The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Dear Chairman Powell,

I am very strongly against the merger of EchoStar/Dish Network and
Hughes/DirecTV. I am very concerned that the merger will lead to
DishNetwork/DirectTV having a virtual monopoly for offering satellite TV
broadcast services. Reducing competition in satellite broadcast TV
could only hurt satellite subscribers.

My concerns are drastically heightened by recent examples of Echostar's
anticompetitive behavior and total disregard of its customers. For
several years Echostar's ethnic programming included the Polish public
TV channel, TV Polonia. Through very heavy advertisement in
Polish-American media, Echostar lured tens of thousands of customers who
in most cases installed Echostar's equipment just to receive TV Polonia.
On May 2, 2002, without even a day notice to its customers, Echostar
abruptly stopped broadcasting TV Polonia. Dissatisfaction of TV
Polonia customers was immense - this is well illustrated by thousands of
angry letters, e-mails, phone calls received by the Polish Daily News
published in New York City. To this day Echostar has not provided any
meaningful explanation for discontinuing TV Polonia, and responses to
any customer inquiries have been very general, fact-free public
statements.

However, public statements by TV Polonia's U.S. sales agent, Spanski
Enterprises Inc., indicate that Echostar demanded exclusive rights for
broadcast of TV Polonia in USA. If the TV Polonia sales agent agreed to
Echostar anticompetitive demands then hundreds of thousands of Polish
speaking viewers living in large cities, who must use cable TV, would
have no access to Polish public TV.

In response to the TV Polonia sales agent denial of Echostar's request
for exclusivity, Echostar chose to betray its ethnic customers, drop TV
Polonia over night and replace it with third rate Polish speaking
channels whose programming quality does not even come close to the
Polish public channel, TV Polonia (it's analogous to replacing PBS with
the Home Shopping Network channel - both are in English but satisfy
quite different needs). Any comments and requests for resuming the
broadcast of TV Polonia are completely ignored by Echostar's management.

It seems that in Echostar's struggle for dominance customer needs are truly secondary.

Mr. Chairman, Echostar is already displaying strong anti-competitive behaviors by striving to reduce customer choices by trying to monopolize ethnic channels. The merger will further reduce our choice of satellite TV service providers. The combination of these trends can only hurt consumers. I am very much afraid that if the merger goes through then due to its newly gained dominance of the DBS market the new Echostar will be in a position to apply its anti-competitive practices on a much larger scale. As a result, just like with TV Polonia, this time the new Echostar will demand exclusive rights for broadcasting the mainstream American channels, so channels such as HBO, PBS, Showtime or CNN, would be accessible exclusively to Echostar customers or would be accessible solely to customers of other TV service providers. Either way, we the consumers would loose.

Mr. Chairman, please oppose the merger unless Echostar alters its anti-competitive practices and brings back TV Polonia.

Sincerely,

Tomasz Bortnik

35 Campo Terr.

Red Bank, NJ 07701

--Boundary_(ID_KH6eVctcSHjQN0b1c4MMJg)
Content-type: text/html; charset=us-ascii
Content-transfer-encoding: 7BIT

