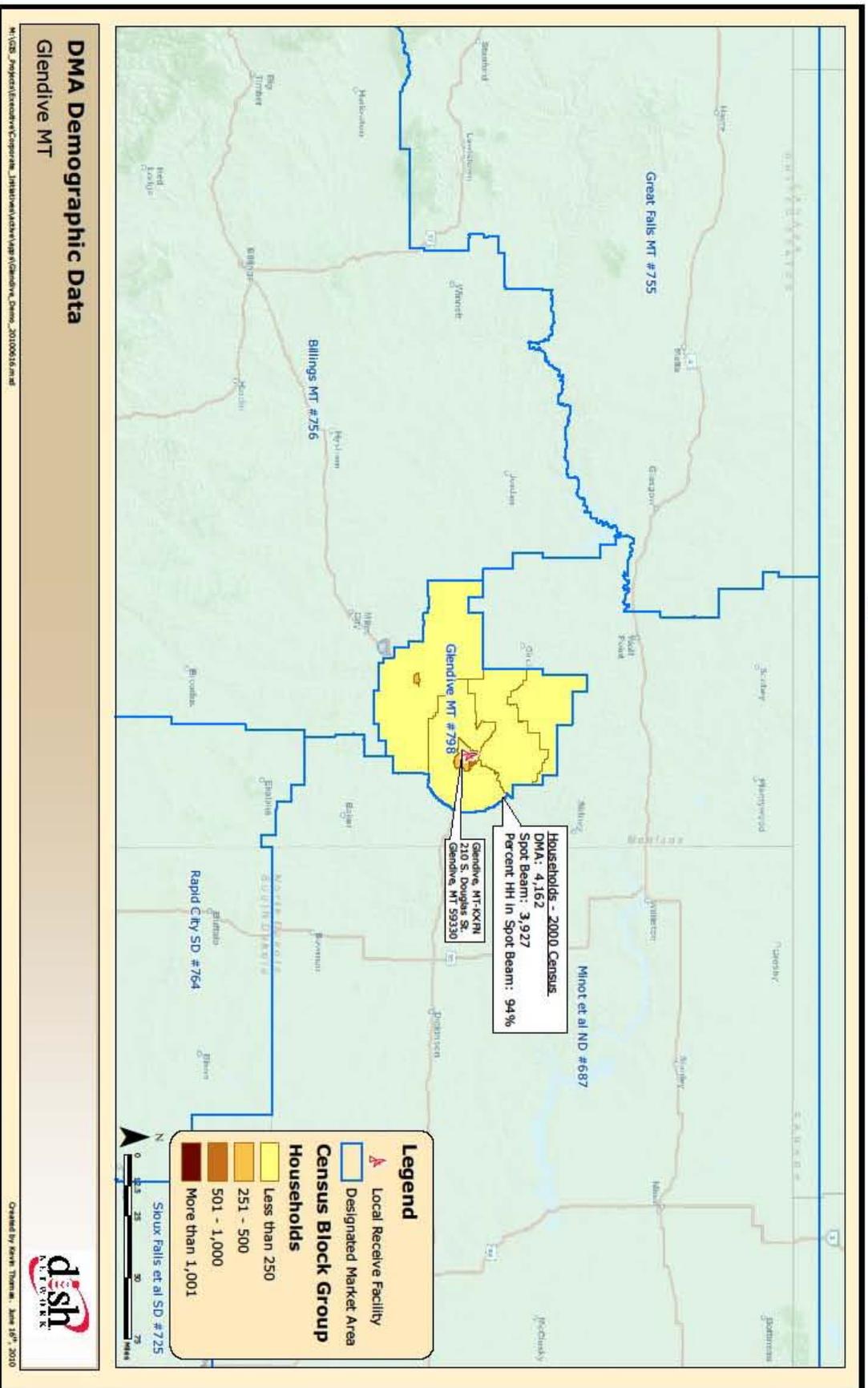
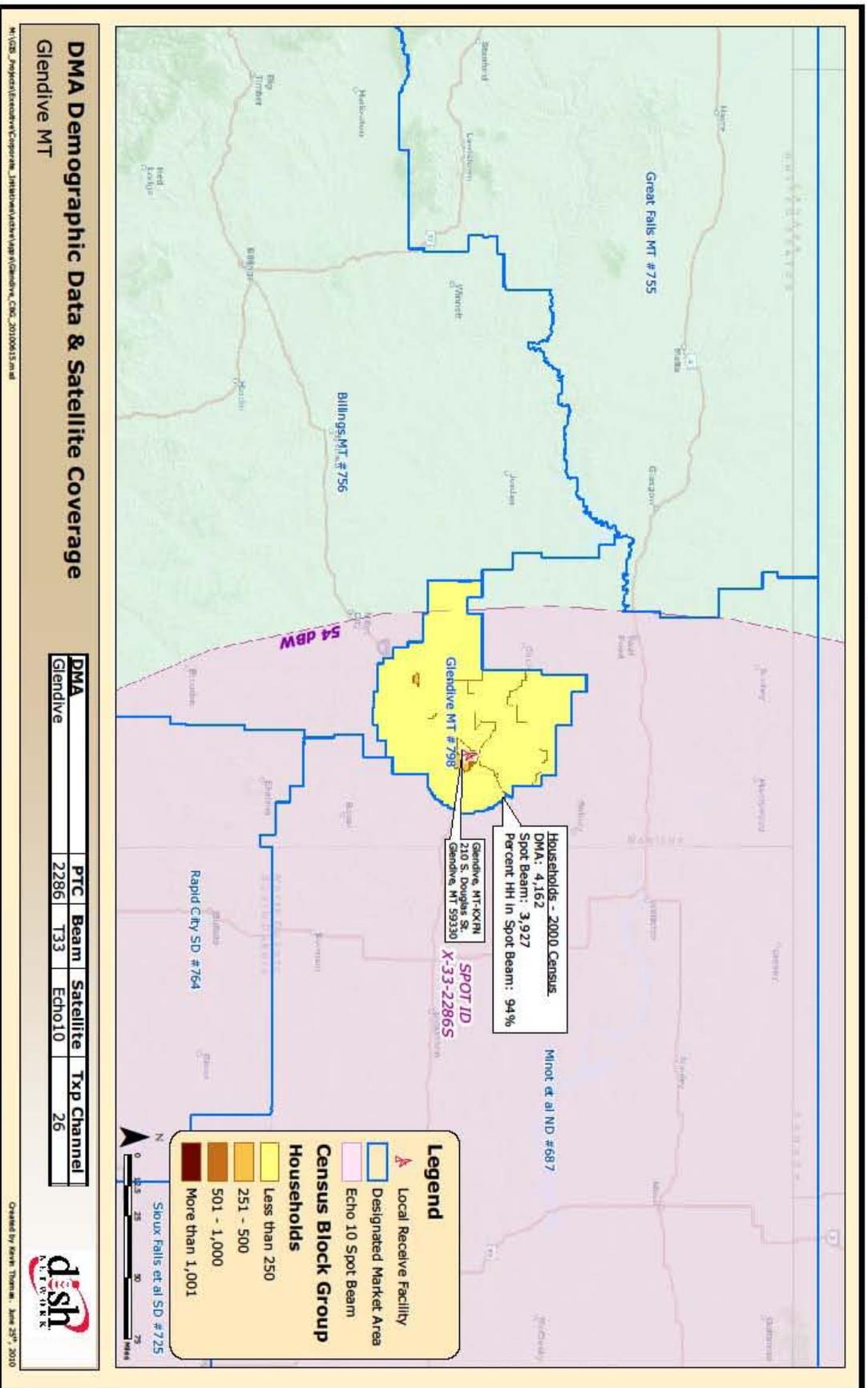


Figure Glendive 2



ATTACHMENT D.10

DMA – Greenwood-Greenville, Arkansas

DISH's local receive facility for the Greenwood-Greenville, Arkansas designated market area ("DMA") is located at the following address:

WABG-TV
849 Washington Ave.
Greenville, MS 38701

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Greenwood-Greenville DMA contains 76,681 households, making it the 187th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Greenwood 1 is a map showing the geographic distribution of those households within the DMA.

Figure Greenwood 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-38-4316, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 76,681 or 100% – of these households.

Figure Greenwood 1

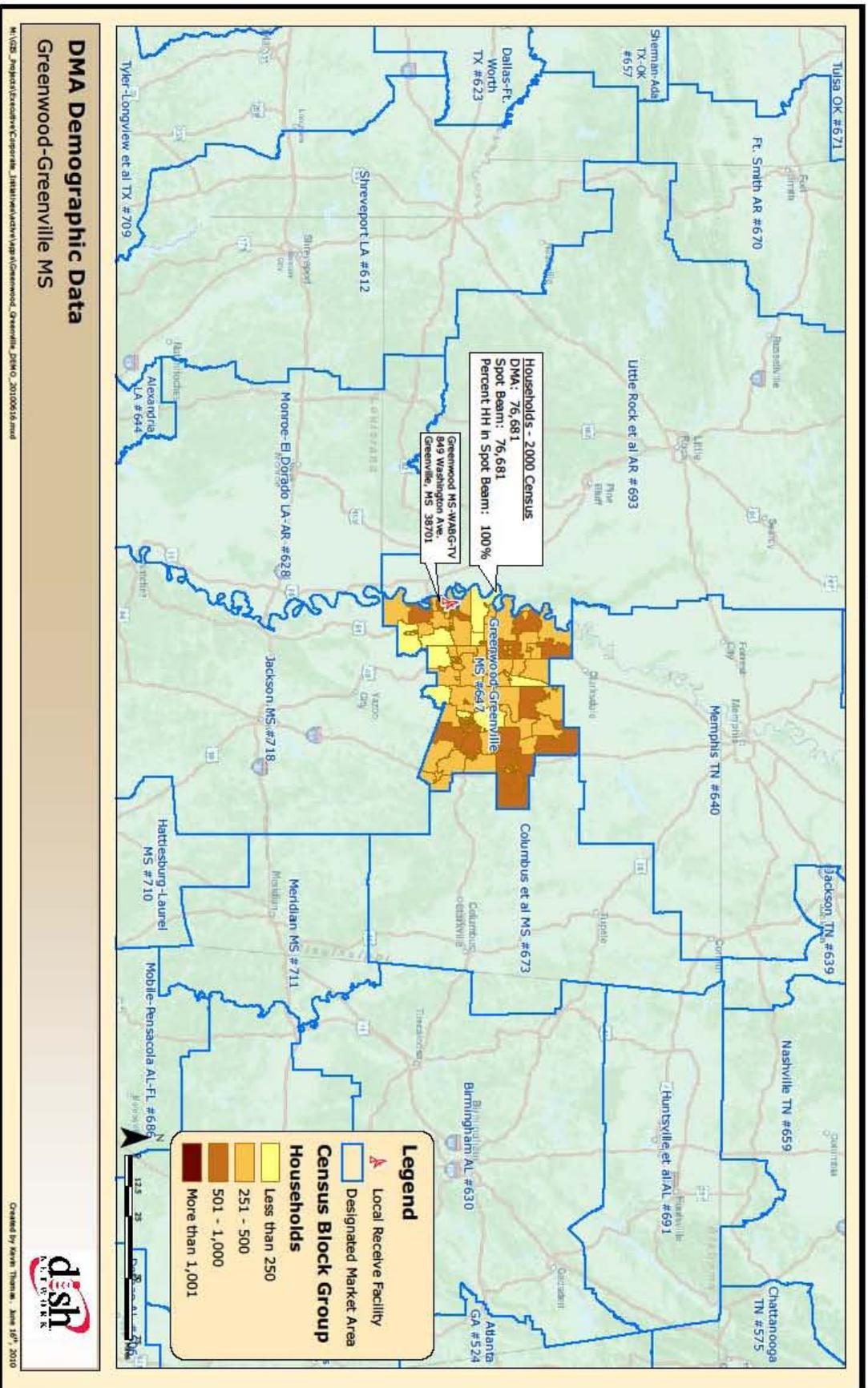
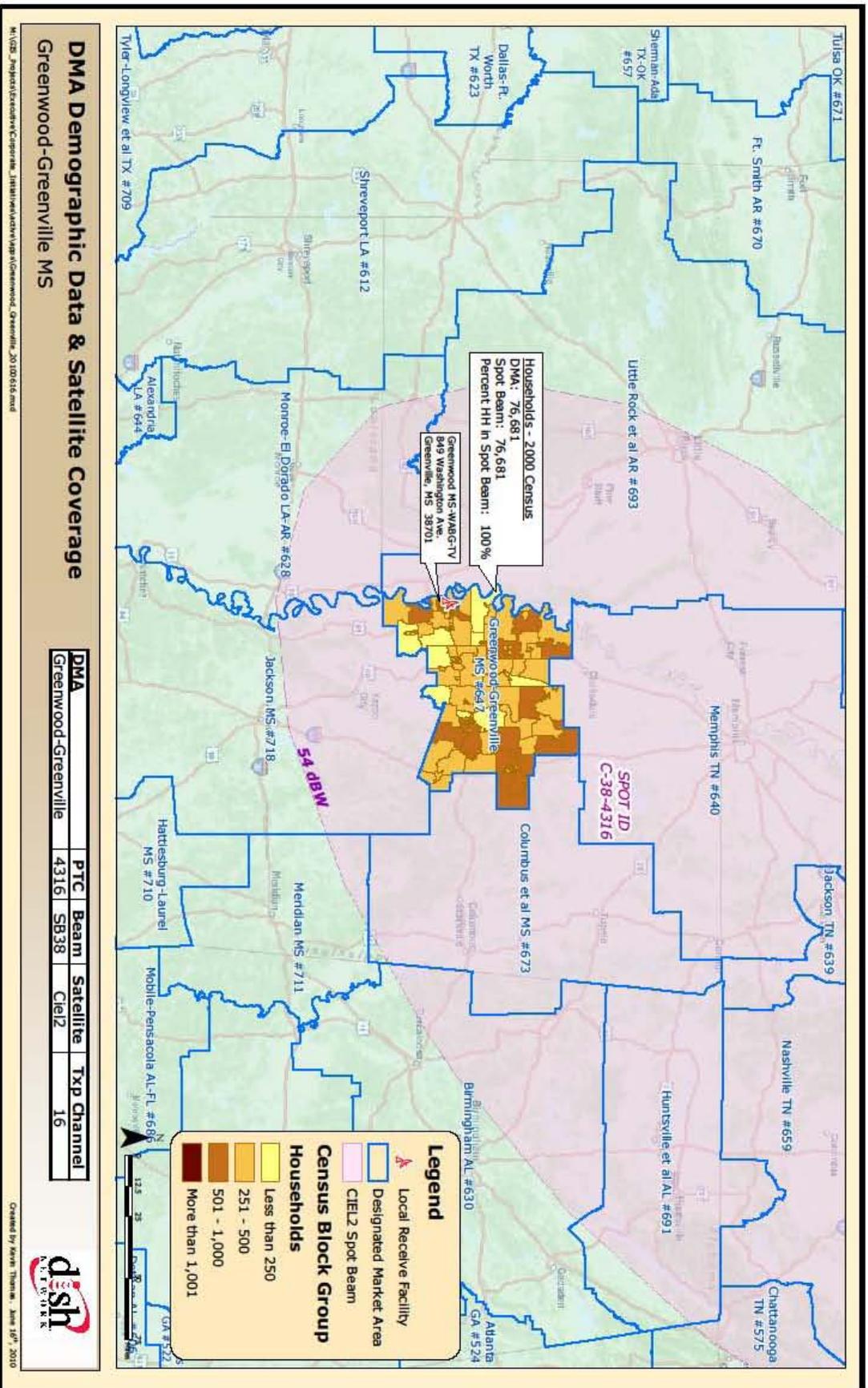


Figure Greenwood 2



ATTACHMENT D.11

DMA – Harrisonburg, Virginia

DISH's local receive facility for the Harrisonburg, Virginia designated market area ("DMA") is located at the following address:

Mt. Jackson Uplink
335 Dish Dr.
Quicksburg, VA 22847

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Harrisonburg DMA contains 84,664 households, making it the 178th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Harrisonburg 1 is a map showing the geographic distribution of those households within the DMA.

Figure Harrisonburg 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-B16-6505, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 84,664 or 100% – of these households.

