

July 9, 2002

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W. Kenneth Ferree  
Chief, Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20054

Re: Consolidated Application of EchoStar Communications Corporation, Hughes Electronics Corporation, and General Motors Corporation for Authority to Transfer of Control, CS Docket No. 01-348

Dear Mr. Ferree:

On April 29, 2002, Dominion Video Satellite, Inc. ("Dominion") held a meeting at the Federal Communications Commission with members of the Commission's task force who are considering the above referenced application. At the meeting, Dominion addressed the fact that, pursuant to its Direct Broadcast Service Transponder Lease, Channel Use and Programming Agreement with EchoStar Communications Corporation, Dominion's subscribers utilize the identical receive equipment as is used by EchoStar's DISH subscribers. While the conditional access system is common, subscribers are separately authorized for each of the services.

The Commission recognizes that DIRECTV has a Distribution Agreement with the National Rural Telecommunications Cooperative ("NRTC") by which the NRTC is a distributor of DIRECTV's equipment and programming service. Dominion notes the ex-parte letter filed by the parties to the above referenced application on June 28, 2002 addressing their telephone conversation with Commission staff members in which they responded to a request for additional

detail on their post-merger transition plan with regard to existing NRTC subscribers.

Although the agreement between DIRECTV and the NRTC may differ in ways from the agreement between Dominion and EchoStar, the two agreements do have common points. They both address programming and require the same equipment to be used to receive the respective programming services, i.e. DIRECTV/NRTC, Dominion/DISH. Both DIRECTV and NRTC subscribers utilize the same equipment as is true for those who subscribe to the program services of both Dominion and DISH. Further, although the NRTC distributes DIRECTV's programming service, Dominion subscribers, who seek the more regular fare of satellite programming services, also subscribe to DISH because the Dominion programming service is primarily directed to religious programming. The agreement between Dominion and EchoStar recognizes the inter-relationship of each provider's programming.

Given the recent communication between the parties to the above referenced application for transfer of control and the Commission staff regarding the NRTC subscribers, Dominion renews its request that, should the Commission grant the application for authority to transfer control, it include a condition on subscriber receive equipment that requires Dominion's subscribers to be treated commensurate with DISH's own subscribers. Further, the conditional access system to be used by a merged entity is to be made available for common use by Dominion as is the present EchoStar conditional access system. The requested conditions will serve the public interest by assuring that the hundreds of thousands of Dominion viewers will continue to be served with the programming of their choice.

Very truly yours,



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Marvin

Rosenberg

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