

I am writing to add to my previous comment to urge you to block the merger of DISH GMH. The combined entity of these two currently healthy consumer companies will create a monopoly over 30% of the consumer market in both TV and high speed satellite internet service. Currently they have full chance to cooperate and build joint consumer services, but they are asking for a merger to create a monopoly that will substantially reduce consumer choice all over the country:

- The creation of a monopoly in the DPS market will leave 6 million consumers with under a DBS monopoly, which will control access to service, pricing, programming and possible lowering of quality of service.

- Both DISH and GMH are very healthy companies in their present form. Each is signing close to a million new customers a year, each has surpassed several cable companies in size.

- Consumers in cities and rural communities have been benefiting from the competition between DISH and GMH. Offers for \$9 monthly TV service and free equipment offered to consumers will disappear with the merger.

- Please take a close look at a two year old Dish Lawsuit against GMH in court charging GMH with monopolistic practices. The suit was delayed several times and was finally dropped by DISH only when they agreed on the merger.

- GMH refused to negotiate with DISH because they did not believe the merger will pass the regulatory approval process. It took prominent lawyers hired by DISH to convince GM management of the possibility of the approval.

- News Corp had an outstanding offer to purchase GMH from General Motors without causing the creation of a monopoly in the DBS consumer market. GM saw it to their advantage to merge with DISH and create a monopoly in the DBS industry to maximize their advantage.

- Mr Ergen testified before a congressional committee that DISH may not have a chance to survive as an independent company if the merger is blocked. Less than a month later Viacom/Universal invested \$1.5B in cash for 10% ownership of DISH and access to 5 channels to be determined. AOL Time Warner owns 10% of GMH. Other companies own parts of DISH or expressed interest in purchasing minority interest in the combined entity.

- By your mandate there are limited number of TV DPS slots, making a new entry into the DPS market impossible. The creation of DISH-GMH monopoly should be viewed as a permanent one, for years to come. Entry into cable market is unlimited.

- The companies are presenting the false impression that consumers will lose the high speed internet access if the merger is blocked. Several companies currently or are in the process of building and offering satellite based high speed data access to the consumer market.

- If the merger is allowed to occur the monopoly it creates with its sheer market share and access to households will deter new companies from entering

into the high speed data service to homes in the future, practically creating another monopoly in the High Speed Satellite internet service to consumers.

- DISH and GMH are currently free to cooperating to build future consumer services. They seek the merger only to have full control over the market as only a monopoly can.

- DISH control over programming as demonstrated over cancellation of ESPN Classic over 2 cents a month increase per customer and the court case over the cancellation of ABC Family based on the claim they need to carry local channels. This acts disadvantages DBS dependent consumers and only benefits DISH in allowing it to compete in the more lucrative major-city market.

- The monopoly created by the merged DISH-GMH will have full control over 30% of the US market not covered by cable. Substantial laws will be required to

establish future conduct of the merged entity and their dealer. Any conditions you impose on the merger will have to be monitored by the government at tax payer expense, indirectly costing consumers.

I am writing as a consumer. Although I follow the DPS industry I work in completely unrelated field. Please do not approve the merger, allow the two healthy fast growing companies to exist as they are,

Sincerely

Wasim Manasfi