

March 5, 2002

BY HAND DELIVERY

Mr. William F. Caton
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 Control, CS Docket No. 01-348

Dear Mr. Caton:

Pursuant to the Commission's Rules, 47 C.F.R. § 1.1206, attached hereto please find a letter from the undersigned counsel for EchoStar Communications Corporation, General Motors Corporation and Hughes Electronics Corporation, to W. Kenneth Ferree, Chief, Cable Services Bureau, filed today in connection with the above-captioned proceeding. An original and two copies of this letter and the attached letter are submitted for inclusion in the above-captioned docket.

If you have any questions concerning the above, please do not hesitate to contact us.

Very truly yours,

Pantelis Michalopoulos
Counsel for EchoStar Communications Corporation

Gary M. Epstein
Counsel for General Motors Corporation and
Hughes Electronics Corporation

Attachment

March 5, 2002

BY HAND DELIVERY

W. Kenneth Ferree
Cable Services Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation – 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. Ferree:

Echostar Communications Corporation, Hughes Electronics Corporation, and General Motors Corporation (collectively, the “Applicants”) hereby set forth the procedures they plan to follow in initially responding to the Commission’s February 4, 2002 Initial Information and Document Request (the “Request”). These procedures are designed to facilitate prompt responses to the Request by conforming certain search parameters to those being used by Applicants in their ongoing responses to the requests for additional information under the Hart Scott Rodino (“HSR”) Act and drawing upon materials assembled in that process.

1. Relevant Time Frames: Documents and information shall be provided for the period beginning January 1, 1999. However, for requests that seek earlier information and future plans or projections regarding MVPD services the period covered by the search will be from January 1, 1998 through December 31, 2003. For requests that seek earlier information or projections regarding broadband services, the period covered by the search will be from January 1, 2000 through December 31, 2004. This time period matches the time period requested by the Department of Justice.
2. Relevant Service: “Relevant Services” and “Services” will be defined to include (i) direct broadcast satellite (“DBS”) service (including equipment necessary to receive such service); (ii) Multi-Channel Video Programming Distribution (“MVPD”) service (including equipment necessary to receive such service); and (iii) satellite broadband Internet service (including equipment necessary to receive such service). Land-based broadband services (e.g. DSL) and sale of central office equipment to common carriers should not be included in the scope of relevant services unless specifically requested.
3. Geographic Scope: Responses will be limited to the Applicants’ operations in the United States.

4. Available Data: Responses will be provided using the data and level of detail that Applicants maintain in the ordinary course of their businesses.
5. Requests for Analyses, etc.: To the extent the Requests call for analyses, assessments and considerations of plans, cost and other matters, Applicants will produce final and draft plans, reports, etc. but not informal discussions and comments such as e-mails and notes.
6. Document Review: Applicants will respond to Requests that seek the production of existing documents by reviewing key documents collected from specified individuals for the response to the HSR Act requests for additional information. For each document Request, Applicants have provided the Commission with a list of the individuals from whose files they plan to collect responsive documents.
7. Confidentiality: In view of the acute competitive sensitivity of certain materials and information called for by the Commission's requests, in certain instances Applicants will respond by referring the Commission to specific items being provided to the Department of Justice on March 6 in connection with the Hart Scott Rodino Act requests for additional information. In particular, the material submitted to the Department of Justice on March 6 will be cross-referenced, with the specific questions in the Commission's Information Request.

Pursuant to the Commission's Rules, 47 C.F.R. § 1.1206, please treat this letter as an ex parte presentation. An original and two copies of this letter are submitted for inclusion in the above-captioned docket.

In the event you have questions regarding the foregoing, we are available to discuss it with you at your convenience.

Very truly yours,

Pantelis Michalopoulos
Counsel for EchoStar Communications Corporation

Gary M. Epstein
*Counsel for General Motors Corporation and
Hughes Electronics Corporation*

W. Kenneth Ferree

March 5, 2002

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cc: Chairman Michael K. Powell
Commissioner Kathleen Q. Abernathy
Commissioner Michael J. Copps
Commissioner Kevin J. Martin
Donald Abelson
James Bird
Catherine Crutcher Bohigian
Rosalee Chiara
Susan M. Eid
Barbara Esbin
W. Kenneth Ferree
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