

Dear Federal Communications Commission,

I am responding to the joint opposition submitted by EchoStar (DishNetwork) and Hughes (DirectTV) as this brings new light on the merger situation. This comment is in addition to the first comment I submitted on 01/02/02.

The merger still should be denied to protect rural consumers even in light of the joint opposition filed on 02/25/02.

The parties still do not address the Monopoly issue by combining all CONUS DBS frequencies to one entity. In literature put out by the Dish Network and DirectTV transition team it is clear in the wording "One Nation, One Dish" that the operation WILL BE A DBS MONOPOLY.

The "one nation, one rate card" (one rate plan) proposed by DishNetwork and Hughes is flawed and will cost rural subscribers more for local into local (LIL) service than their urban counterparts. Rural subscribers will pay a much more in a per channel rate. DishNetwork and DirectTV currently charge \$5.99 for LIL service. In the Wheeling/Steubenville Market (DMA#150) where I live there are currently 3 channels WTRF(CBS), WTOV(NBC), WOUC(PBS). Under the one rate plan subs in the Wheeling/Steubenville Market will pay \$5.99 for 3 channels which comes out to \$1.99 per channel. In contrast subscribers in New York City will receive 15 channels in their LIL package at the same \$5.99 rate which comes out to almost 40 cents per channel. Pricing per channel is even more expensive in 1 station DMAs like Zanesville Oh, and Parkersburg WV where subs in these cities would receive just 1 channel for \$5.99!

Under the proposed one rate plan rural subscribers will pay much more for a full slate of network stations. LIL subs in the Wheeling/Steubenville Market will receive CBS, NBC, & PBS. Since the market lacks an ABC and FOX affiliate these are usually imported by cable companies from Pittsburgh Pa in addition to CBS, NBC, and PBS from Pittsburgh. The ABC, CBS, NBC, PBS, and FOX stations are considered significantly viewed and have the same must carry rights on cable as the local CBS, NBC, and PBS. Some cable systems in the area also import WB, UPN, and the Independant WPCB from Pittsburgh. Most Pittsburgh stations are only 50 miles from Wheeling and 35 miles from Steubenville. Under DishNetwork's current pricing and offerings residents will have to import ABC and FOX from either New York, Atlanta, Chicago, Denver, or Los Angeles, WB from either New York, Denver, or Los Angeles, and UPN from either New York or Boston. None of the stations in these cities are considered significantly viewed. Dish Network currently charges \$1.50 for reception of distant nets per channel. A resident of the Wheeling/Steubenville Market will pay \$5.99 for CBS, NBC, PBS and an additional \$6.00 for a distant ABC, FOX, UPN, & WB. A total of \$11.99 for a full slate of network affiliates. New York City residents will still pay \$5.99 for a full slate of network affiliates.

The only way the smaller markets will receive a comparable per channel rate for service as their urban and cable counterparts is if significantly viewed and adjacent market locals are added to the LIL, or a complete change in the DMAs to absorb smaller markets into larger ones. For instance a \$5.99 locals package in the

Wheeling/Steubenville DMA that includes the Pittsburgh Market Stations, KDKA(CBS), WTAE(ABC), WPXI(NBC), WQED(PBS), WNPA(UPN), WCWB(WB), WNPB(PBS), WPCB(ind), WPXI(FOX) and the Wheeling/Steubenville Market Stations WTRF(CBS), WTOV(NBC), WOUC(PBS) would be more in line to what is available on cable and would be more in line with the low per channel rate enjoyed by urban areas such as New York City. A 12 channel LIL package for the Wheeling/Steubenville market would have a per channel rate of 50 cents per channel and is comparable to the 40 cents per channel New York City residents pay.

The FCC should not be take in by this latest smoke screen. As it stands the joint opposition filed by EchoStar and Hughes doesn't sufficiently address the monopoly issue and the proposed one rate plan for LIL is more expensive for rural subscribers. I feel the merger should still be denied.

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