Figure Harrisonburg 1

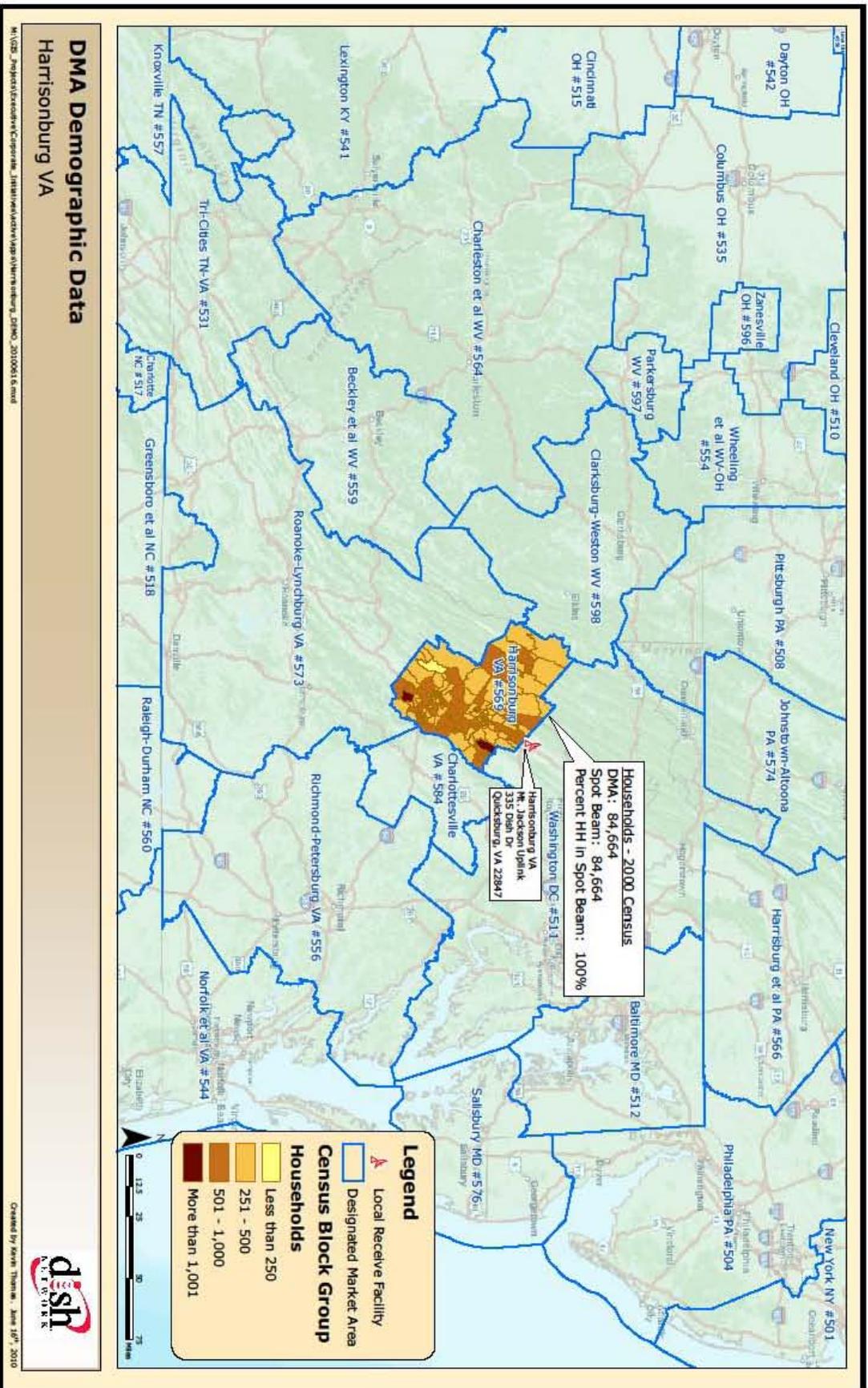
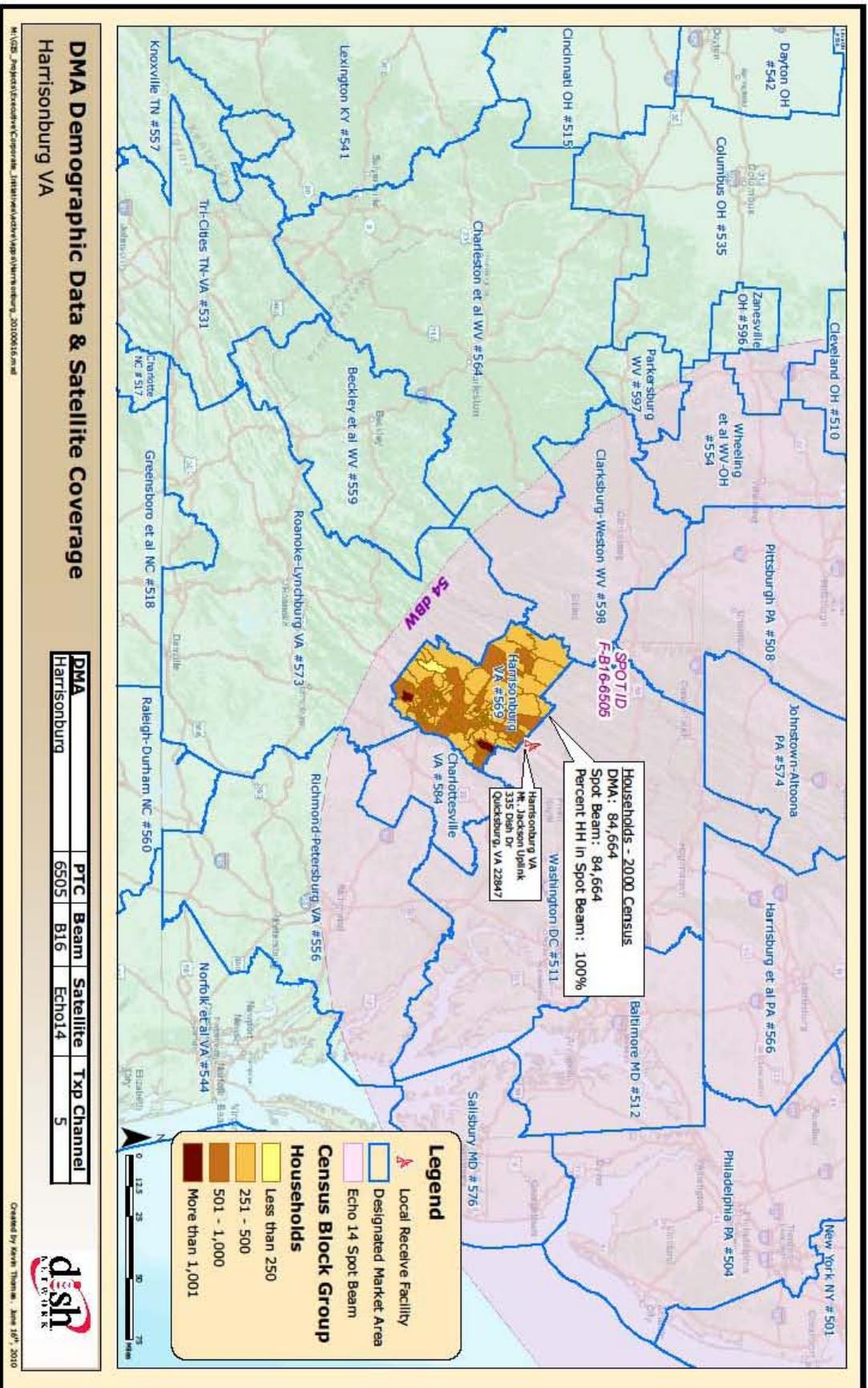


Figure Harrisonburg 2



ATTACHMENT D.12

DMA – Hattiesburg-Laurel, Mississippi

DISH's local receive facility for the Hattiesburg-Laurel, Mississippi designated market area ("DMA") is located at the following address:

WDAM
2362 Hwy 11
Moselle, MS 39459

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Hattiesburg-Laurel DMA contains 101,301 households, making it the 167th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Hattiesburg 1 is a map showing the geographic distribution of those households within the DMA.

Figure Hattiesburg 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A14-6352, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, 101,301 or 100% – of these households.

Figure Hattiesburg 1

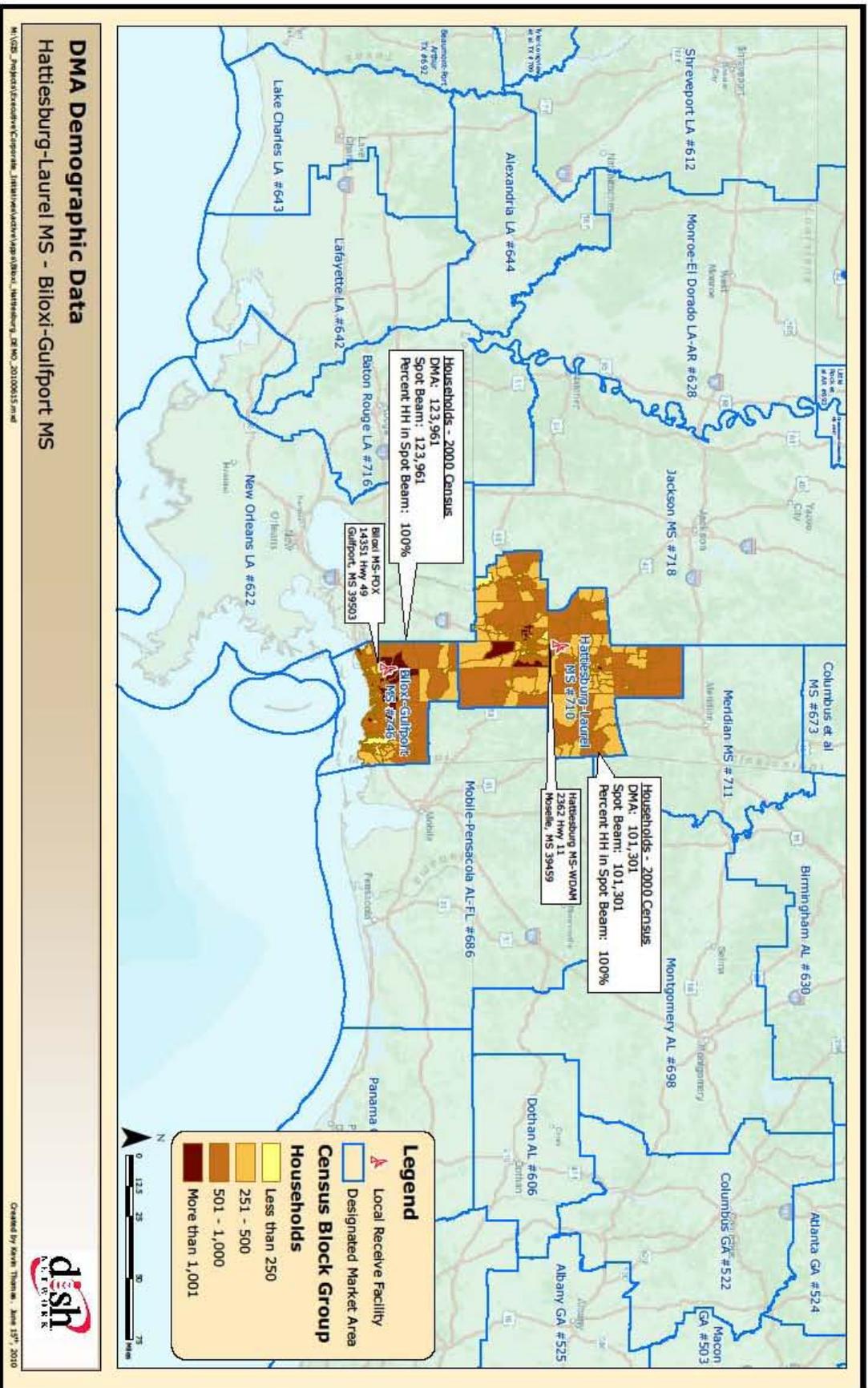
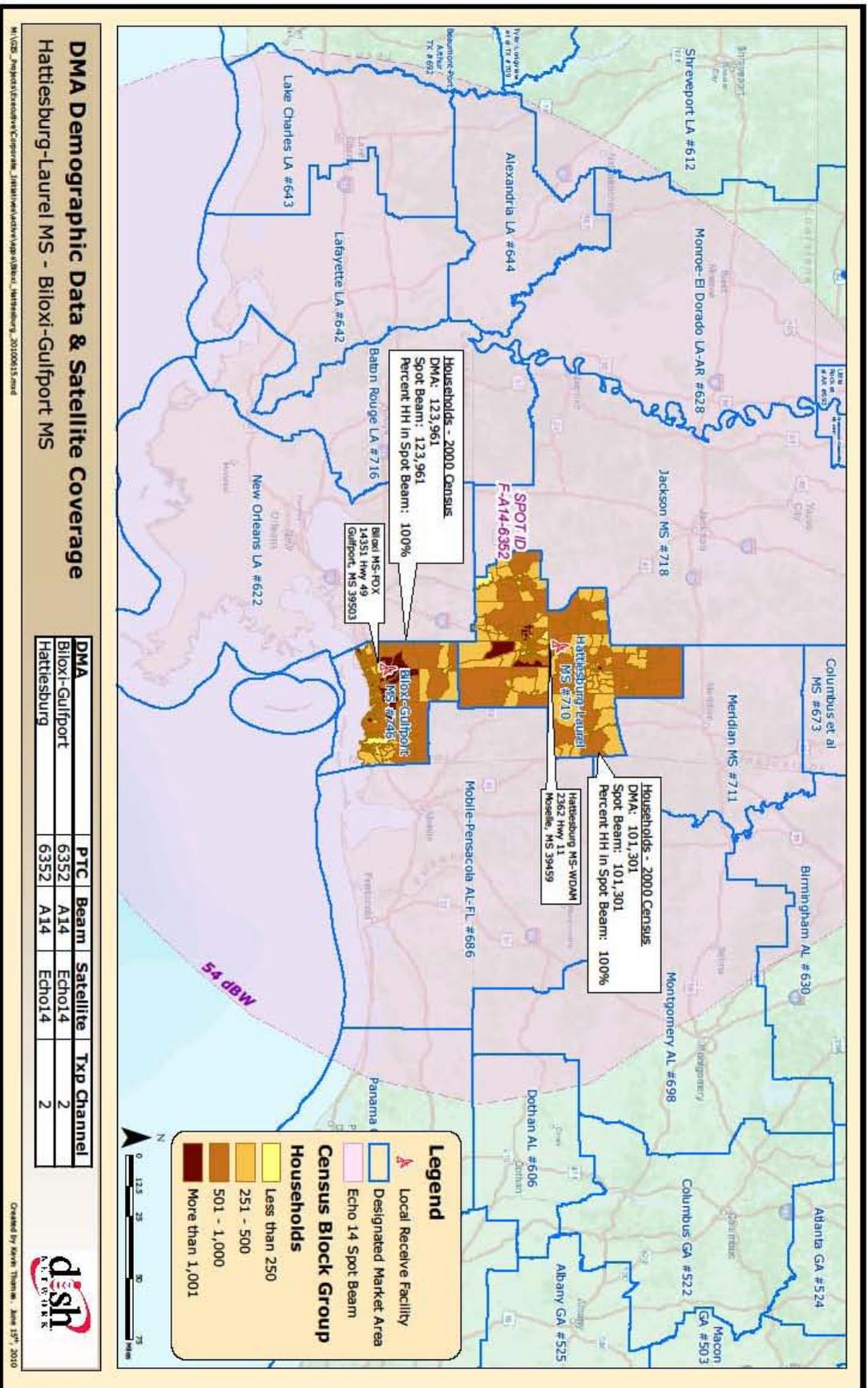


Figure Hattiesburg 2



ATTACHMENT D.13

DMA – Jackson, Tennessee

DISH's local receive facility for the Jackson, Tennessee designated market area ("DMA") is located at the following address:

Aeneas Internet
300 N. Cumberland St., Suite 200
Jackson, TN 38301

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Jackson DMA contains 87,581 households, making it the 173rd largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Jackson 1 is a map showing the geographic distribution of those households within the DMA.

Figure Jackson 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 10 satellite. These maps show that the contour of spot beam X-14-2340H, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 87,581 or 100% – of these households.

ATTACHMENT D.14

DMA – Jonesboro, Arkansas

DISH's local receive facility for the Jonesboro, Arkansas designated market area ("DMA") is located at the following address:

Jonesboro Communications
111 W. Parker Rd.
Jonesboro, AR 72404

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Jonesboro DMA contains 86,908 households, making it the 181st largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Jonesboro 1 is a map showing the geographic distribution of those households within the DMA.

Figure Jonesboro 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-30-4382, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 86,908 or 100% – of these households.

