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July 2, 2002

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BY HAND

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20054

JUL - 2 2002

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

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

Ms. Dortch:

Hughes Electronics Corporation ("Hughes") and General Motors Corporation ("GM") (collectively, the "Respondents") hereby provide information on DVD (Attachment 1) in response to the Commission's June 19, 2002, request for additional data as clarified during the Respondents' conference call with the Commission on June 27, 2002.

The DVD contains subscriber information regarding DIRECTV and NRTC subscribers for the period from June 1999 through December 2001. The data is being provided as a "Microsoft Access" file with the following columns:

**Curyear:** This column indicates the year of the data in a specific row.

**Curmonth:** This column indicates the month of the data in a specific row and is provided in numeric form (*i.e.* 1 = January, 2 = February, etc.).

**Pown:** This column indicates whether DIRECTV ("DTV") or NRTC is the primary service provider for the subscribers whose data is set forth in a specific row.

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**Zip:** This column indicates the zip code related to the subscribers whose data is set forth in a specific row. The zip code designations begin with the first non-zero number in the zip code. For example, zip code "00001" is listed as "1" in the spreadsheet.

**Package:** This column indicates the type of programming package related to subscribers whose data is set forth in a specific row.

As discussed during the June 27, 2002 conference call, DIRECTV has divided the programming packages into five categories – Select Choice ("sc\_only"), Select Choice with some level of premium programming ("sc\_pkg"), Total Choice ("tc\_only"), Total Choice with some level of premium programming ("tc\_pkg"), and all other packages offered ("Others").

As of February 1, 2002, DIRECTV simplified the programming packages offered to new customers to three main packages: Total Choice Premier, Total Choice Plus, and Total Choice. Prior to February 2001, DIRECTV offered a variety of different programming packages including, but not limited to, Platinum, Total Choice HBO Starz! Showtime, Total Choice HBO Showtime, Total Choice Sports, Total Choice, Select Choice, Plus DIRECTV and DIRECTV Limited. Depending on when a customer became a DIRECTV subscriber, they had the option to choose from these different programming packages.<sup>1</sup> In addition, during certain periods, subscribers could also select premium channels on an a la carte basis. Thus, a subscriber to the Select Choice package could pay an additional fee and subscribe to HBO as well. As new packages were added and old packages phased out, subscribers to older packages have been migrated to newer programming packages, or in some cases, allowed to keep their existing programming packages.

Because of the multitude of offerings and the difficulty of segregating its customers on a more granular basis, DIRECTV has divided the subscriber data provided to the Commission into the five categories listed above. Throughout the entire period requested by the Commission, Total Choice and Select Choice were programming packages offered by DIRECTV. DIRECTV separated out the customers who subscribed to these packages and further separated out those customers who purchased some level of additional premium programming above these basic packages. Thus, a Total Choice HBO subscriber is considered a "tc\_pkg" subscriber as opposed to a Total Choice subscriber with no premium programming, who is designated as a "tc\_only" subscriber. A Total Choice HBO subscriber and a Total Choice Showtime subscriber, however, are

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<sup>1</sup> See Letter from Hughes Electronics Corporation and General Motors Corporation to William F. Caton, Acting Secretary dated March 21, 2002 ("Interrogatory Responses"), Exhibit 25, Schedule VI.A.1(a), for a full listing and description of the current and historic programming packages offered by DIRECTV from 1998 to present.

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both listed as "tc\_pkg" subscribers. Finally, in part, because of the existence of legacy programming packages such as DIRECTV Limited and Plus DIRECTV, which DIRECTV still supports but does not offer to new subscribers, there are customers who do not fall under either a Total Choice or Select Choice designation. These customers and any others who did not fit in the Total Choice or Select Choice package categories, have been listed as "Other" subscribers in the spreadsheet.

**Owner:** This column indicates whether the subscribers whose data is set forth in a specific row own ("o") or rent ("r") the equipment used to receive the DIRECTV programming.

**Installation:** This column indicates whether the subscribers whose data is set forth in a specific row self-installed ("S") or had professionally installed ("P") the equipment used to receive the DIRECTV programming. For a large number of customers, the person who installed the equipment is unknown and such situations are designated with a "U". Prior to mid-2001, DIRECTV did not collect installation data in a rigorous manner. Some customers were asked who installed the equipment during activation calls but this information was neither uniformly collected nor maintained in an organized manner. After mid-2001, in periods where "free professional standard installation" was offered, the tracking of who installed the equipment is more accurate.

**Count:** This column indicates the number of subscribers in the designated zip code, for the designated month, who have the characteristics listed in a specific row.