<html>

<head>
<META HTTP-EQUIV="Content-Type" CONTENT="text/html; charset=us-ascii">

<meta name=Generator content="Microsoft Word 10 (filtered)">

<style>
<!--
 /* Style Definitions */
 p.MsoNormal, li.MsoNormal, div.MsoNormal

```
      {margin:0in;
      margin-bottom:.0001pt;
      font-size:12.0pt;
      font-family:"Times New Roman";}
a:link, span.MsoHyperlink
      {color:blue;
      text-decoration:underline;}
a:visited, span.MsoHyperlinkFollowed
      {color:purple;
      text-decoration:underline;}
span.EmailStyle17
      {font-family:Arial;
      color:windowtext;}
@page Section1
      {size:8.5in 11.0in;
      margin:1.0in 1.25in 1.0in 1.25in;}
div.Section1
      {page:Section1;}
-->
</style>

</head>

<body lang=EN-US link=blue vlink=purple>

<div class=Section1>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>ECFS - E-mail Filing<br>
&lt;PROCEEDING&gt;01-348<br>
&lt;DATE&gt;</span></font><strong><b><font size=2 face=Arial><span
 style='font-size:10.0pt;font-
family:Arial'>6/2/02</span></font></b></strong></p>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>&lt;NAME&gt;<strong><b><font face=Arial><span
style='font-family:Arial'>Tomasz Bortnik</span></font></b></strong><b><span
style='font-weight:bold'><br>
</span></b>&lt;ADDRESS1&gt;<strong><b><font face=Arial><span style='font-family:
Arial'>35 Campo Terr.</span></font></b></strong> <br>
&lt;ADDRESS2&gt;</span></font></p>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>&lt;CITY&gt;<strong><b><font face=Arial><span
style='font-family:Arial'>Red Bank </span></font></b></strong><b><span
style='font-weight:bold'><br>
</span></b>&lt;STATE&gt;<strong><b><font face=Arial><span style='font-family:
Arial'>NJ </span></font></b></strong><br>
&lt;ZIP&gt;<strong><b><font face=Arial><span style='font-family:Arial'>07701
</span></font></b></strong><b><span
style='font-weight:bold'><br>
</span></b>&lt;LAW-FIRM&gt;<br>
&lt;ATTORNEY&gt;<br>
&lt;FILE-NUMBER&gt;<br>
&lt;DOCUMENT-TYPE&gt;CO <br>
&lt;PHONE-NUMBER&gt;<strong><b><font face=Arial><span style='font-
family:Arial'>212-891-6132</span></font></b></strong>
```

```
<br>
&lt;DESCRIPTION&gt;Disapproval of the merger of EchoStar and Hughes<br>
&lt;CONTACT-EMAIL&gt;<strong><b><font face=Arial><span style='font-
family:Arial'>tbortnik@comcast.net</span></font></b></strong><br>
&lt;TEXT&gt;</span></font></p>

<p class=MsoNormal><font size=3 face="Times New Roman"><span style='font-size:
12.0pt'> </span></font></p>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>The Honorable Michael K. Powell<br>
Chairman<br>
Federal Communications Commission<br>
</span></font><font size=2 face=Arial><span style='font-size:10.0pt;font-family:
  Arial'>445 12th Street, S.W.</span></font><font size=2 face=Arial><span
style='font-size:10.0pt;font-family:Arial'><br>
</span></font><font size=2 face=Arial><span style='font-size:10.0pt;font-family:
  Arial'>Washington</span></font><font size=2 face=Arial><span
 style='font-size:10.0pt;font-family:Arial'>, </span></font><font size=2
  face=Arial><span style='font-size:10.0pt;font-
family:Arial'>D.C.</span></font><font
 size=2 face=Arial><span style='font-size:10.0pt;font-family:Arial'>
</span></font><font
  size=2 face=Arial><span style='font-size:10.0pt;font-
family:Arial'>20554</span></font></p>

<p class=MsoNormal><font size=3 face="Times New Roman"><span style='font-size:
12.0pt'> </span></font></p>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>Dear Chairman Powell,</span></font></p>

<p class=MsoNormal><font size=3 face="Times New Roman"><span style='font-size:
12.0pt'> </span></font></p>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>I am very strongly against the merger of EchoStar/Dish
Network and Hughes/DirecTV.  I am very concerned that the merger will lead
to DishNetwork/DirectTV having a virtual monopoly for offering satellite TV
broadcast services.  Reducing competition in satellite broadcast TV could
only hurt satellite subscribers.</span></font></p>

<p class=MsoNormal><font size=3 face="Times New Roman"><span style='font-size:
12.0pt'> </span></font></p>

<p class=MsoNormal><font size=2 face=Arial><span style='font-size:10.0pt;
font-family:Arial'>My concerns are drastically heightened by recent examples of
Echostar's anticompetitive behavior and total disregard of its customers. 
For several years Echostar's ethnic programming included the Polish public TV
channel, TV Polonia.   Through very heavy advertisement in
Polish-American media, Echostar lured tens of thousands of customers who in
most cases installed Echostar's equipment just to receive TV Polonia. On
</span></font><font size=2 face=Arial><span style='font-size:10.0pt;font-
family:Arial'>May 2, 2002</span></font><font
size=2 face=Arial><span style='font-size:10.0pt;font-family:Arial'>, without
even a day notice to its customers, Echostar abruptly stopped broadcasting TV
Polonia.   Dissatisfaction of TV Polonia customers was immense - this
```

