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February 23, 2012

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th 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 telephone call on Thursday, February 23, 2012 between Louis Peraertz, Legal Advisor on Wireless, International, and Public Safety for Commissioner Mignon Clyburn; Jeffrey Blum, Senior Vice President and Deputy General Counsel of DISH; and Alison Minea, Corporate Counsel for DISH.

During the telephone call, we discussed why immediate and simultaneous approval of the license transfers and associated waiver requests is critical to DISH's ability to move forward with its planned nationwide wireless network. Granting both would advance one of the Commission's highest priorities – providing new sources of mobile broadband competition. The grant of DISH's requested waivers should not preclude a broader Mobile-Satellite Services rulemaking that is applicable to all MSS licensees, and we would look forward to participating in any such rulemaking. However, a rulemaking alone—without the requested waivers—and the inherent uncertainty of outcome and significant delay that would be associated with a rulemaking would introduce substantial risk into DISH's business plan, including the delay of time-sensitive and critical development of unique S-Band infrastructure and chipsets for its planned 100% LTE network. Unless DISH begins this development work now, it may not have a sufficiently developed S-Band ecosystem by the time the incumbent carriers complete their own transitions to LTE-Advanced. This delay will jeopardize DISH's

ability to successfully enter the wireless market and would require us to consider other options.

The Commission would fully serve the public interest by granting the license transfers and associated waiver requests, subject to the substantial buildout and other commitments that we have proposed. DISH discussed the possibility of a more accelerated buildout schedule than what it proposed in its applications.¹ DISH will also commit to ensure that sufficient satellite capacity is available to support a viable nationwide MSS offering,² including possible measures that would enhance public safety. In addition, to assist in the Commission's efforts to make available additional spectrum for mobile broadband use, DISH also discussed potential conditions that would facilitate other carriers' access to DISH's planned nationwide wireless network.

Finally, we noted that AT&T's³ continued attempts to introduce issues related to DISH's potential use of the 700 MHz E-Block licenses held by its affiliate, Manifest Wireless L.L.C., are extraneous to the current proceedings, because grant of DISH's applications concerning 2 GHz spectrum would have no effect on any issues relating to a separate block of 700 MHz spectrum.⁴ Any such issues are best addressed through a separate proceeding to address 700 MHz interoperability, should the Commission decide to initiate one.

If the Commission expeditiously approves the license transfers and associated waiver requests, DISH would immediately begin the design and construction planning for its competitive state-of-the-art LTE network, which would provide greater choice for wireless consumers.

Respectfully submitted,

/s/ Alison A. Minea

Alison A. Minea

cc: Louis Peraertz

¹ See Consolidated Opposition to Petitions to Deny and Response to Comments, IB Docket Nos. 11-149 and 11-150, at 31 (filed Oct. 27, 2011).

² *Id.* at 26.

³ See Letter from Joan Marsh, Vice President – Federal Regulatory, AT&T Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 11-149, 11-150, at 3-6 (filed Jan. 26, 2012); see Letter from Joan Marsh, Vice President – Federal Regulatory, AT&T Inc., to Marlene H. Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 11-149, 11-150, at 1 (filed Feb. 21, 2012).

⁴ See Letter from Jeffrey H. Blum, Senior Vice President and Deputy General Counsel, DISH Network, to Marlene H. Dortch, Secretary, Federal Communications Commission, IB Docket Nos. 11-149, 11-150, at 5 (filed Feb. 2, 2012).