The information provided on the attached DVD was gathered in good faith and to the best of DIRECTV's ability within a reasonable time frame. DIRECTV has culled data from various databases that were not designed to capture the information in the manner requested by the Commission. Because the data provided is not maintained by DIRECTV in the manner requested by the Commission and, in some cases, is based on incomplete records, the information may contain some inaccuracies.

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This letter and the attached DVD contains highly confidential information submitted pursuant to the Second Protective Order and the public version of this letter has been redacted accordingly. If you have any questions, please contact us at (202) 637-2200.

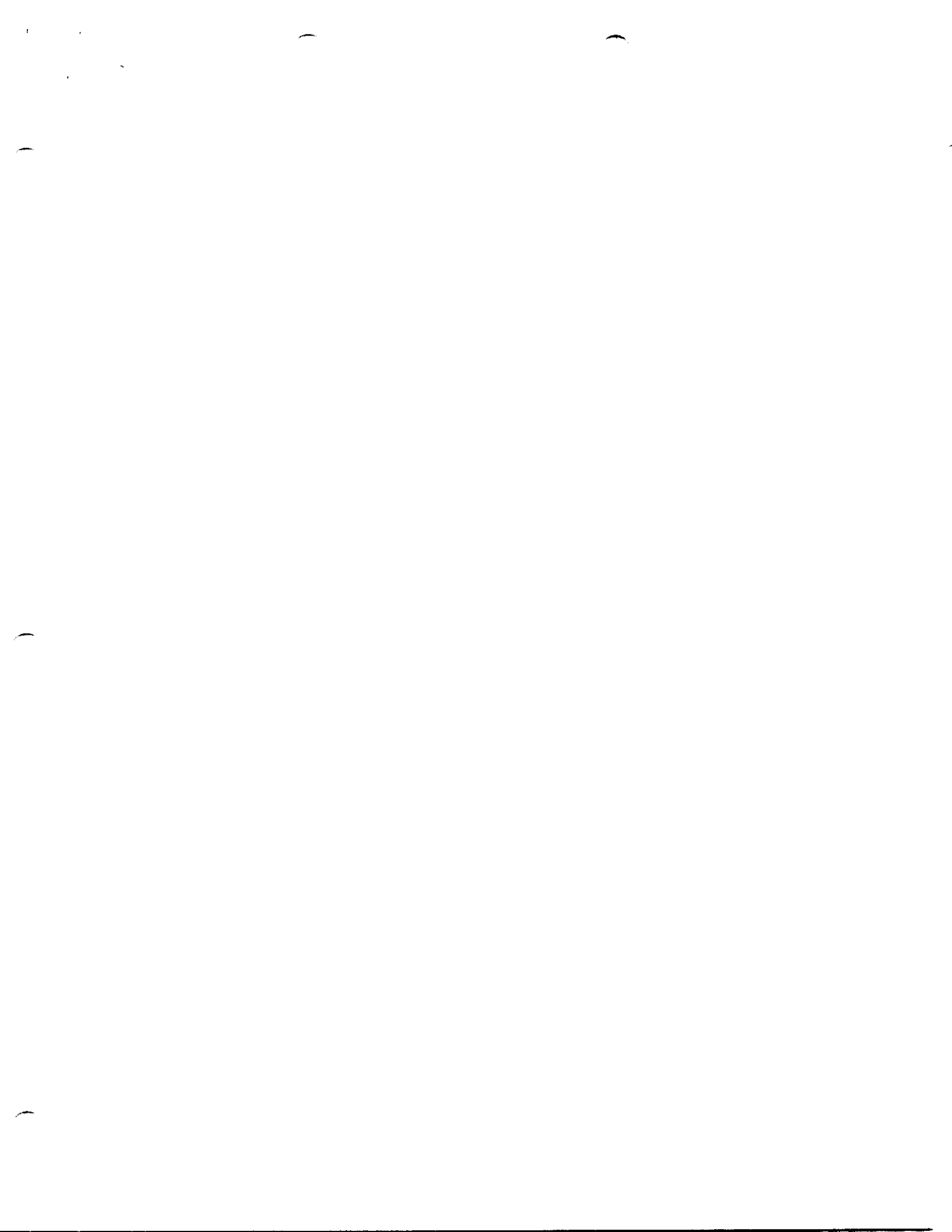
Respectfully submitted,



Gary M. Epstein  
James H. Barker  
Alex D. Hoehn-Saric  
*Counsel for General Motors Corporation  
and Hughes Electronics Corporation*

Attachments

cc: Marcia Glauberman  
Linda Seneca



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ATTACHMENT #1

REDACTED IN ITS ENTIRETY