is well illustrated by thousands of angry letters, e-mails, phone calls received by the Polish Daily News published in New York City. To this day Echostar has not provided any meaningful explanation for discontinuing TV Polonia, and responses to any customer inquiries have been very general, fact-free public statements.

However, public statements by TV Polonia's U.S. sales agent, Spanski Enterprises Inc., indicate that Echostar demanded exclusive rights for broadcast of TV Polonia in USA. If the TV Polonia sales agent agreed to Echostar anticompetitive demands then hundreds of thousands of Polish speaking viewers living in large cities, who must use cable TV, would have no access to Polish public TV.

In response to the TV Polonia sales agent denial of Echostar's request for exclusivity, Echostar chose to betray its ethnic customers, drop TV Polonia over night and replace it with third rate Polish speaking channels whose programming quality does not even come close to the Polish public channel, TV Polonia (it's analogous to replacing PBS with the Home Shopping Network channel - both are in English but satisfy quite different needs). Any comments and requests for resuming the broadcast of TV Polonia are completely ignored by Echostar's management. It seems that in Echostar's struggle for dominance customer needs are truly secondary.

Mr. Chairman, Echostar is already displaying strong anti-competitive behaviors by striving to reduce customer choices by trying to monopolize ethnic channels. The merger will further reduce our choice of satellite TV service providers. The combination of these trends can only hurt consumers. I am very much afraid that if the merger goes through then due to its newly gained dominance of the DBS market the new Echostar will be in a position to apply its anti-competitive practices on a much larger scale. As a result, just like with TV Polonia, this time the new Echostar will demand exclusive rights for broadcasting the mainstream American channels, so channels such as HBO, PBS, Showtime or CNN, would be accessible exclusively

to Echostar customers or would be accessible solely to customers of other TV service
providers. Either way, we the consumers would loose.</p>

<p class=MsoNormal><span style='font-size:
12.0pt'> </p>

<p class=MsoNormal><span style='font-size:10.0pt;
font-family:Arial'>Mr. Chairman, please oppose the merger unless Echostar
alters its anti-competitive practices and brings back TV
Polonia.</p>

<p class=MsoNormal><span style='font-size:
12.0pt'> </p>

<p class=MsoNormal><span style='font-size:10.0pt;
font-family:Arial'>Sincerely,</p>

<p class=MsoNormal><span style='font-size:
12.0pt'> </p>

<p class=MsoNormal><span lang=PL style='font-size:
10.0pt;font-family:Arial;font-weight:bold'>Tomasz Bortnik</p>

<p class=MsoNormal><span lang=PL
style='font-size:10.0pt;font-family:Arial'>35 Campo
Terr.</p>

<p class=MsoNormal><span lang=PL
style='font-size:10.0pt;font-family:Arial'>Red Bank, NJ
07701</p>

<p class=MsoNormal><span lang=PL style='font-size:
10.0pt;font-family:Arial;font-weight:bold'> </p>

<p class=MsoNormal><span lang=PL style='font-
size:10.0pt;
font-family:Arial'> </p>

</div>

</body>

</html>

--Boundary_(ID_KH6eVctcSHjQN0b1c4MMJg)--