Figure Jonesboro 1

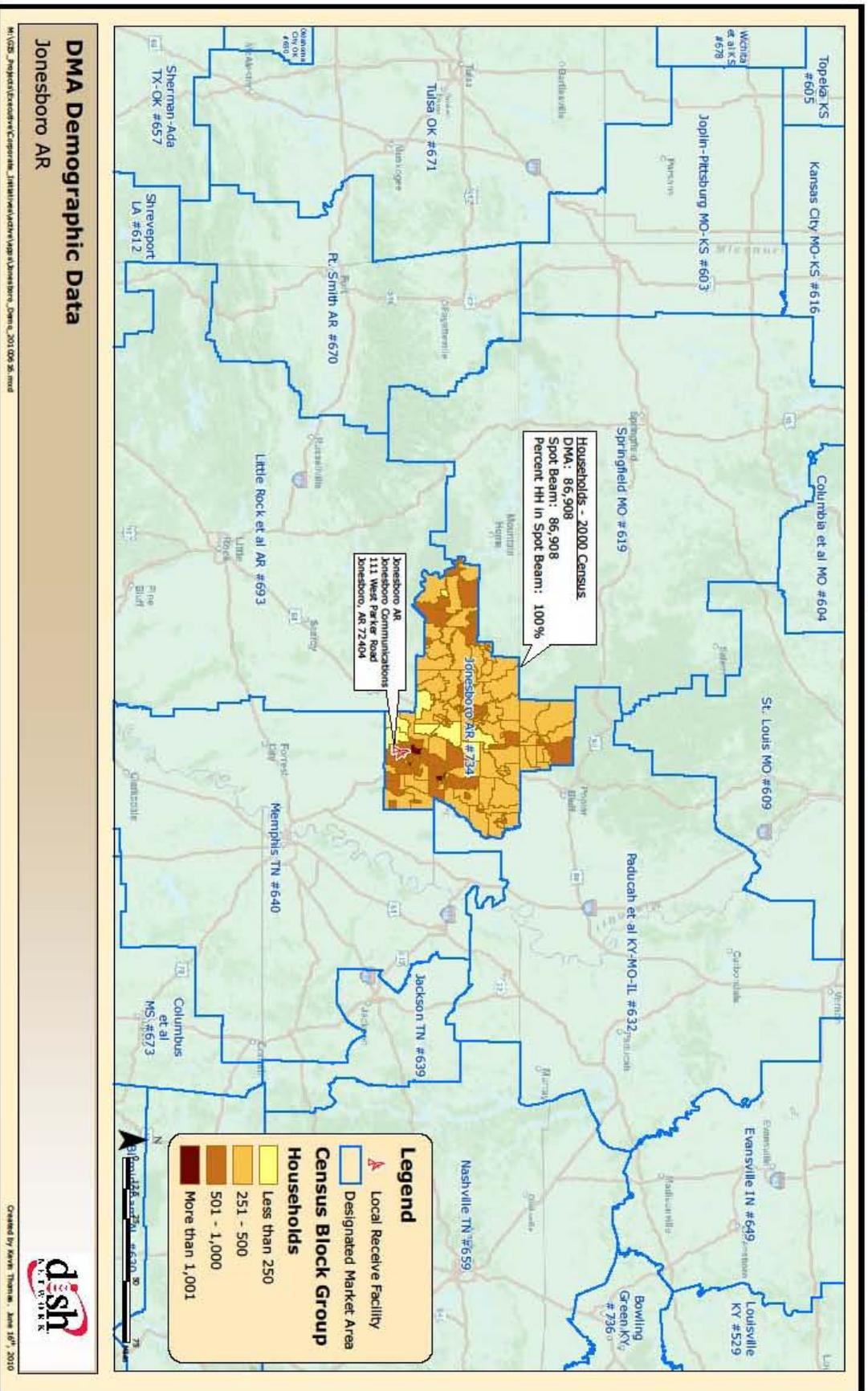
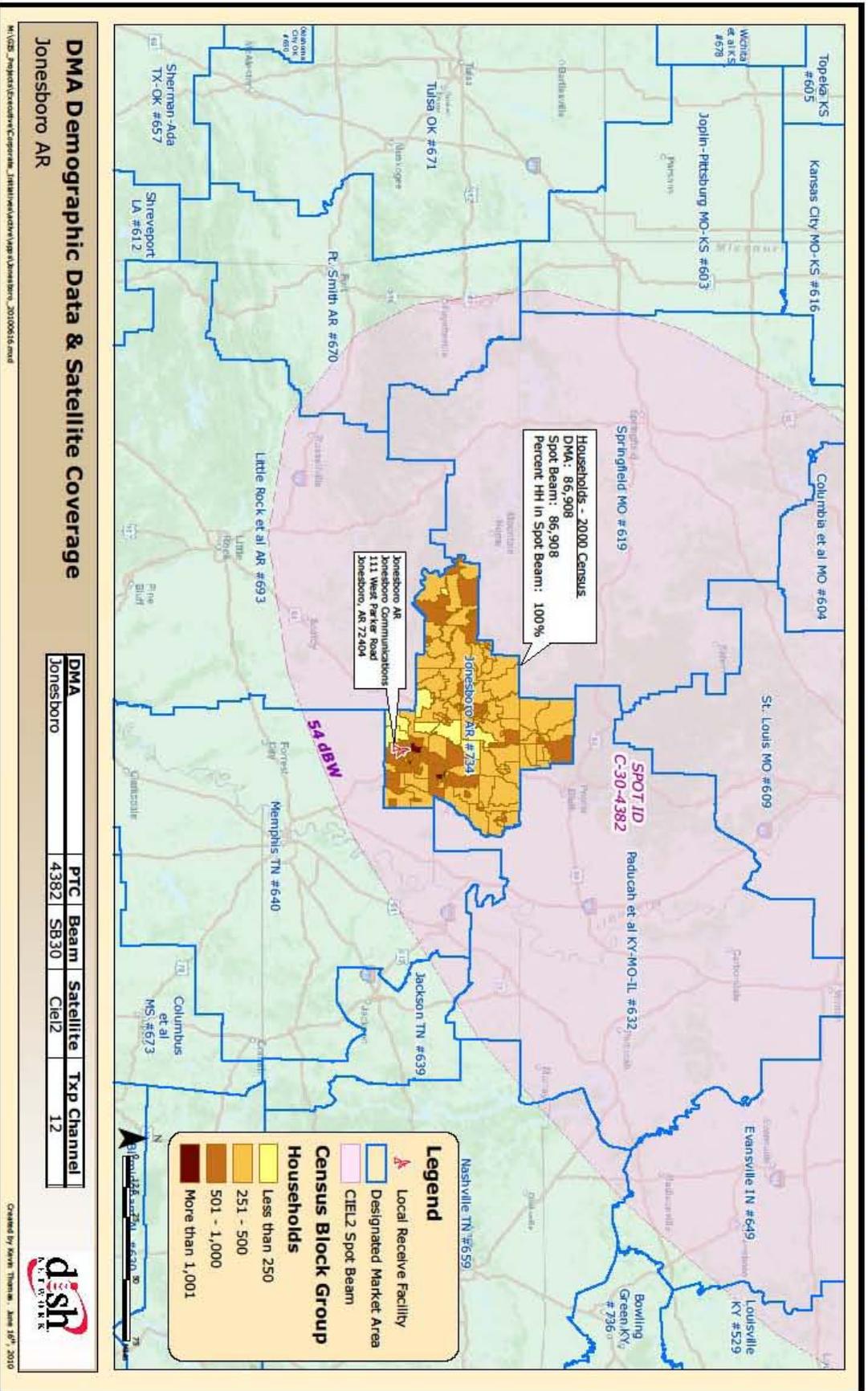


Figure Jonesboro 2



ATTACHMENT D.15

DMA – Lafayette, Indiana

DISH's local receive facility for the Lafayette, Indiana designated market area ("DMA") is located at the following address:

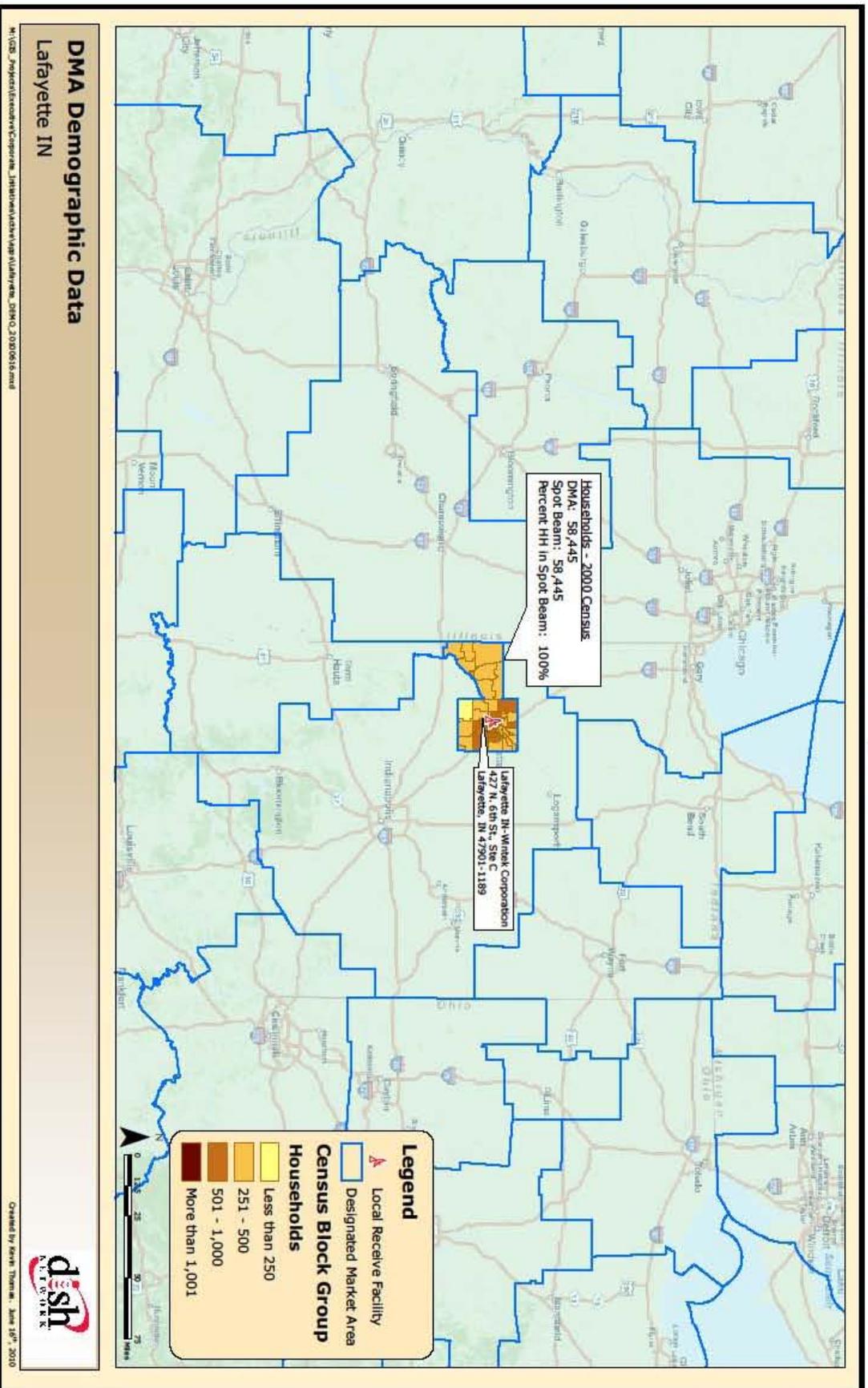
Wintek Corporation
427 N. 6th St., Ste C
Lafayette, IN 47901

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Lafayette DMA contains 58,445 households, making it the 191st largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Lafayette 1 is a map showing the geographic distribution of those households within the DMA.

Figure Lafayette 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A11-6401, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 58,445 or 100% – of these households.

Figure Lafayette 1



ATTACHMENT D.16

DMA – Lake Charles, Louisiana

DISH's local receive facility for the Lake Charles, Louisiana designated market area ("DMA") is located at the following address:

KPLC
320 Division St.
Lake Charles, LA 70601

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Lake Charles DMA contains 92,411 households, making it the 175th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Lake Charles 1 is a map showing the geographic distribution of those households within the DMA.

The local stations for the Lake Charles DMA are carried on a CONUS beam from the EchoStar 8 satellite, operating at the 77° W.L. orbital location. Figure Lake Charles 2 superimposes on the DMA map the effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 8 satellite's CONUS beam. As confirmed by the affidavits of Messrs. Bair and Povenmire, this map shows that the contour of the CONUS beam, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal to at least 90 percent – in fact, all 92,411 or 100% – of these households.

Figure Lake Charles 1

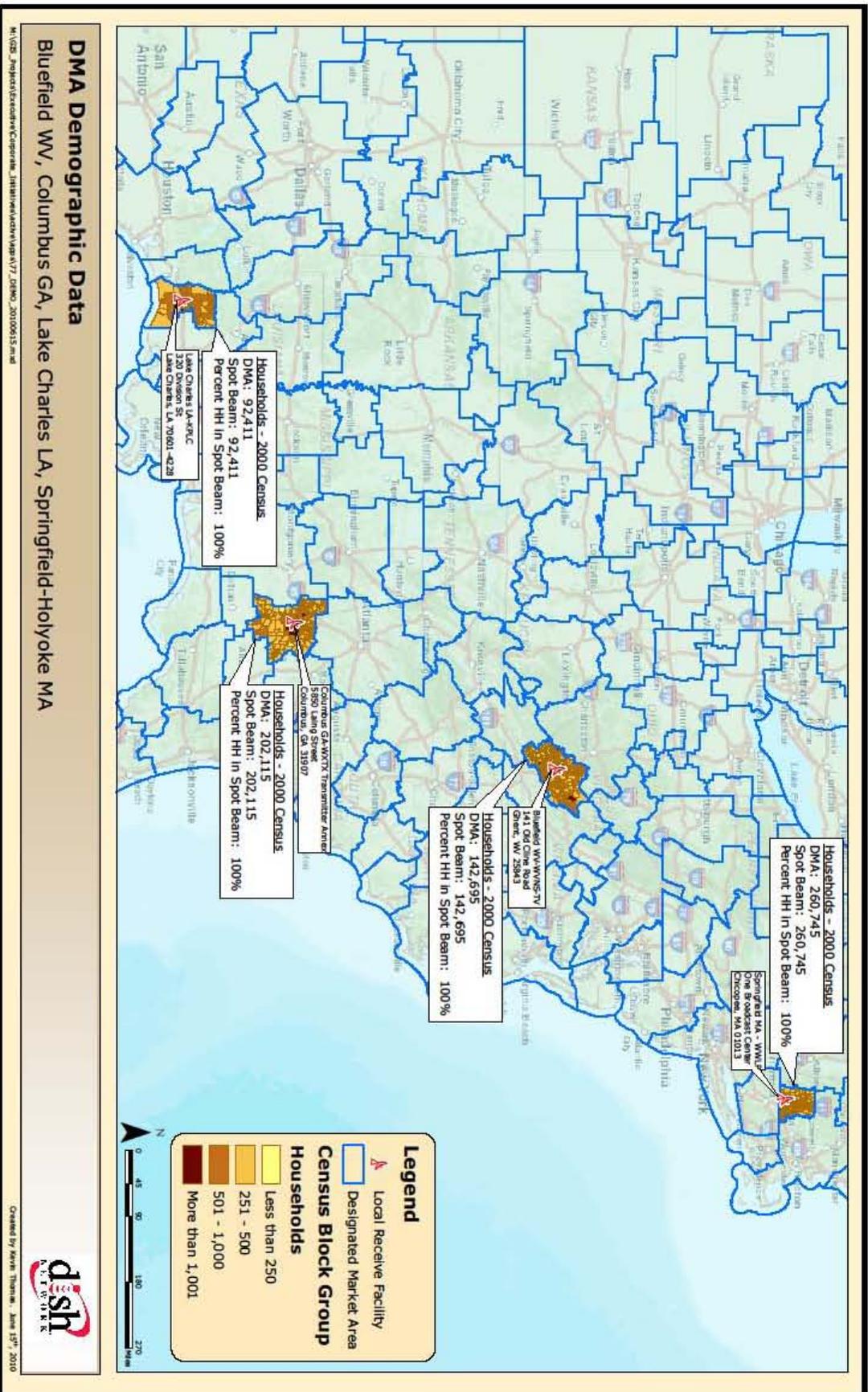
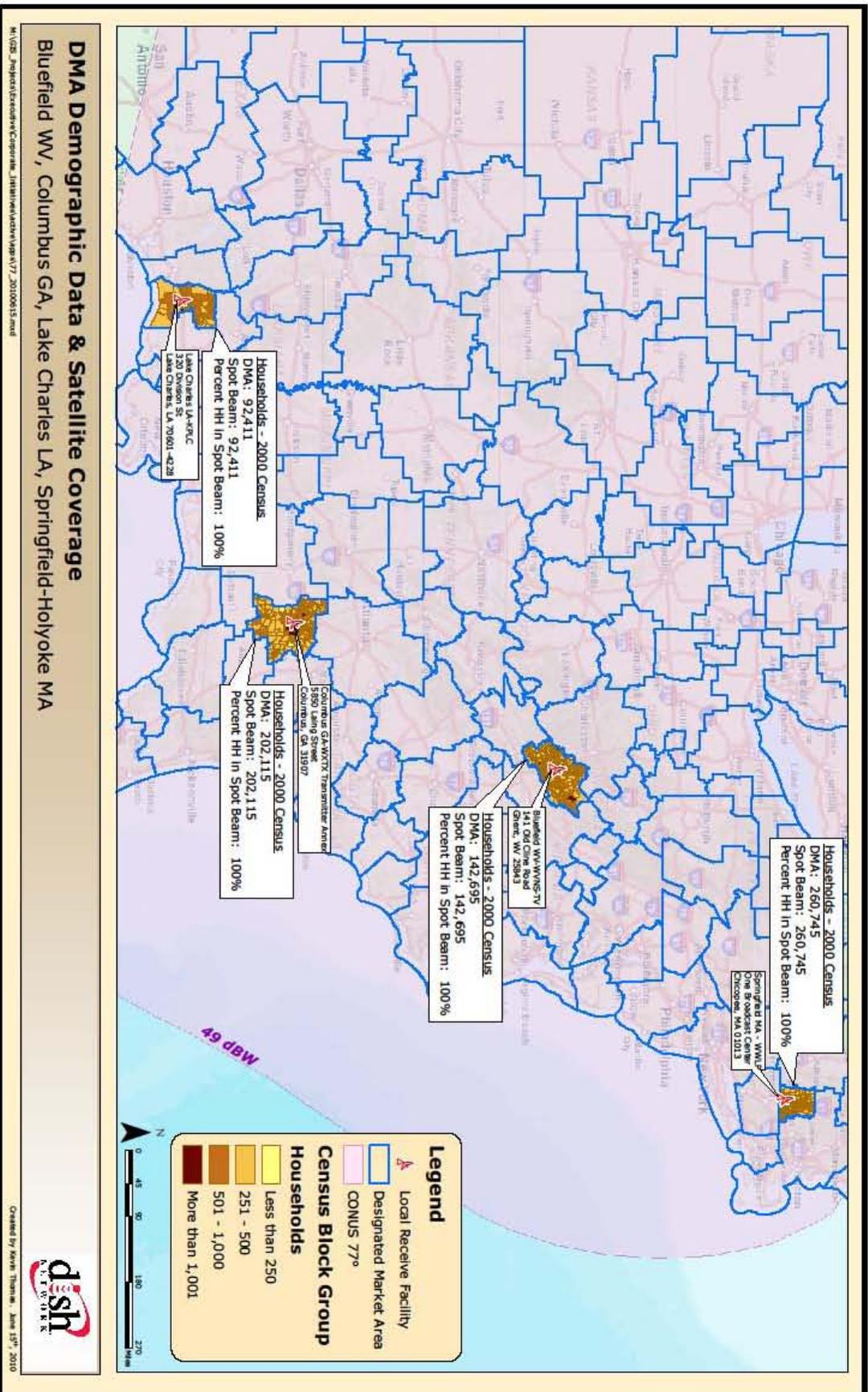


Figure Lake Charles 2



ATTACHMENT D.17

DMA – Mankato, Minnesota

DISH's local receive facility for the Mankato, Minnesota designated market area ("DMA") is located at the following address:

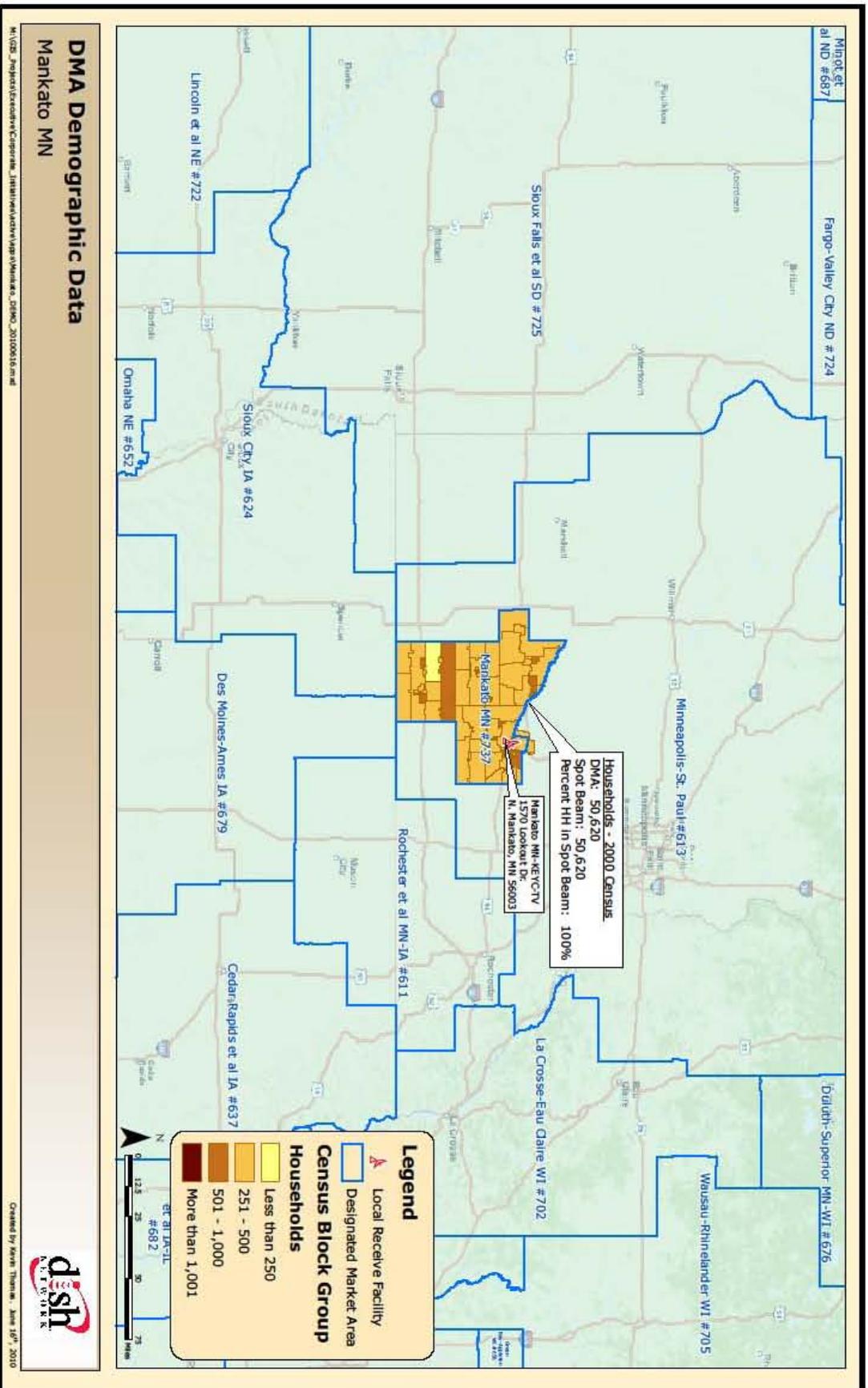
KEYC-TV
1570 Lookout Dr.
N. Mankato, MN 56003

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Mankato DMA contains 50,620 households, making it the 199th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Mankato 1 is a map showing the geographic distribution of those households within the DMA.

