April 10, 2002

ELECTRONICALLY FILED

William F. Caton
Acting Secretary
Federal Communications Commission
445 Twelfth Street, SW – Room TW-A325
Washington, D.C. 20554

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

Dear Mr. Caton:

In accordance with Section 1.1206 of the Commission's Rules, 47 C.F.R. § 1.1206, Applicants EchoStar Communications Corporation ("EchoStar"), General Motors Corporation and Hughes Electronics Corporation ("Hughes") submit this letter to report that, on April 9, 2002, Pantelis Michalopoulos of Steptoe & Johnson LLP, counsel for EchoStar, and Gary Epstein and James Barker of Latham & Watkins, counsel for Hughes, had a telephone conversation with Marcia Glauberman of the Commission's Media Bureau.

In that conversation, the Applicants discussed with Ms. Glauberman their response to Request No. I.M. of the Commission's February 4, 2002 Initial Information and Document Requests. With respect to legal proceedings other than those before the Commission, the Applicants have responded to Request No. I.M. by producing documents from a litigation proceeding that squarely related to certain of the competitive issues described in that request. See Attachment A, March 6, 2002 Response from Pantelis Michalopoulos to William F. Caton, Acting Secretary, Federal Communications Commission. The Applicants explained that the request had been interpreted in that manner to make their responses as practicable and meaningful as possible.

The Applicants noted that there are a number of other litigation proceedings to which one or both of them are a party that may address competitive issues or other issues raised in the Request. Examples of such proceedings include, without limitation, the must-carry litigation in federal district court in the Eastern District of Virginia, the Court of Appeals for the Fourth Circuit and the U.S. Supreme Court, copyright distant signal litigation in federal district court in the Southern District of Florida, the Court of Appeals for the Eleventh Circuit and the U.S. Supreme Court, the

appeal pending in the Court of Appeals for the D.C. Circuit from a Commission order in a program access complaint brought by EchoStar against Comcast, and the federal court litigation with Disney in California. The Applicants pointed out that producing filings from all of those proceedings would be a mammoth and burdensome undertaking that would be of little, if any, ultimate benefit to the Commission in the context of this proceeding. However, the Applicants advised Ms. Glauberman that they would, of course, be willing to respond to specific requests for such documents subject to resolution of any protective order issues.

One copy of this *ex parte* notice is being filed electronically with the Commission. If you have any questions concerning this meeting or this notice, please do not hesitate to contact the undersigned.

Respectfully submitted,

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