

In the matter of the proposed merger of DISHNETWORK-ECHOSPHERE CORPORATION, and DIRECTV-Hughes-General Motors.

We are one of the largest satellite equipment dealers in Northern Idaho, having been a Dishnetwork dealer since the product was first introduced to the public. It was soon apparent that we needed to divide our basket of eggs, so to speak, or we would go broke. We have since become a dealer for other satellite products as well. The reason being, that since day one, we have had to fight for payments from Echostar/Dishnetwork. We rely not on faxes or emails for payment, but actually sending original paperwork to Dishnetwork, and they still can't get it right. Trying to get replies to payment questions is infuriating, and more often than not, a dead end. They take no responsibility for any mistakes, starting from the first step of not even recording serial numbers of products we purchase from them on our shipping invoice. Then later, when we have not been paid for a particular receiver-all tracked by alph numeric numbers-, they say "send proof of purchase", which is impossible.

They take money away from us as a chargeback that has never been paid in the first place, and they tell us our customers have been disconnected for non-payment, when indeed they are current and still enjoying their satellite system. We actually receive electronic notice and reason for chargeback, true or not. We have these all printed out and filed with each customer that has been 'disconnected'. It is still impossible sometimes to get paid or to get the chargeback reversed.

I could go on and on about the unscrupulous business practices, but the point I'm trying to make is that if this merger goes through, it will be the end to many dealers' livelihoods in rural areas who have been loyal to their customers for many years. The customer will suffer even more, having no other choice but to deal with customer service reps who are ignorant about their product, rude, and deceitful in their conversations, as intoned upon them by their teachers at DISHNETWORK. When the CSR-CONSUMER SERVICE REPRESENTATIVE-doesn't know anybetter themselves, it is easy for them to pass on the misinformation and deceit, unknown to them.

If this were an occasional problem, it could be corrected, worked with and understood, but this problem persists over and over and over, month after month, year after year. Beyond a shadow of a doubt intentional. Repetitive behavior on their part.

Dishnetwork's latest customer service move is to do a "credit check" on a PROSPECTIVE customer, charging \$99.00 to his or her credit and/or debit card, and retaining the funds for up to a month. This has caused a few of our customers to bounce checks, and guess who they call and complain to? Us. When we direct them to DISHNETWORK, they tell our customer "we don't do credit checks here, your dealer has misinformed you". WE-our company- didn't charge their credit card, and many haven't even signed a contract with Dishnetwork yet, merely asked to see if they waulify or not as they explore their options. How can this be legal?

If Dishnetwork operates business this way now, what will they do if they have no competition to worry about? You cannot give them free rein or it will be too late to pull them back in. The family that just wants to watch TV will suffer like you can't imagine. We ask that you investigate the everyday operating procedures of Echostar/Dishnetwork, talk to some of the customer service reps, whatever it takes for you to understand what it's like to deal with this corporation. I bet your lawyers couldn't decipher the 6, yes SIX page contract that a customer is required to sign just to be able to watch TV. They are

required to submit their social security number AND credit card number before they even have a satellite installed for their enjoyment. This is not right. Please, investigate Echostar/Dishnetwork before making a move towards a decision in this matter.

In the past, when DISHNETWORK would have specials, the customers would get shorted. A prime example of this is their plan from a year and more ago called the one rate plan. The customer bought a system from the dealer for retail, and then, in 4-6 weeks, was supposed to receive a cash rebate for the purchase price.

Many of our customers, as well as customers of nearby dealerships, never got their rebates, or had to battle DISHNETWORK to get them, and then it took the assistance of the independent dealer to help them get their money back.

"I am sorry, but DISHNETWORK never had such a plan. Your dealer must have misled you"...

Another instance of DISHNETWORKS unscrupulous acts...During the past Christmas seasons, they=DISHNETWORK-would issue Certificates for FREE DISHNETWORK SYSTEMS. The customer could take that certificate to an independent dealer and have that dealer give him the equipment out of their inventory, as well as install the system for the customer for free. If for any reason the customer didn't remain a DISHNETWORK customer over the next 8 months, DISHNETWORK would charge the dealer back \$498.00. Outright theivery. There was no commitment required on the part of the consumer, and the dealer had no option but to honor DISHNETWORKS giveaway of our inventory.

If a satellite receiver had a malfunction during the first 8 months of the one year commitment from the consumer, and the receiver was replaced with a warrantee replacement, the Dealer is charged back \$498.00 for a 'voluntary disconnect'. To get those funds back from DISHNETWORK is nearly impossible, many times unsuccessful, and it takes months and months of constant communications to get anything at all paid back.

Customer service is non-existent with dishnetwork on a realistic level. It is an effort in futility to get a customer service rep from dishnetwork to actually accomplish anything for the benefit of the consumer or the dealer. Infuriating.

We fear, with the unscrupulous activities by dishnetwork in the past, that any kind of monopoly on their part will result in the consumer being deprived of his right to choose, of his right to be treated fairly and his rights to redress.

On the street and in the trenches where the professional satellite dealer has to deal with DISHNETWORK for his livelihood, the actions by DISHNETWORK are commonly referred to as 'Ergonomics' when talking of getting ripped off, lied to and cheated by DISHNETWORK. Named after Charles Ergen himself. 'ERGENOMICS'. A man that thinks he is above the law and the mores of the rest of us.

We strongly oppose this merger.

If it is your decision to act in favor of this merger, we urge you to investigate-to the consumer level, the practices DISHNETWORK performs beforehand.

Practices like charging for pay per view events that are never ordered. Overbilling. Downgrade charges...improper chargebacks to the dealer.

So many times we have had to battle DISHNETWORK over these issues and instead of dealing with them, their practice is to hang up the telephone or just refuse to answer correspondence.

If the everyday business, whether corporate or self proprietorship were to conduct business the way DISHNETWORK does, they would be in jail.

TODAY dishnetwork CHARGES THE INDEPENDENT DEALER \$2.50 EVERYTIME WE SUBMIT A prospective customer. They charge the dealer this money for a credit check on their prospective customer. Then they turnaround and charge the prospective customer \$99.00 on their credit card and keep the money for up to a month.

While we all know there is a lot of money in cashflow, DISHNETWORK is reaping the interest of over 20 million dollars a month that should instead be going to the consumer, whether that customer is just a 'tentative prospect', or a real buyer.

Dishnetwork sells their equipment to the satellite dealer at retail prices, who then GIVES the equipment to DISHNETWORKS customer, installs it for free, and if the customer breaks his one year commitment, the dealer is punished by a \$498.00 chargeback.

Dishnetwork makes more money on chargebacks than they do actually keeping the customer happy and active.

It doesn't matter that the customer was disconnected because his receiver blew up and had to be replaced, or that the consumer got so infuriated with DISHNETWORK CSR'S -CONSUMER SERVICE REPRESENTATIVES- THAT THEY UP AND QUIT THEM...OR THAT THEY GOT SO INFURIATED AT THE REPETITIVE OVERCHARGES ON THEIR BILLING THAT THEY QUIT DISHNETWORK.

The practices of that company should be investigated and I call on you to do so.

There are so many issues with DISHNETWORK it is impossible to list them all here. If you have any interest in knowing more, we would be happy to detail them any way you want and present them to you, UNDER LAWFUL OATH if necessary, or a grand jury or the s.e.c or anyone. Our accountant would be glad to do this also.

Thank you for the opportunity to address this issue and we pray you act accordingly and fairly.

John Colwell