Figure Mankato 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 10 satellite. These maps show that the contour of spot beam X-28-2462H, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 50,620 or 100% – of these households.

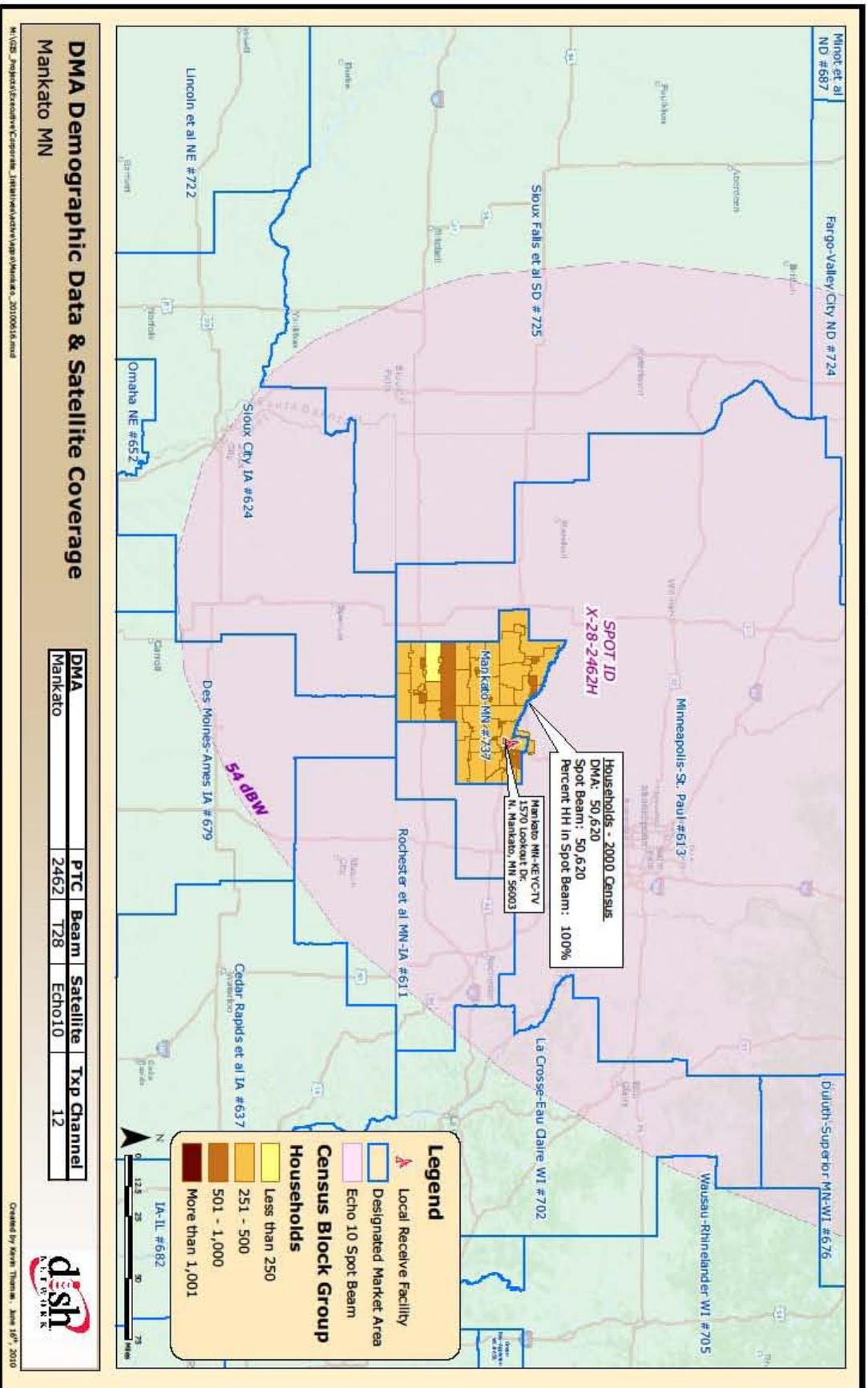
Figure Mankato 1



DMA Demographic Data
 Mankato, MN

M:\GIS_Images\Executive\Copied\J\stat\mankato\map\mankato_dma_20100616.mxd

Figure Mankato 2



ATTACHMENT D.18

DMA – North Platte, Nebraska

DISH's local receive facility for the North Platte, Nebraska designated market area ("DMA") is located at the following address:

KNOP/KIIT
8020 N. Highway 83
North Platte, NE 69101

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the North Platte DMA contains 14,919 households, making it the 209th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure North Platte 1 is a map showing the geographic distribution of those households within the DMA.

Figure North Platte 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-20-4405, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 14,919 or 100% – of these households.

Figure North Platte 1

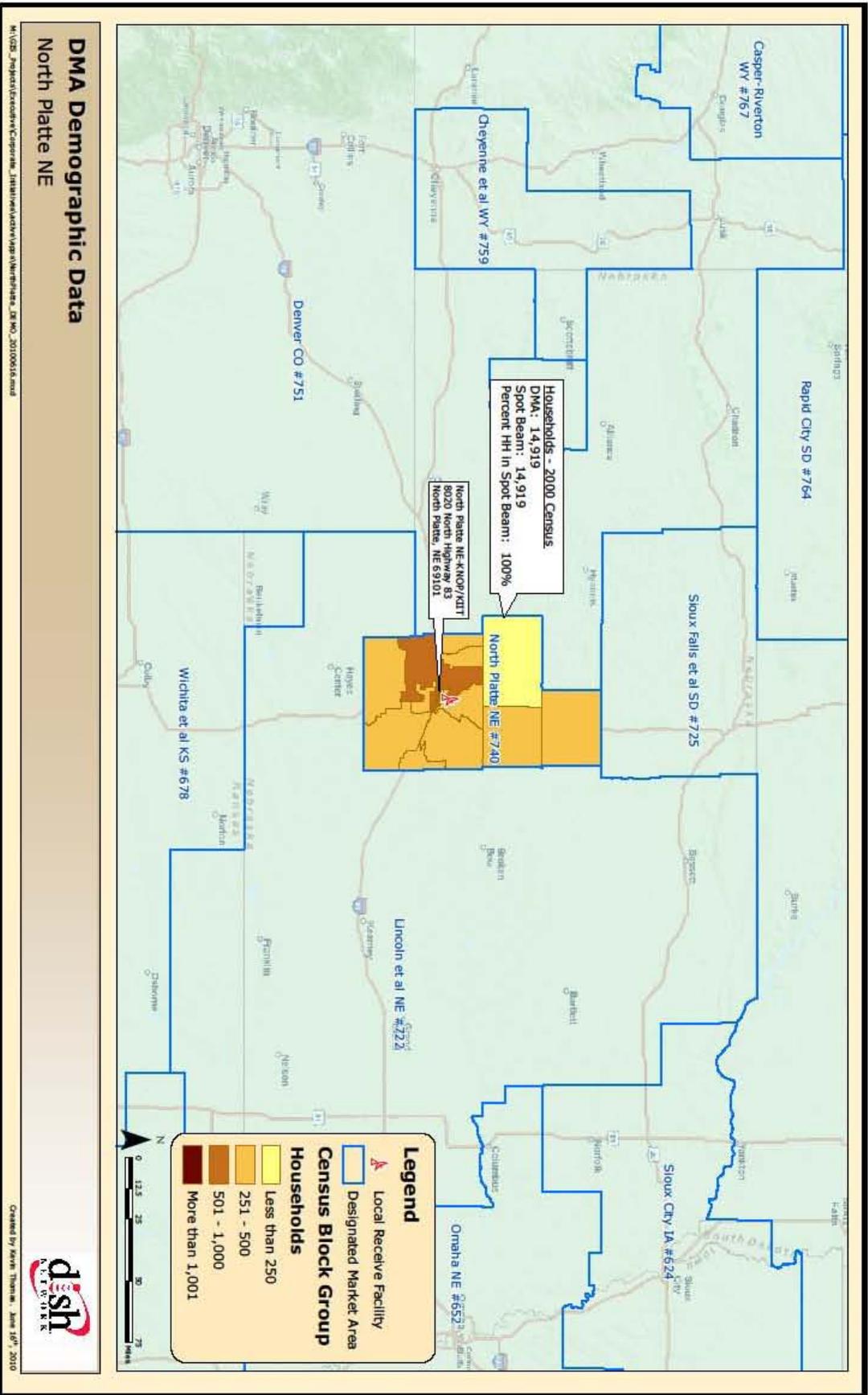
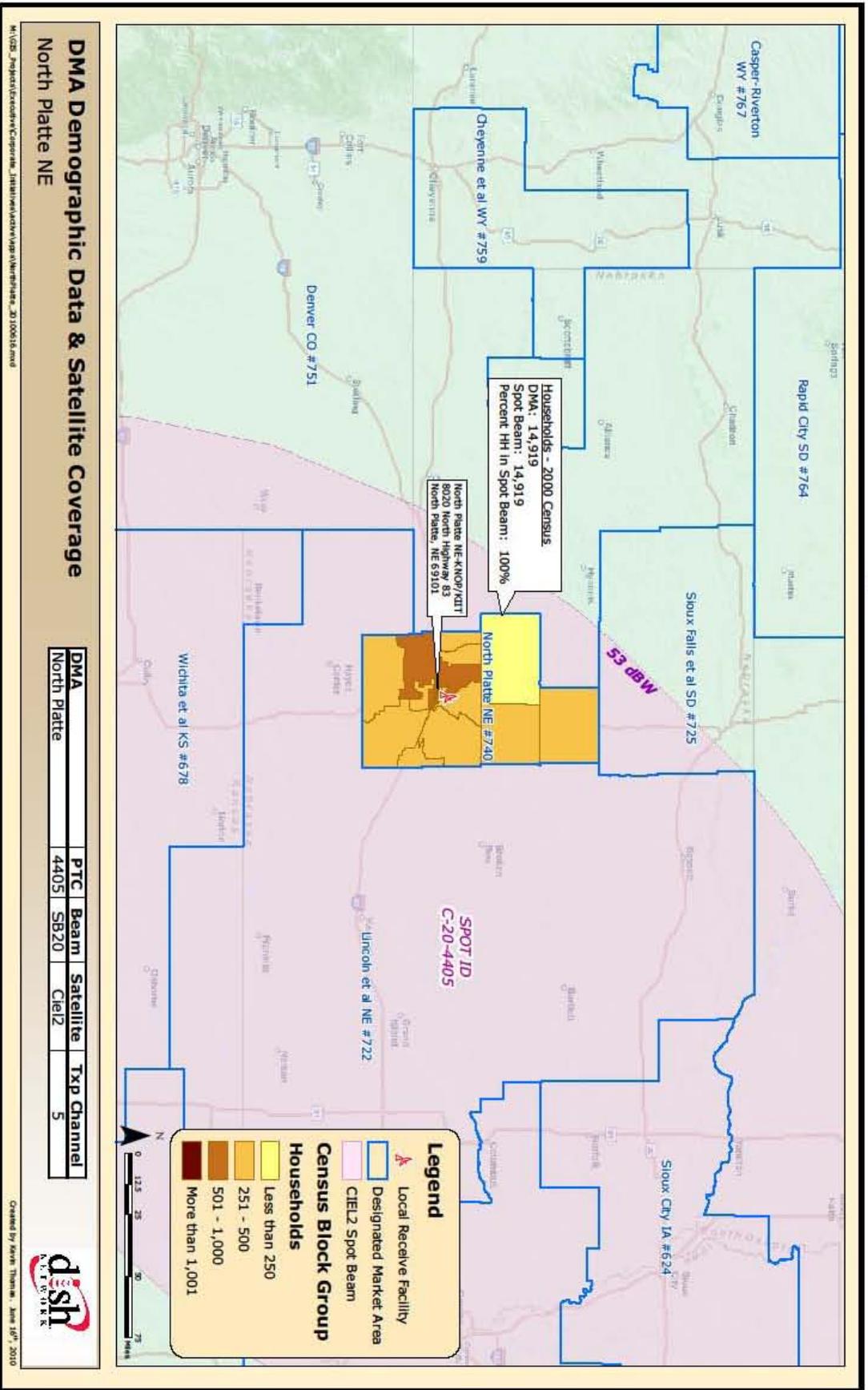


Figure North Platte 2



ATTACHMENT D.19

DMA – Ottumwa, Iowa

DISH's local receive facility for the Ottumwa, Iowa designated market area ("DMA") is located at the following address:

KYOU
506 Haran
Ottumwa, IA 52501

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Ottumwa DMA contains 50,869 households, making it the 200th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Ottumwa 1 is a map showing the geographic distribution of those households within the DMA.

Figure Ottumwa 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A08-6002, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 50,869 or 100% – of these households.

