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January 6, 2012

**EX PARTE PRESENTATION**

Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

**Re: Ex Parte Presentation in IB Docket No. 11-150, *DISH Network Corporation Files to Acquire Control of Licenses and Authorizations Held By New DBSD Satellite Services G.P, Debtor-in-Possession and TerreStar License Inc., Debtor-in-Possession*; IB Docket No. 11-149, *New DBSD Satellite Service G.P., Debtor-in-Possession, and TerreStar Licensee Inc., Debtor-in-Possession, Request for Rule Waivers and Modified Ancillary Terrestrial Component Authority***

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network ("DISH") submits this letter summarizing a meeting on Wednesday, January 4, 2012 with Chairman Julius Genachowski, Edward Lazarus, Rick Kaplan, Zachary Katz, John Leibovitz, Amy Levine, Paul de Sa, and Mindel de la Torre. Present at the meeting on behalf of DISH were Charlie Ergen, Chairman; Thomas Cullen, Executive Vice President; Stanton Dodge, Executive Vice President and General Counsel; Jeffrey Blum, Senior Vice President and Deputy General Counsel; Alison Minea, Corporate Counsel; and John Flynn, outside counsel.

During the meeting, we emphasized that timing is critical to DISH's ability to move forward with its planned nationwide wireless network. Nothing in the record should prevent immediate approval of both the transactions and the associated waiver requests. Indeed, the applications present the Commission with an opportunity to advance one of its highest priorities – providing new sources of broadband competition. The regulatory flexibility sought by DISH is the best course to achieving the Commission's National Broadband Plan goals, and will promote competition, investment, and innovation. Moreover, DISH has made a number of substantial commitments to demonstrate that grant of the waivers will serve the public interest. Among other things, DISH has:

- Agreed to develop a reasonable, attainable terrestrial buildout schedule keyed to commercial availability of the LTE Advanced standard, and structured to be

consistent with the buildout schedules approved as part of the Sprint/Nextel and Sprint/Clearwire transactions.<sup>1</sup>

- Committed to providing substantial satellite service by continuing the commercial offering of the existing GENUUS™ phone or a successor dual-mode device, and ensuring that sufficient satellite capacity is available to support a viable nationwide MSS offering.<sup>2</sup>
- Committed to creating a technically integrated network in which all network traffic, whether terrestrial or satellite, is processed and handled by the same integrated network and support systems.<sup>3</sup>

We stressed that it is critical for the Commission to grant all of the applications together rather than defer action on the waiver requests. Without the waivers, DISH believes it would be unable to compete in the U.S. wireless business. As a result, we would need to evaluate the carrying value of these assets. Indeed, DISH has been in discussions with potential chipset, network equipment, and handset manufacturers, and has concluded that it would be inefficient and wasteful to undertake development activities for the MSS/ATC network until all requirements (including support for single- and dual-mode devices) are finalized.<sup>4</sup> Immediate grant of DISH's transactions and the associated waiver requests will open the path to a new and viable wireless venture that will compete against established mobile broadband providers. Opening a broad MSS rulemaking in place of granting DISH's targeted waiver requests, on the other hand, will only stymie a new entrant, given the inevitable lengthy delay and uncertainty surrounding any such rulemaking.

DISH believes that the record demonstrates that expeditious approval will be a win for consumers, competition, and American jobs.

Respectfully submitted,

/s/ Alison A. Minea

Alison A. Minea

cc: Edward Lazarus  
Rick Kaplan  
Zachary Katz  
John Leibovitz  
Amy Levine  
Paul de Sa  
Mindel de la Torre

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<sup>1</sup> See Consolidated Opposition to Petitions to Deny and Response to Comments, IB Dockets Nos. 11-149 and 11-150 (Oct. 27, 2011) at 5, 27.

<sup>2</sup> *Id.* at 26.

<sup>3</sup> *Id.* at 27.

<sup>4</sup> See *id.* at 14-15, citing Declaration of Thomas Cullen ¶¶ 5-7.