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From: <bronikowski@att.net>
To: <mcopps@fcc.gov>
Date: 3/29/02 2:56PM
Subject: Echostar Discrimination

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APR 26 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Commissioner Copps,

I have no opinion on whether Echostar and Direct TV should merge, but I am asking you to delay approval of the deal.

No one has benefited more than Echostar from the opportunities that Congress has provided in funding our space program. And Echostar is highly dependent on numerous federal agencies, especially yours, to even stay in business. As a matter of good corporate citizenship and good business practice, no company should be more highly motivated to assure employment opportunities for all Americans.

In February 1999, Dale Alton, a blind applicant, was denied employment by Echostar. A complaint was filed with the Colorado Civil Rights Division. The complaint was investigated and the CCRD issued a finding of probable cause in December 1999. The Equal Employment Opportunity Commission also issued a reasonable cause finding in November 2000. Last week the EEOC filed suit on behalf of Mr. Alton.

In May 2000, another blind applicant, Jason Bronikowski, alleges he was terminated by Echostar after he requested an accommodation. A civil suit was filed and discovery has been completed, but it will be at least another year before this case is resolved.

These complaints are substantial in that they are supported by evidence and sworn testimony. In deposition, Echostar's corporate Vice President of Human Resources said Echostar does not have an ADA Coordinator. He does not recall any written policies, memos, or guidelines, with information about making a request for accommodation. (None were provided in requests for documents). The ADA has been on the books over 10 years.

On March 18, 2002, Echostar filed a Form 14C with the Securities and Exchange Commission describing the terms of Echostar Direct TV merger. That document says that Echostar will pay Direct TV \$600 million dollars if Echostar does not get FCC approval for the deal. There also has been Senate testimony that Echostar will benefit if the merger goes through.

Under the circumstances, there is a substantial risk that FCC approval of this deal will aid and perpetuate discrimination. It is also your opportunity to uphold

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the mandate of Congress to end discrimination

For these reasons, it would be appropriate for your commission to delay any decision regarding their proposal until you can be certain of Echostar's commitment to equal opportunity employment. This small action would link the limitless opportunities provided by the government to the responsibility to share those opportunities fairly and equitably.

Sincerely,

John Bronikowski
11458 Wolf Tooth Pass
Littleton, CO 80127

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