Figure Ottumwa 1

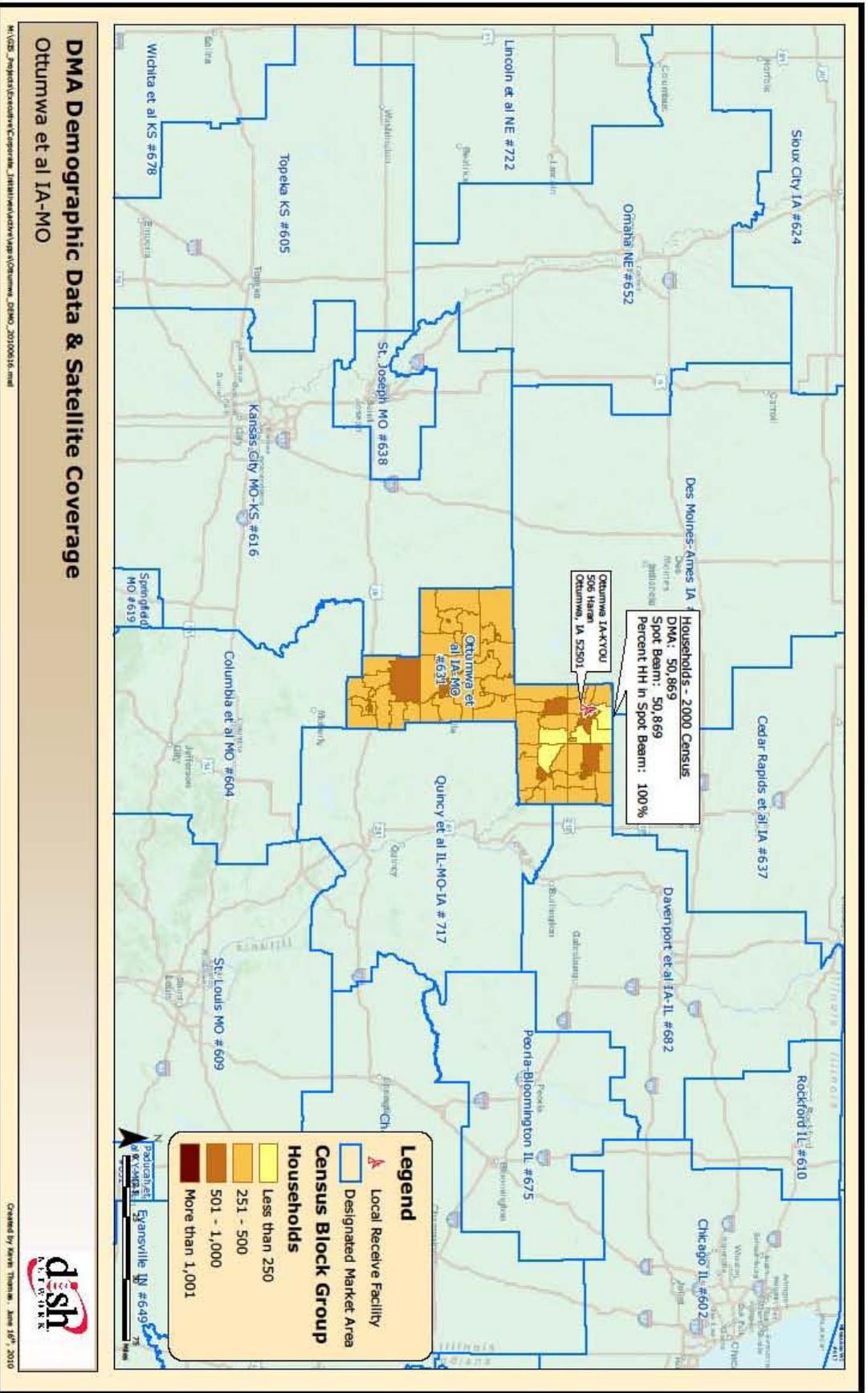
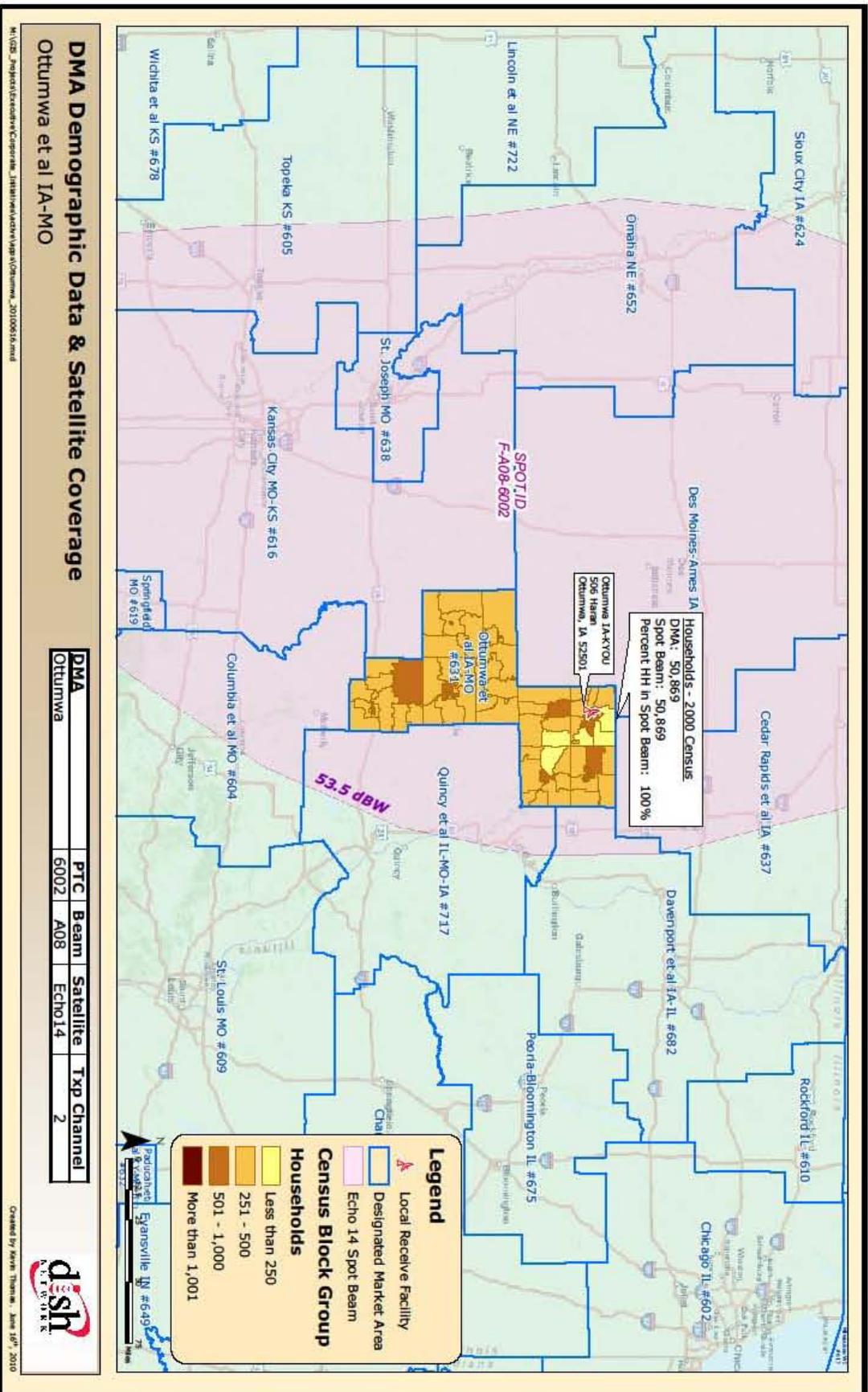


Figure Ottumwa 2



ATTACHMENT D.20

DMA – Parkersburg, West Virginia

DISH's local receive facility for the Parkersburg, West Virginia designated market area ("DMA") is located at the following address:

WTAP-TV
One Television Plaza
Parkersburg, WV 26101

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Parkersburg DMA contains 64,299 households, making it the 194th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Parkersburg 1 is a map showing the geographic distribution of those households within the DMA.

Figure Parkersburg 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-25-4306, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 64,299 or 100% – of these households.

Figure Parkersburg 1

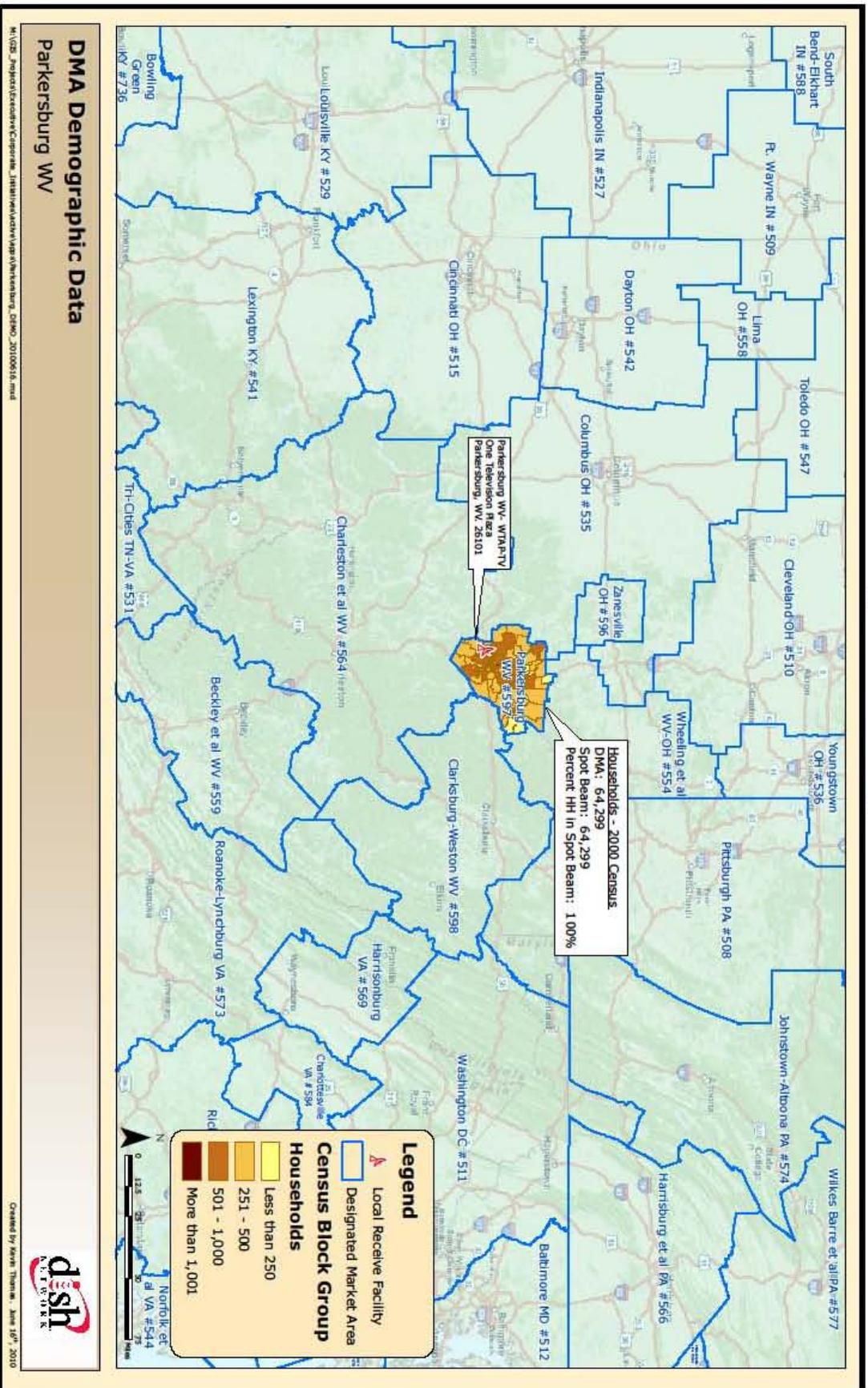
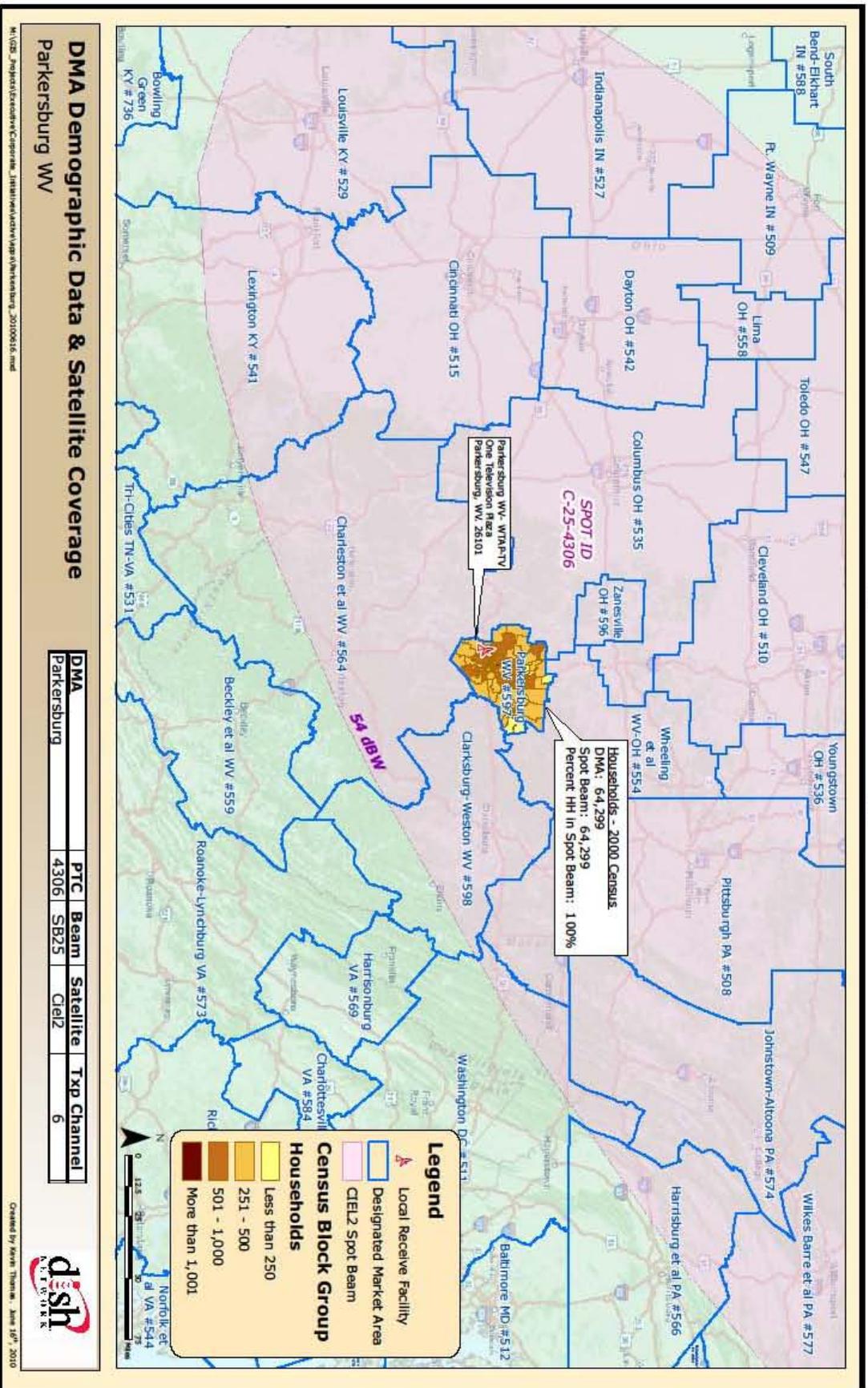


Figure Parkersburg 2



ATTACHMENT D.21

DMA – Presque Isle, Maine

DISH's local receive facility for the Presque Isle, Maine designated market area ("DMA") is located at the following address:

WAGM
12 Brewer Rd.
Presque Isle, ME 04769

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Presque Isle DMA contains 30,356 households, making it the 205th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Presque Isle 1 is a map showing the geographic distribution of those households within the DMA.

Figure Presque Isle 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 10 satellite. These maps show that the contour of spot beam X-8-2595H, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 30,356 or 100% – of these households.

Figure Presque Isle 1

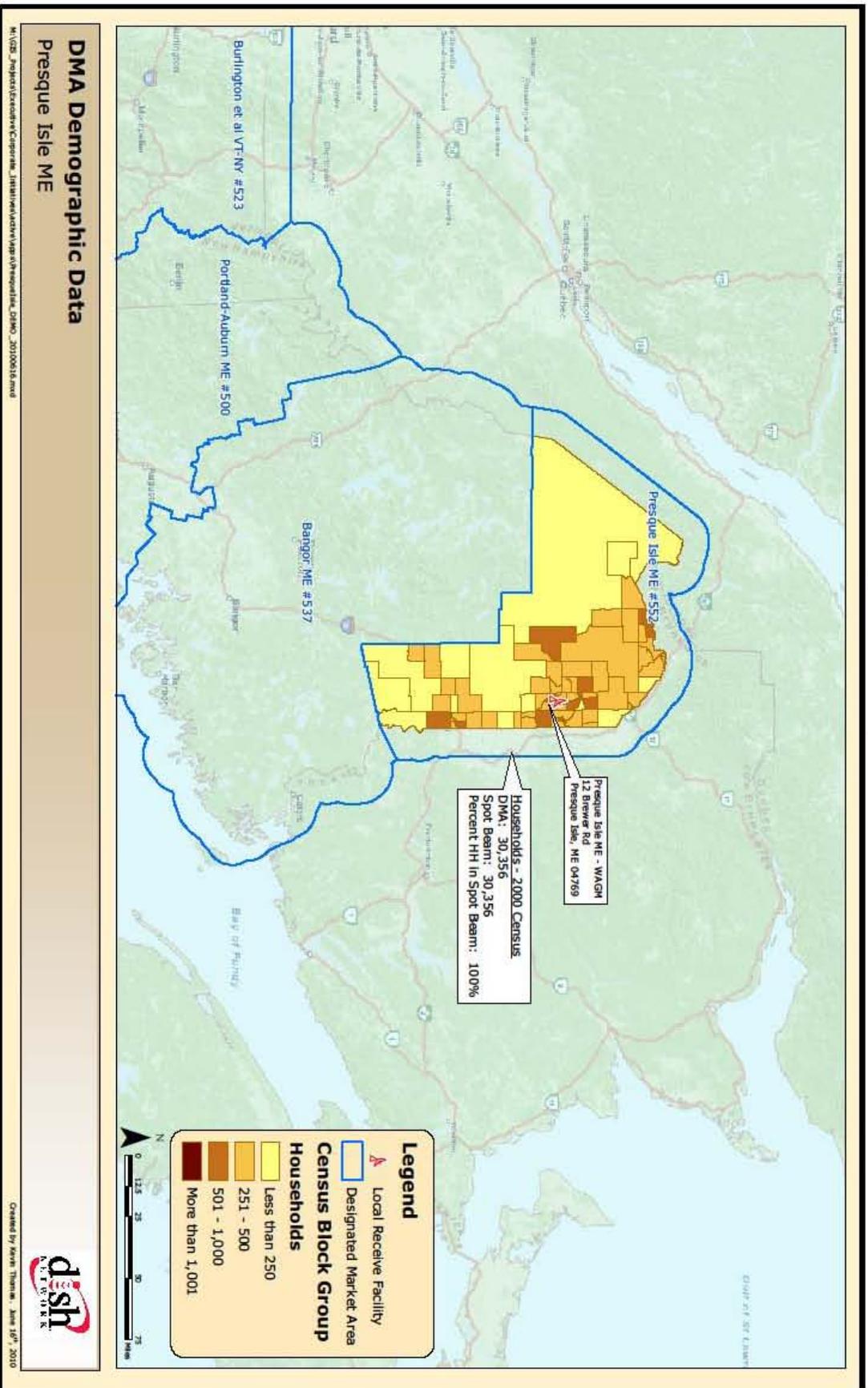
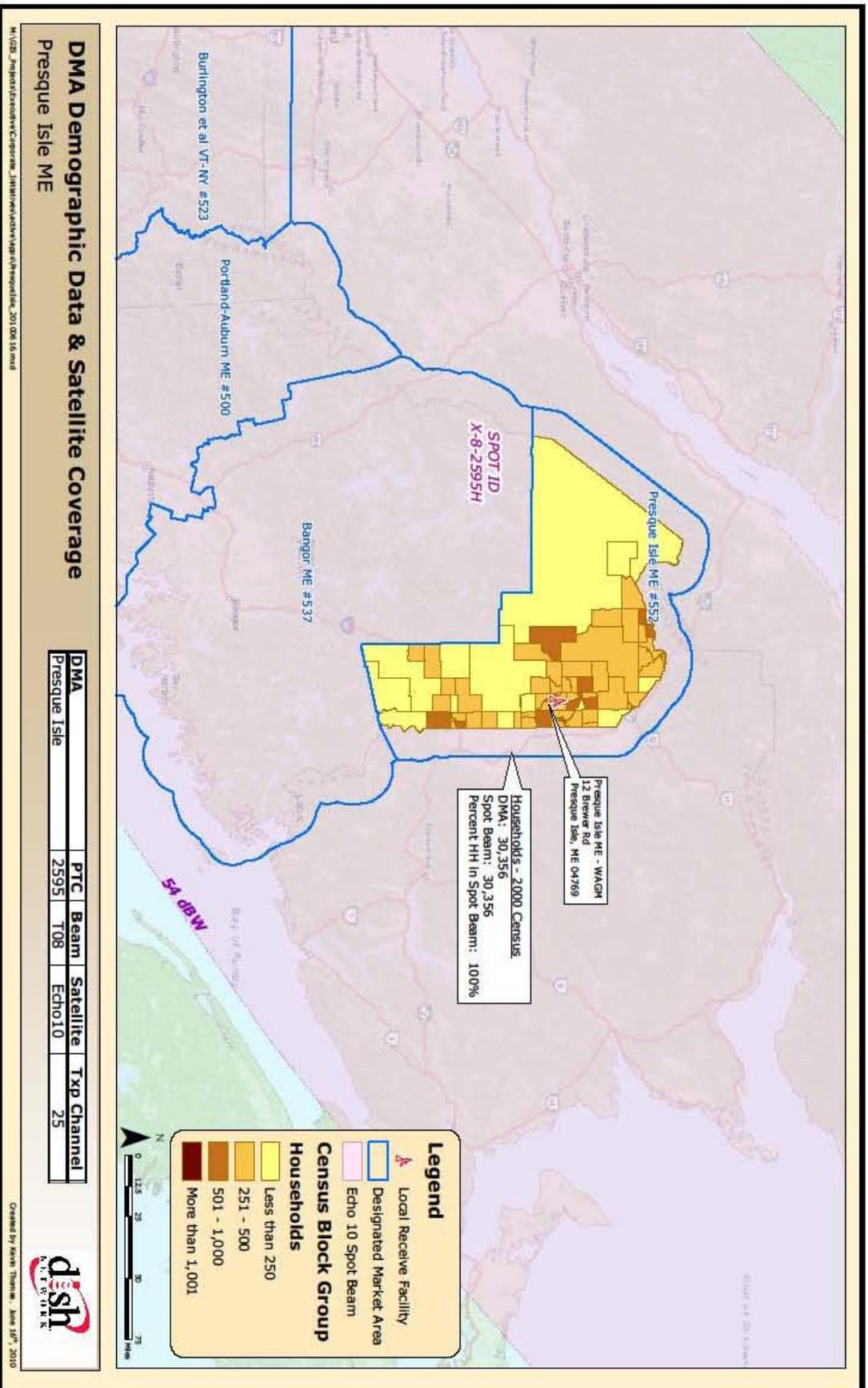


Figure Presque Isle 2



ATTACHMENT D.22

DMA – Salisbury, Maryland

DISH's local receive facility for the Salisbury, Maryland designated market area ("DMA") is located at the following address:

WBOC-TV
1729 N. Salisbury Blvd.
Salisbury, MD 21801

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Salisbury DMA contains 135,556 households, making it the 144th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Salisbury 1 is a map showing the geographic distribution of those households within the DMA.

