

ORIGINAL

EX PARTE OR LATE FILED

APR 05 2002

Marsh Glaubman
FCC
445 12th St. SW
Wash, D.C. 20554

RE: CS#01-348, ECHOSTAR-DIRECT TV MERGER.

Dear FCC Officials,

With regards to the aforementioned merger.
NO, .

I have been a DishNetwork subscriber for about 5 years and I have found them to be elitist, unco-operative, and arrogant. My reasons are as follows;

1). **THEY HAVE NO MEANS OF FILING COMPLAINTS.** They do not take complaints nor criticism. Getting an address to write the CEO is like pulling teeth. On their web site they have a place to ask questions, not complaints. They promise to get back with an answer within 48 hours. They have not answered my questions for a week and counting. I do not expect an answer.

2). **THEY HAVE A FRAUDULENT BILLING PRACTICE.** They have an antiquated billing procedure that tells you that the bill needs to be in by the 15th. But then in small print somewhere they say, they determine that they do not process payments for 7 to 10 business days.

IF YOU PAYMENT GETS THERE BEFORE THE 15TH BUT THEY DON'T PROCESS IT ON TIME, THEY GIVE YOU A \$5 DOLLAR FINE.

This smacks of fraud on a scale of stealing millions of dollars from customers. What they need to say is that bills must be in on the first. But then they would have to get their bills out in a more timely fashion. Their bills come out in the latter part of the month so fines are virtually built into the system. It's purpose is to create another revenue stream and to force people into auto pay.

This policy demands a class action lawsuit to recover what amounts to MILLIONS OF DOLLARS in fraudulently acquired billing.

3). **They have no re-imburement for lapses of service** in the event of systems down or if they shut you off because they do not process payments within their antiquated billing system and your payment ends up being late. They throw dispersions upon the customer pointing to a late history, ...but it is a history that is largely created by ECHOSTAR, for the benefit of ECHOSTAR.

However, the result is a theft of services because they still require full payment.

Confirmed

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Whenever the Government allows a utility what amounts to a monopoly of services, which is what the ECHOSTAR/DIRECT TV merger proposal is, that Government grant is the granting of a **PRIVILEGE**. It is not a **RIGHT**, but a **PRIVILEGE**.

ECHOSTAR has shown itself to be unqualified to deserve this **PRIVILEGE** of providing what will amount to a monopoly of services in their unregulated approach to customer service and handling of customer funds.

THE DUTIES OF THE FCC MUST BE CLEAR IN THIS MATTER WHERE THE PUBLICS UNFETTERED ACCESS TO FREE SPEECH MUST BE UNFETTERED AND FREE AS CIRCUMSTANCE WILL ALLOW. THIS DOES NOT ALLOW FOR ECHOSTAR'S MONOPOLY OF SATELLITE TV SERVICE.

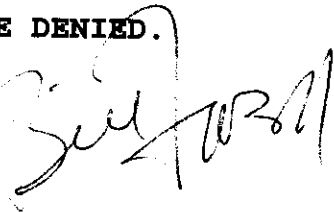
Your duty is as clear as the **FIRST AMENDMENT OF THE UNITED STATES OF AMERICA'S CONSTITUTION**. It is a sacred charge, and if you err, you must err upon the side of the individual and not the corporation.

For many people satellite TV is the only access to the airwaves available.

THIS MERGER MUST BE DENIED.

Sincerely,

William W. Fawell



cc: Hon. Dennis J. Hastert; Speaker of the House
Hon. Jim Ryan, Attorney General, Illinois

P.S. MARSHA,
sorry I got your name wrong the first time around. Jim Bird
gave me the correct spelling - Thanks.
Jim