Figure Salisbury 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A18-6552, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 135,556 or 100% – of these households.

Figure Salisbury 1

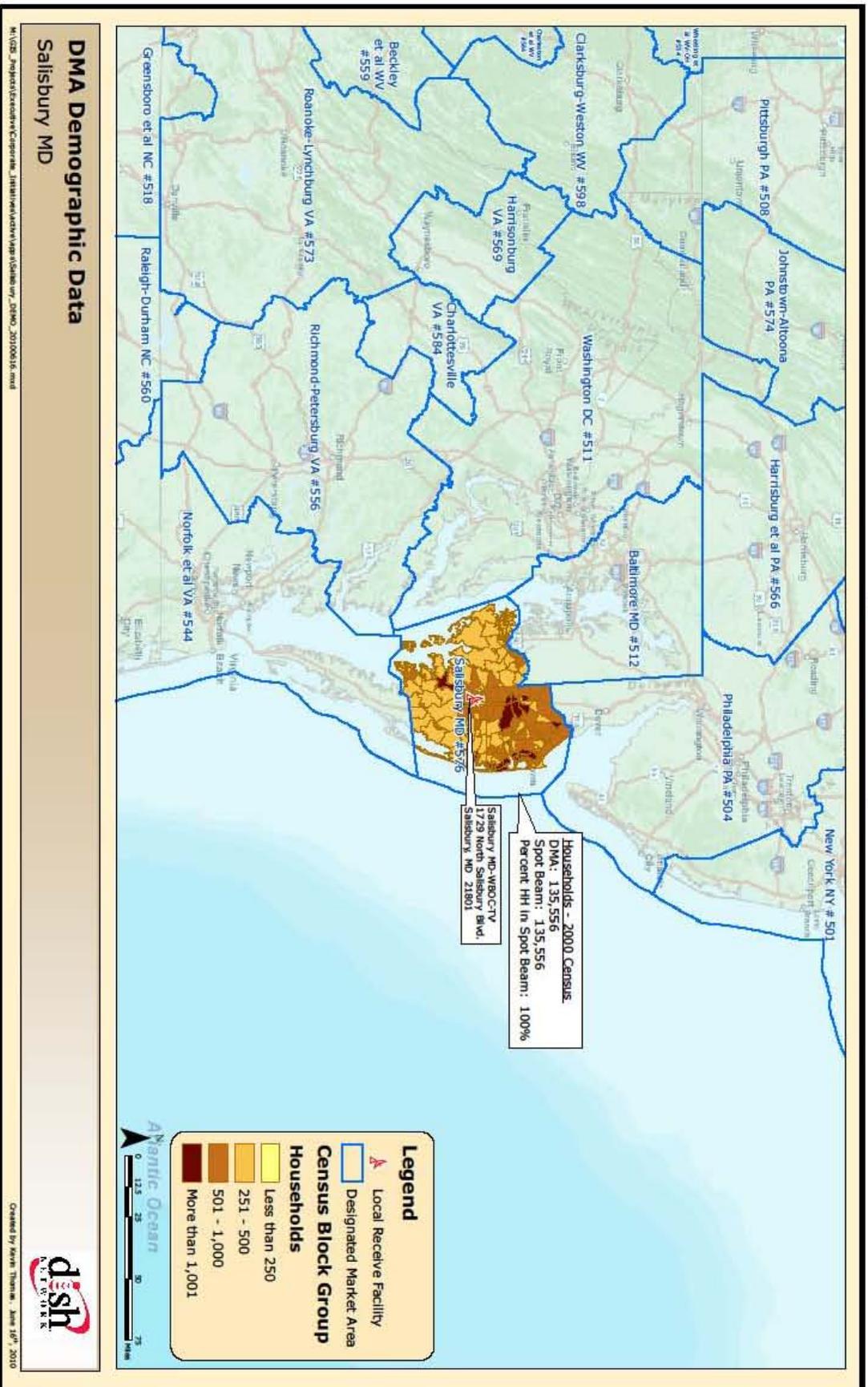
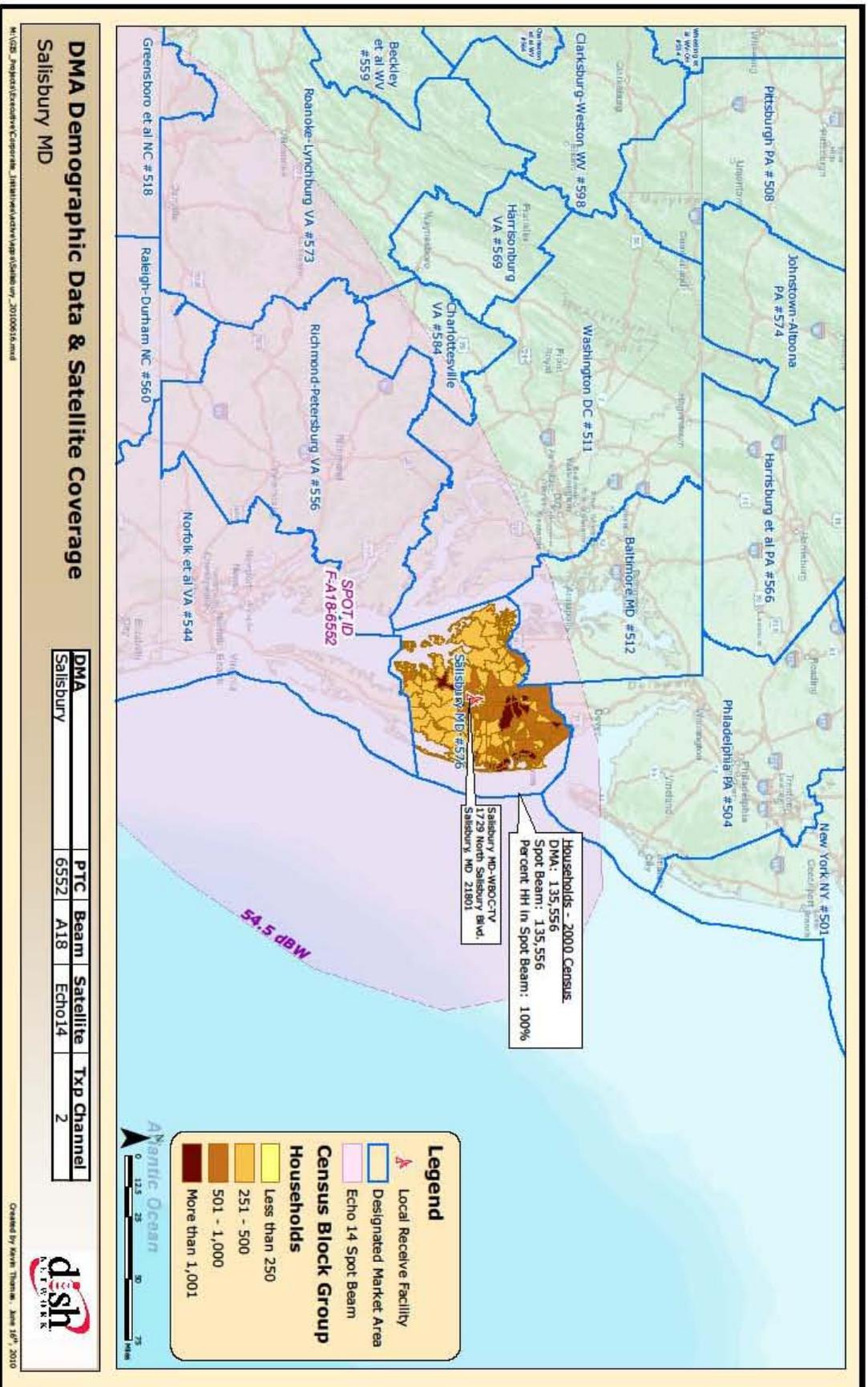


Figure Salisbury 2



ATTACHMENT D.23

DMA – Springfield-Holyoke, Massachusetts

DISH's local receive facility for the Springfield-Holyoke, Massachusetts designated market area ("DMA") is located at the following address:

WWLP
One Broadcast Center
Chicopee, NY 01013

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Springfield-Holyoke DMA contains 260,745 households, making it the 111th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Springfield 1 is a map showing the geographic distribution of those households within the DMA.

The local stations for the Springfield-Holyoke DMA are carried on a CONUS beam from the EchoStar 8 satellite, operating at the 77° W.L. orbital location. Figure Springfield 2 superimposes on the DMA map the effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 8 satellite's CONUS beam. As confirmed by the affidavits of Messrs. Bair and Povenmire, this map shows that the contour of the CONUS beam, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal to at least 90 percent – in fact, all 260,745 or 100% – of these households.

Figure Springfield 1

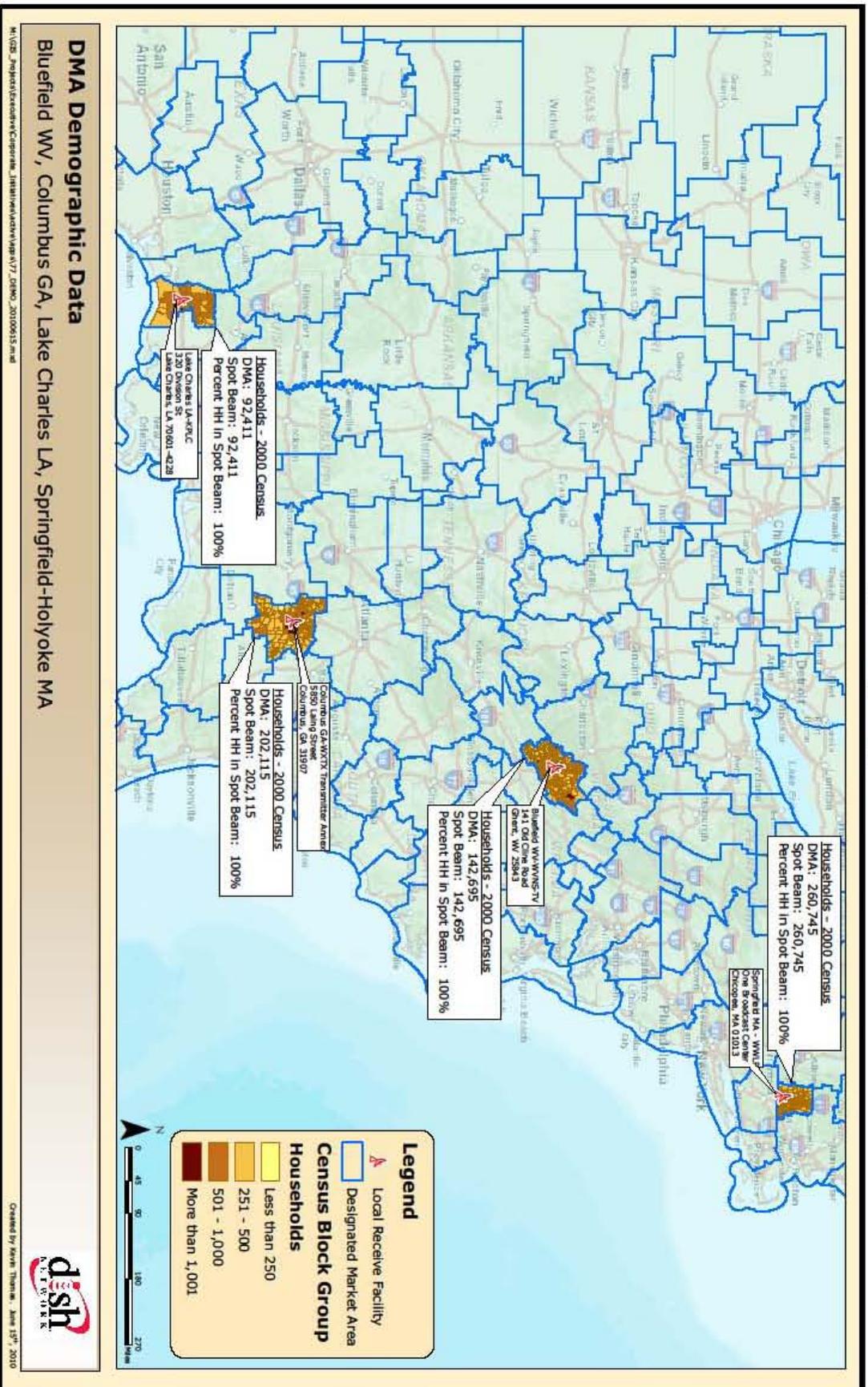
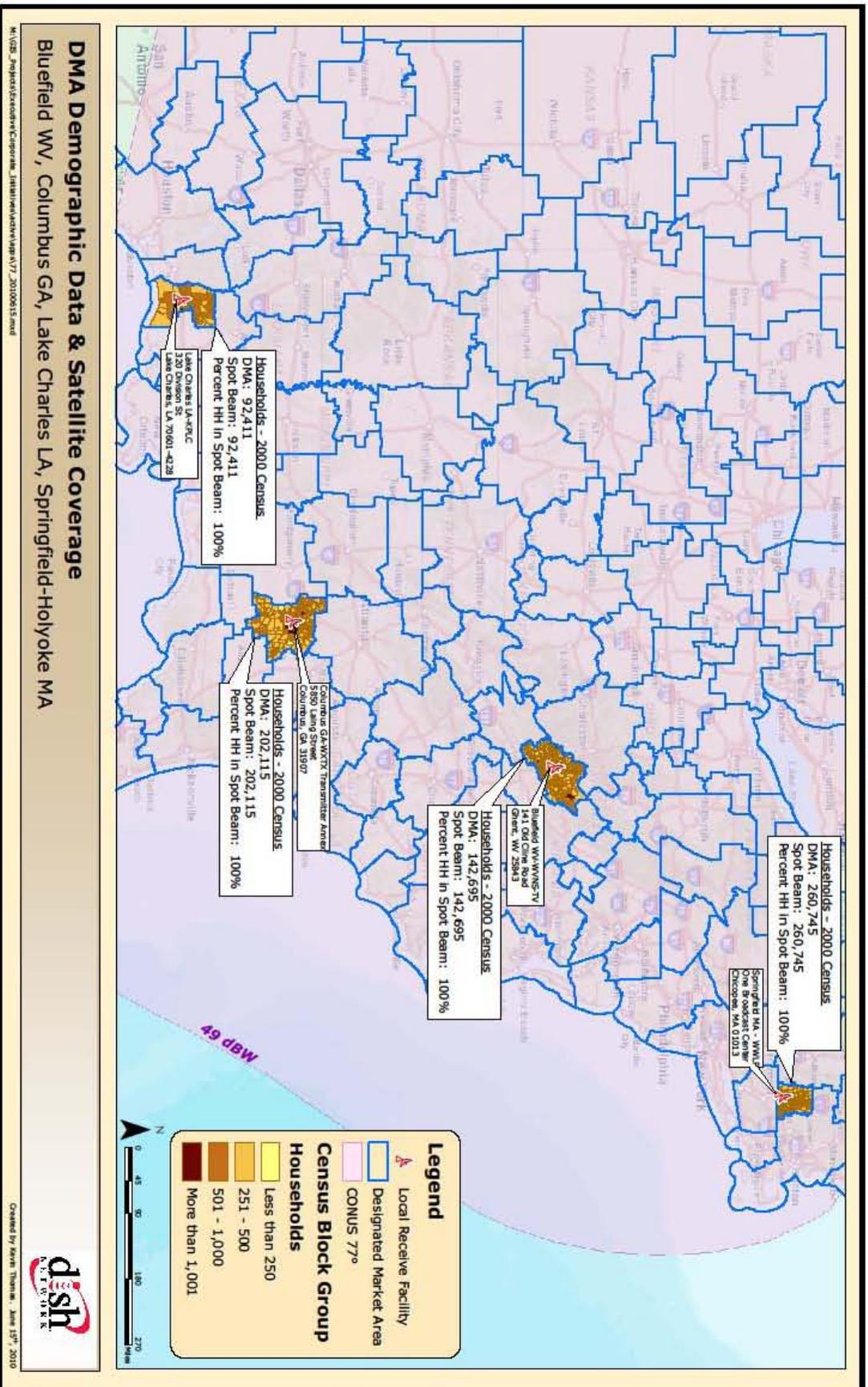


Figure Springfield 2



ATTACHMENT D.24

DMA – St. Joseph, Missouri

DISH's local receive facility for the St. Joseph, Missouri designated market area ("DMA") is located at the following address:

KQTV
4000 Faraon St.
St. Joseph, MO 64506

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the St. Joseph DMA contains 46,531 households, making it the 201st largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure St. Joseph 1 is a map showing the geographic distribution of those households within the DMA.

Figure St. Joseph 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-29-4408, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 46,531 or 100% – of these households.

ATTACHMENT D.25

DMA – Utica, New York

DISH's local receive facility for the Utica, New York designated market area ("DMA") is located at the following address:

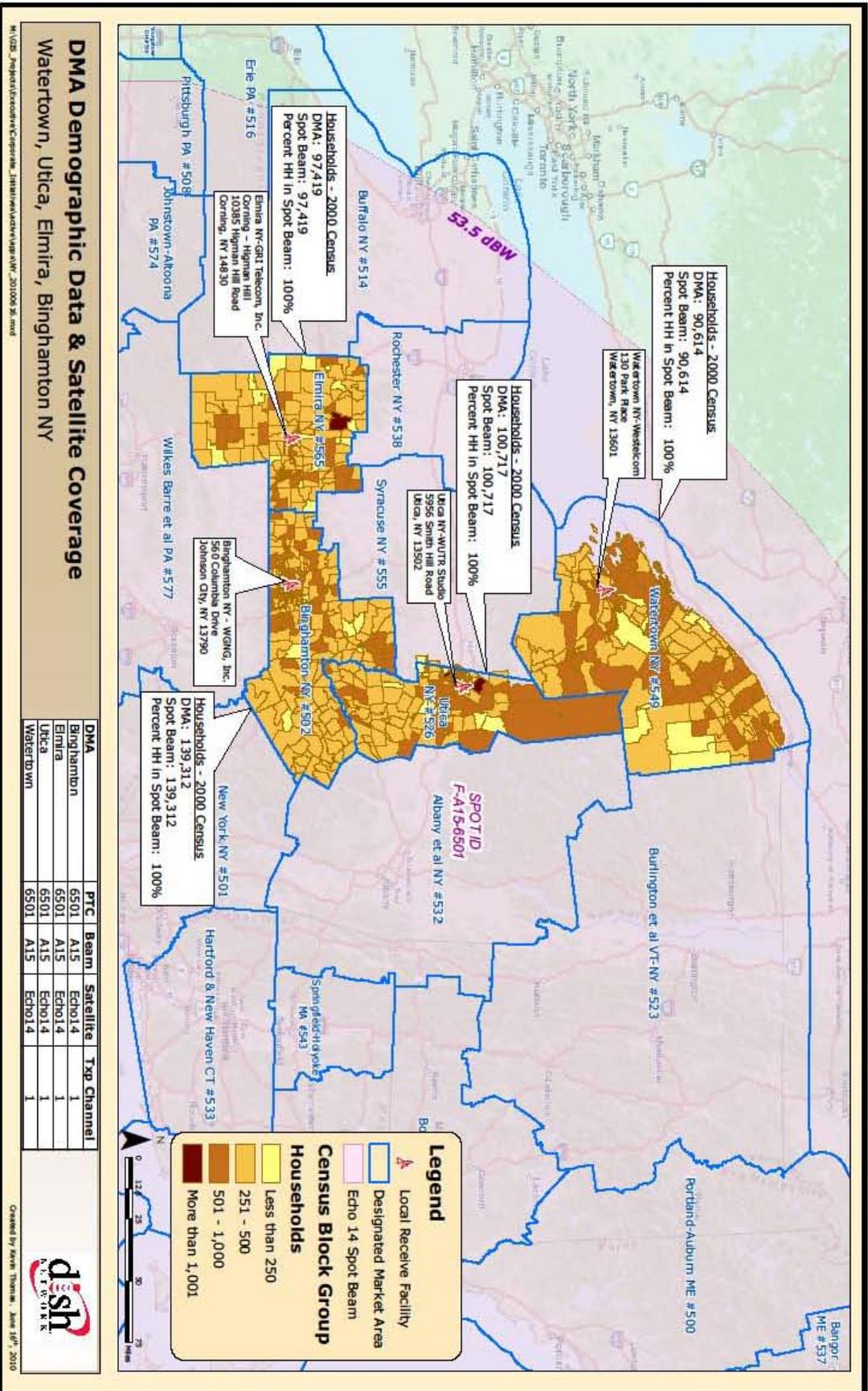
WUTR Studio
5956 Smith Hill Rd.
Utica, NY 13502

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Utica DMA contains 100,717 households, making it the 170th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Utica 1 is a map showing the geographic distribution of those households within the DMA.

Figure Utica 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A15-6501, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, 100,717 or 100% – of these households.

Figure Utica 2



ATTACHMENT D.26

DMA – Victoria, Texas

DISH's local receive facility for the Victoria, Texas designated market area ("DMA") is located at the following address:

Victoria Television Group
3808 N. Navarro
Victoria, TX 77901

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Victoria DMA contains 30,071 households, making it the 204th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Victoria 1 is a map showing the geographic distribution of those households within the DMA.

Figure Victoria 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the Ciel-2 satellite. These maps show that the contour of spot beam C-49-4378, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 30,071 or 100% – of these households.

Figure Victoria 1

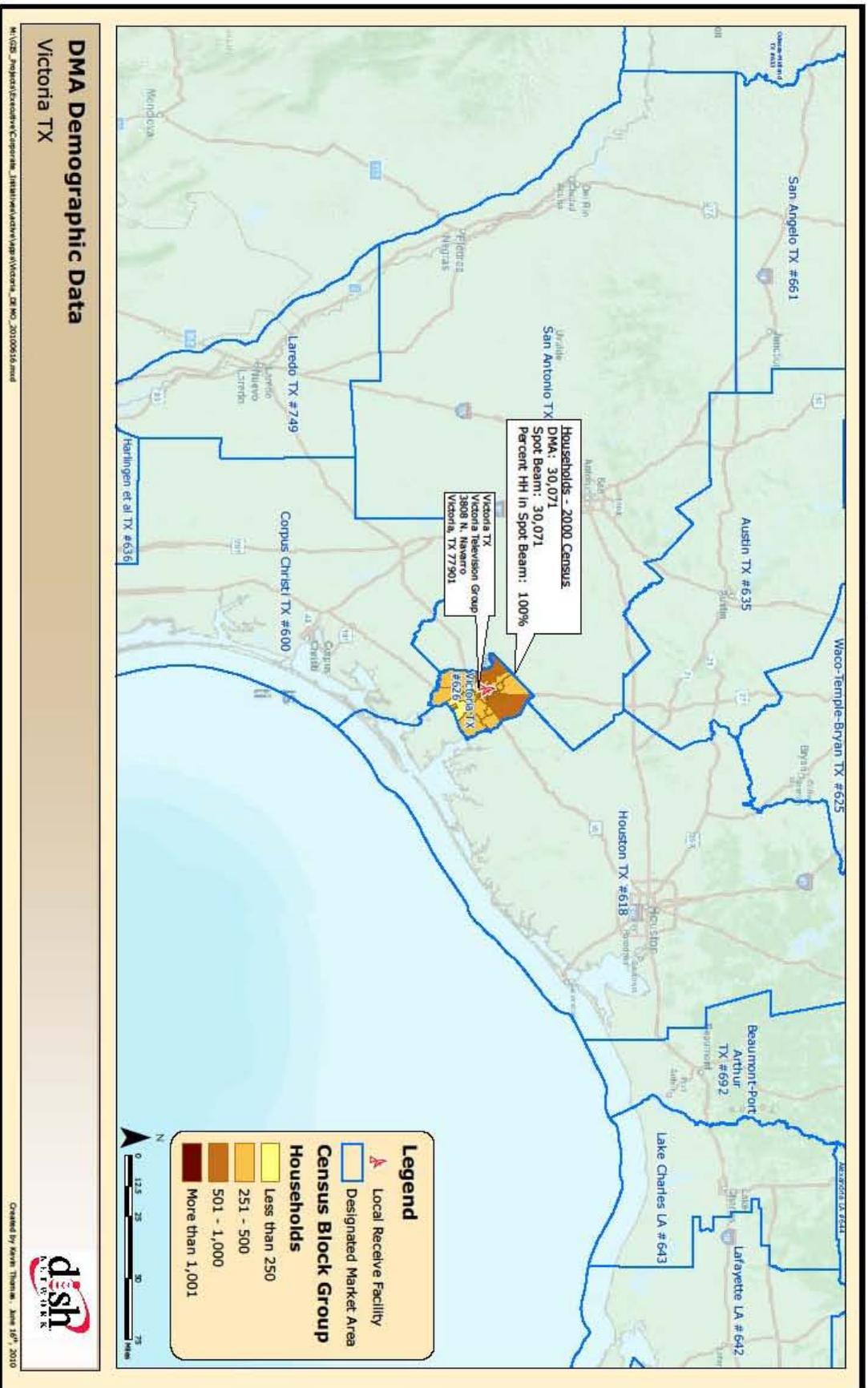
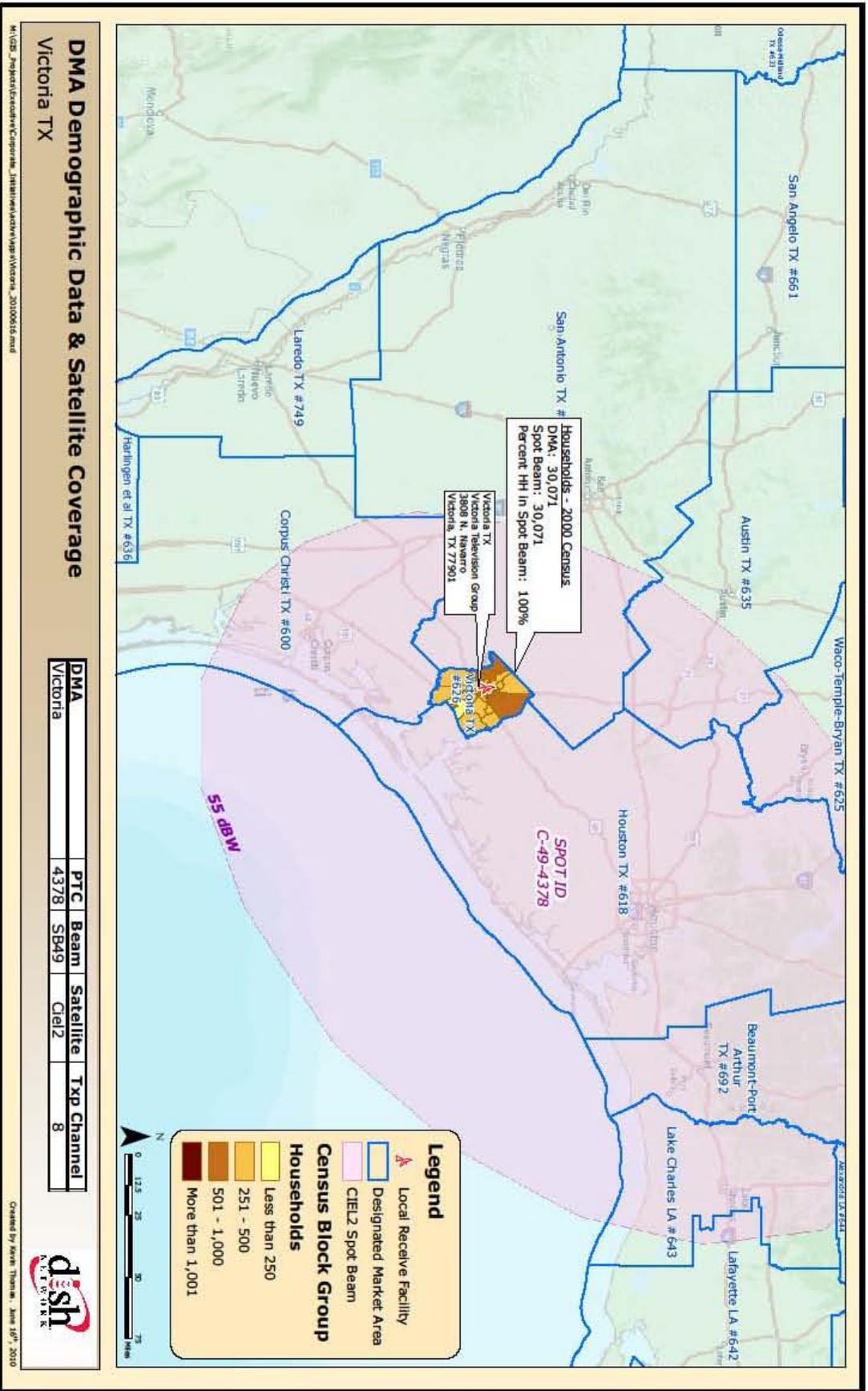


Figure Victoria 2



ATTACHMENT D.27

DMA – Watertown, New York

DISH's local receive facility for the Watertown, New York designated market area ("DMA") is located at the following address:

Westelcom
130 Park Place
Watertown, NY 13601

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Watertown DMA contains 90,614 households, making it the 177th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Watertown 1 is a map showing the geographic distribution of those households within the DMA.

Figure Watertown 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-A15-6501, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 90,614 or 100% – of these households.

Figure Watertown 1

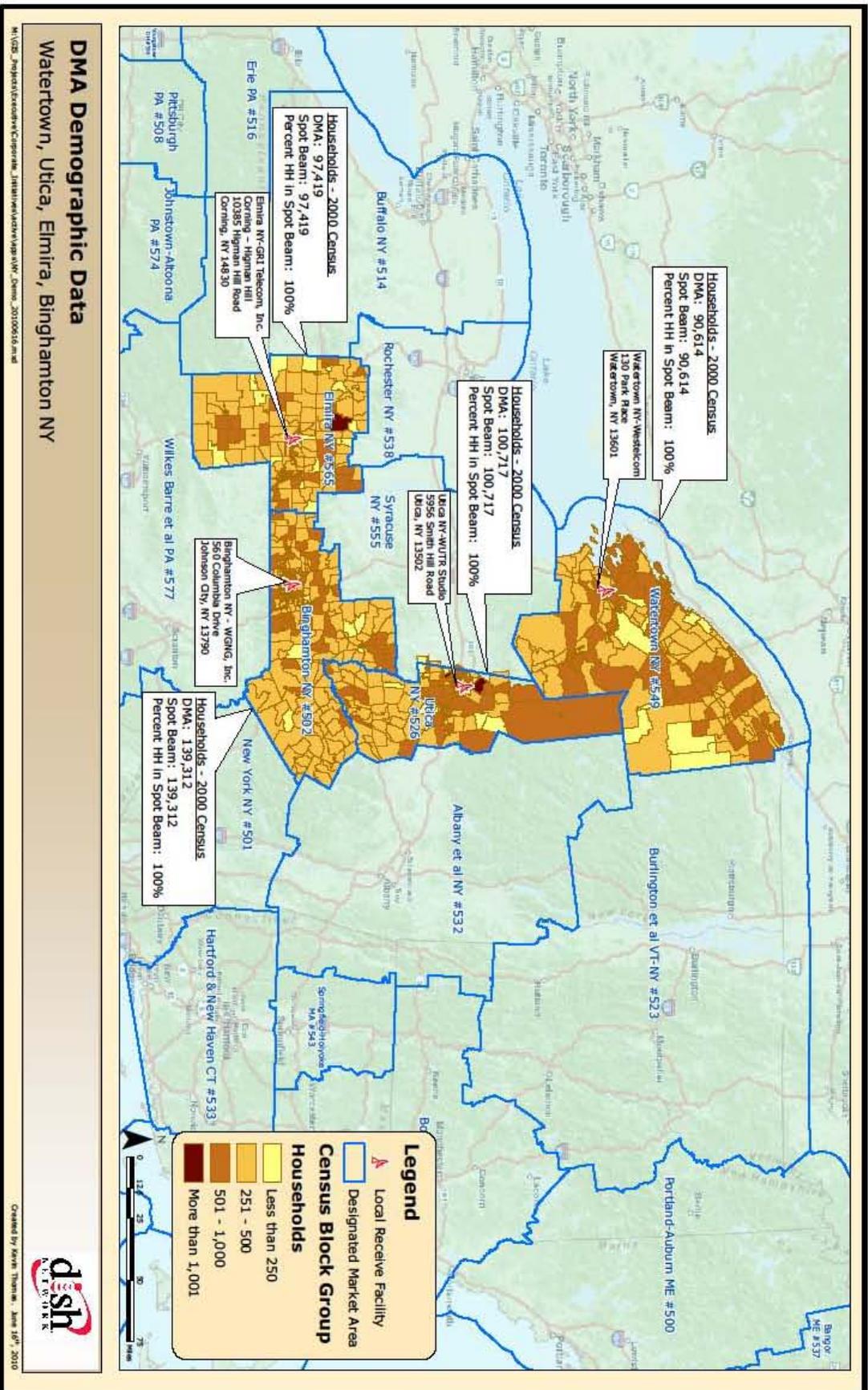
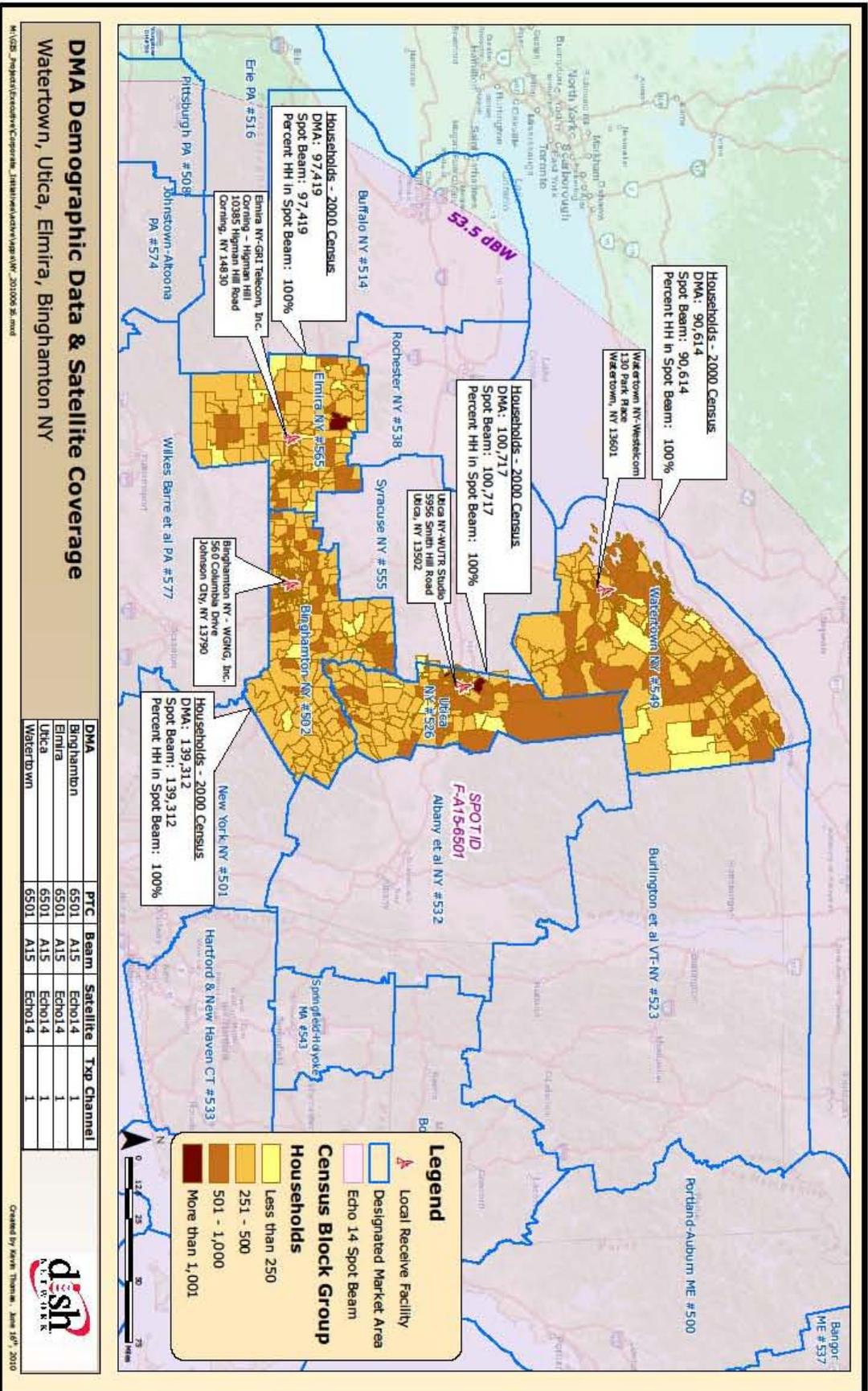


Figure Watertown 2



ATTACHMENT D.28

DMA – Wheeling, West Virginia

DISH's local receive facility for the Wheeling, West Virginia designated market area ("DMA") is located at the following address:

WTRF-TV Transmitter Site
67449 Route 1
Bridgeport, OH 43912

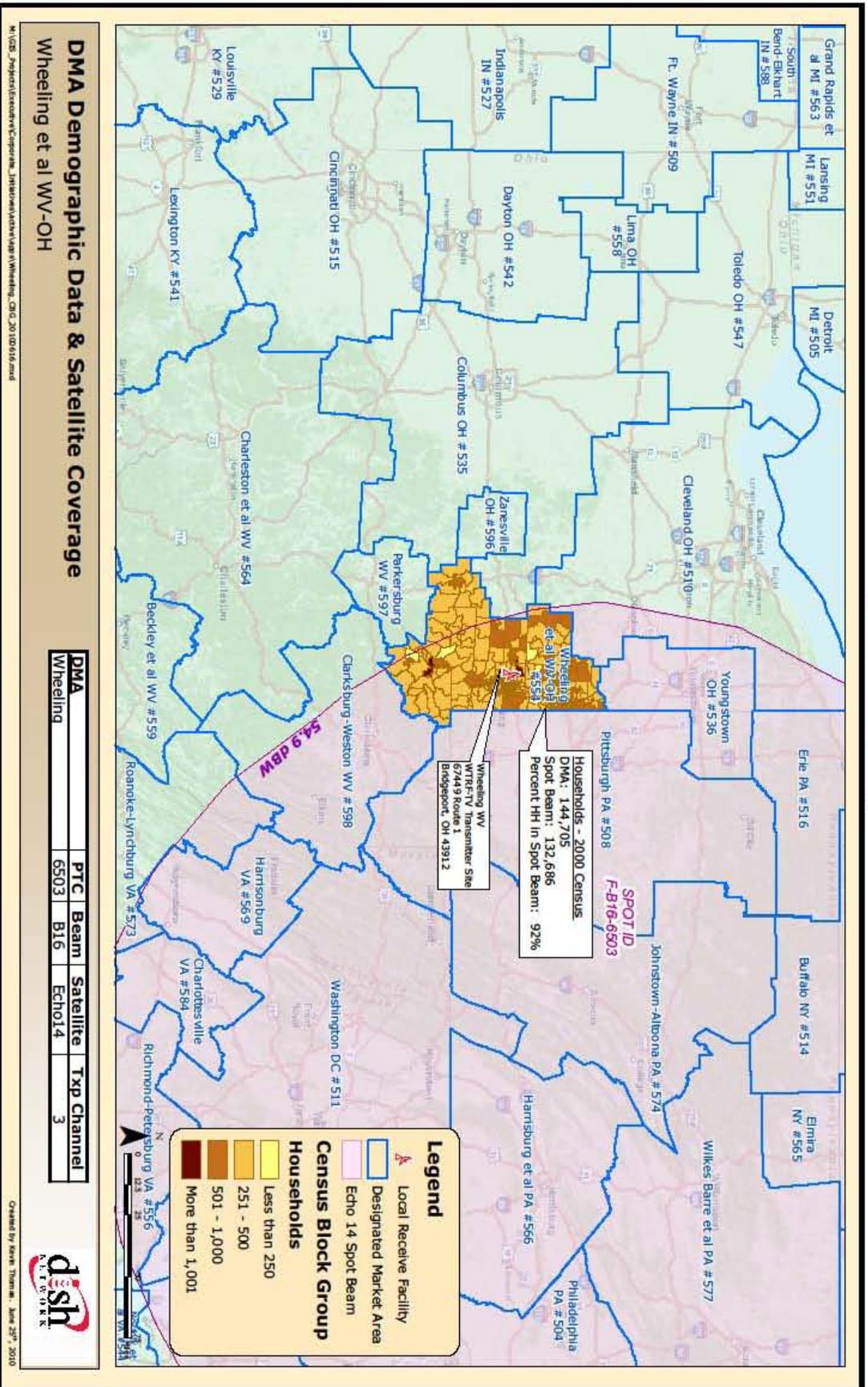
According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Wheeling DMA contains 144,705 households, making it the 159th largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Wheeling 1 is a map showing the geographic distribution of those households within the DMA.

Figure Wheeling 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-B16-6503, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, 132,686 or 92% – of these households. In Figure Wheeling 2, any Census Block Group that is not entirely covered by the predicted contour line of the spot beam was assumed to be entirely unserved. Therefore, any households within that Census Block Group were removed from the numerator in the coverage calculation, while still being included in the overall DMA household

count – the denominator in the calculation. Even using this conservative approach, the Wheeling DMA exceeds the required 90% coverage threshold.

Figure Wheeling 2



ATTACHMENT D.29

DMA – Zanesville, Ohio

DISH's local receive facility for the Zanesville, Ohio designated market area ("DMA") is located at the following address:

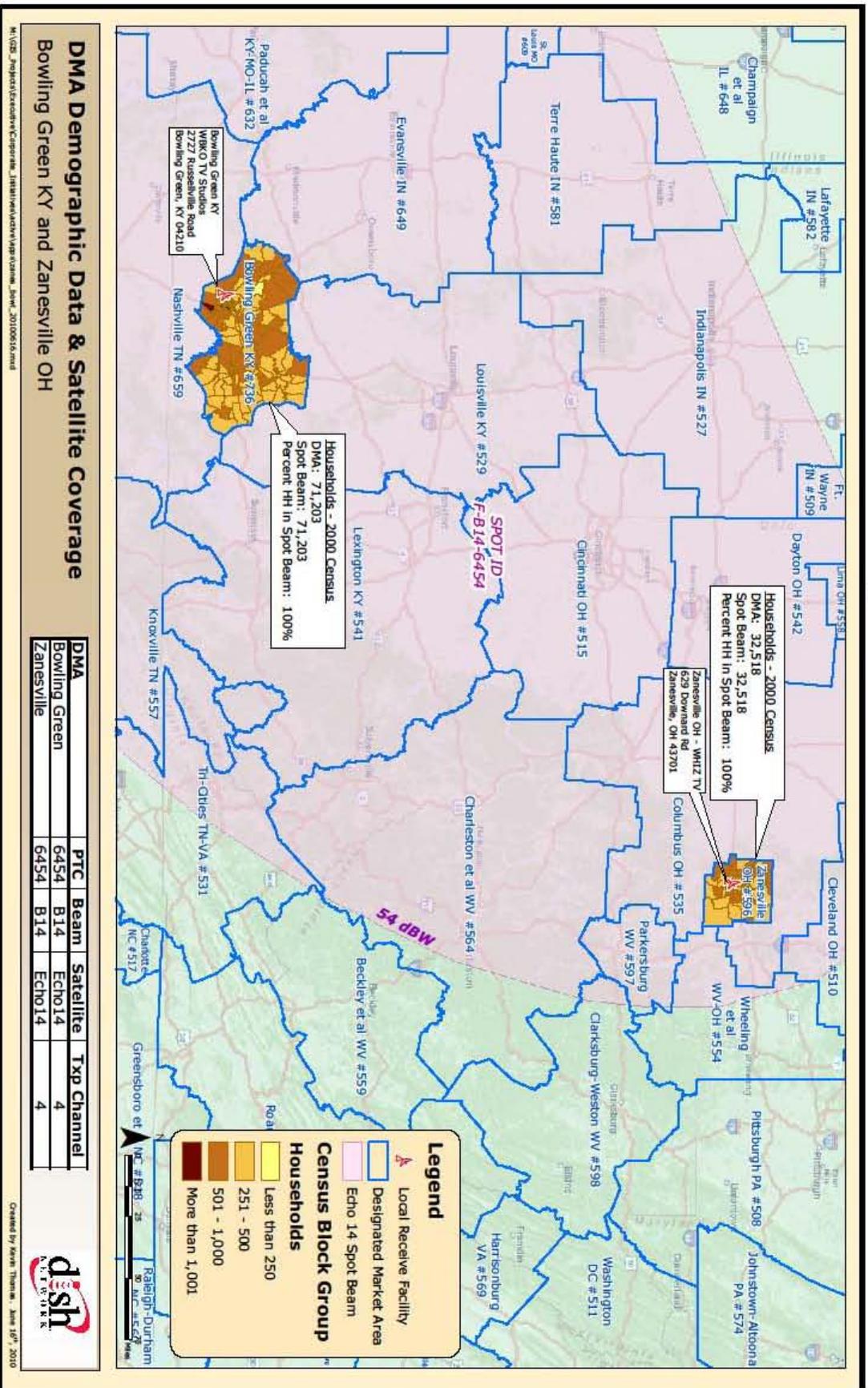
WHIZ TV
629 Downard Rd.
Zanesville, OH 43701

According to the most recent census data released by the U.S. Census Bureau (2000 Census), the Zanesville DMA contains 32,518 households, making it the 203rd largest DMA in the country as determined by Nielsen Media Research and published in the 2009-2010 Nielsen Station Index Directory and Nielsen Station Index United States Television Household Estimates.

Figure Zanesville 1 is a map showing the geographic distribution of those households within the DMA.

Figure Zanesville 2 is the same map with superimposed effective isotropically radiated power predictions obtained in the satellite manufacturer's prelaunch tests for the EchoStar 14 satellite. These maps show that the contour of spot beam F-B14-6454, as designed, and the geographic area that the beam is designed to cover are predicted to provide a good quality signal (as confirmed by the affidavits of Messrs. Bair and Povenmire) to at least 90 percent – in fact, all 32,518 or 100% – of these households.

Figure Zanesville 2



ATTACHMENT E

LIST OF IMPORTED STATIONS

LIST OF STATIONS

| Market | Locals Carried | Stations Not Being Carried | Imported Station(s) | DMA of Origin |
|------------------------------------|--|-----------------------------------|----------------------------|------------------------|
| (1) Alpena, MI | CBS (WBKB) FOX (WBKB) PBS (WCML) | N/A | ABC (WJRT) NBC (WEYI) | Flint-Saginaw-Bay City |
| (2) Biloxi-Gulfport, MS | ABC (WLOX) FOX (WXXV) PBS (WMAH) | N/A | CBS (WWL) NBC (WDSU) | New Orleans |
| (3) Binghamton, NY | ABC (WIVT) CBS (WBNG) NBC (WBGH) FOX (WICZ) PBS (WSKG) | N/A | N/A | N/A |
| (4) Bluefield-Beckley-Oak Hill, WV | CBS (WVNS) NBC (WVVA) FOX (WVNS) PBS (WSWP) IND (WLFB) | ABC (WOAY) | N/A | N/A |
| (5) Bowling Green, KY | ABC (WBKO) CBS (WNKY) NBC (WNKY) FOX (WBKO) PBS (WKGB) PBS (WKYU) | N/A | N/A | N/A |
| (6) Columbus, GA | ABC (WTVM) CBS (WRBL) NBC (WLTZ) FOX (WXTX) PBS (WJSP) | IND (WLGA) | N/A | N/A |
| (7) Elmira, NY | ABC (WENY) CBS (WENY) NBC (WETM) FOX (WYDC) PBS (WSKA) | N/A | N/A | N/A |
| (8) Eureka, CA | ABC (KAEF) CBS (KVIQ) NBC (KIEM) FOX (KBVU) PBS (KEET) MNT (KEMY) | N/A | N/A | N/A |

| Market | Locals Carried | Stations Not Being Carried | Imported Station(s) | DMA of Origin |
|-------------------------------|--|-----------------------------------|---|---------------------------------------|
| (9) Glendive, MT | CBS (KXGN) NBC (KXGN) | N/A | ABC (KOTA) FOX (KEVN) PBS (PBS) | Rapid City, National PBS |
| (10) Greenwood-Greenville, AR | CBS (WXVT) PBS (WMAO) | ABC (WABG) FOX (WABG) | NBC (KARK) | Little Rock-Pine Bluff |
| (11) Harrisonburg, VA | ABC (WHSV) FOX (WHSV) PBS (WVPT) | PBS (WVPY) | CBS (WUSA) NBC (WRC) | Washington, D.C. |
| (12) Hattiesburg-Laurel, MS | CBS (WHLT) NBC (WDAM) | N/A | ABC (WTOK) FOX (WGBC) PBS (PBS) | Meridian, National PBS |
| (13) Jackson, TN | ABC (WBBJ) FOX (WJKT) PBS (WLJT) | N/A | CBS (KFVS) NBC (WPSD) | Paducah, KY |
| (14) Jonesboro, AR | ABC (KAIT) PBS (KTEJ) IND (KVTJ) | N/A | CBS (WREG) NBC (WMC) FOX (WHBQ) | Memphis |
| (15) Lafayette, IN | CBS (WLFI) | N/A | ABC (WRTV) NBC (WTHR) FOX (WXIN) PBS (PBS) | Indianapolis, National PBS |
| (16) Lake Charles, LA | NBC (KPLC) PBS (KLTL) | FOX (KVHP) | ABC (KBMT) CBS (KFDM) | Beaumont-Port Arthur |
| (17) Mankato, MN | CBS (KEYC) FOX (KEYC) | N/A | ABC (KSTP) NBC (KARE) PBS (PBS) | Minneapolis-St. Paul, National PBS |
| (18) North Platte, NE | ABC (KHGI) NBC (KNOP) FOX (KIIT) PBS (KPNE) | N/A | CBS (KOLN) | Lincoln & Hastings-Kearney |
| (19) Ottumwa-Kirksville, IA | ABC (KTVO) CBS (KTVO) FOX (KYOU) | N/A | NBC (KSHB) PBS (PBS) | Kansas City, National PBS |
| (20) Parkersburg, WV | NBC (WTAP) FOX (WTAP) | N/A | ABC (WBOY) CBS (WDTV) PBS (PBS) | Clarksburg-Weston, National PBS |
| (21) Presque Isle, ME | CBS (WAGM) FOX (WAGM) PBS (WMEM) | N/A | ABC (WVII) NBC (WLBZ) | Bangor |

| Market | Locals Carried | Stations Not Being Carried | Imported Station(s) | DMA of Origin |
|------------------------------|--|--|---|---------------------------|
| (22) Salisbury, MD | PBS (WCPB) | ABC (WMDT) CBS (WBOC) FOX (WBOC) PBS (WDPB) | NBC (WHAG) | Washington, D.C. |
| (23) Springfield-Holyoke, MA | CBS (WSHM) NBC (WWLP) PBS (WGBY) | ABC (WGGB) FOX (WGGB) | N/A | N/A |
| (24) St. Joseph, MO | ABC (KQTV) | IND (KTAJ) | CBS (KCTV) NBC (KSHB) FOX (WDAF) PBS (PBS) | Kansas City, National PBS |
| (25) Utica, NY | ABC (WUTR) NBC (WKTV) FOX (WFXV) | N/A | CBS (WWNY) PBS (PBS) | Watertown, National PBS |
| (26) Victoria, TX | ABC (KAVU) NBC (KMOL) FOX (KVCT) | N/A | CBS (KHOU) PBS (PBS) | Houston, National PBS |
| (27) Watertown, NY | ABC (WWTI) CBS (WWNY) FOX (WNYF) PBS (WPBS) | PBS (WNPI) | NBC (WKTV) | Utica |
| (28) Wheeling, WV | ABC (WTRF) CBS (WTRF) NBC (WTOV) FOX (WTRF) PBS (WOUC) | N/A | N/A | N/A |
| (29) Zanesville, OH | NBC (WHIZ) | N/A | ABC (WSYX) CBS (WBNS) FOX (WTTE) PBS (PBS) | Columbus, National PBS |