

KELLER AND HECKMAN LLP

Serving Business through Law and Science®

1001 G STREET, N.W.
SUITE 500 WEST
WASHINGTON, D.C. 20001
TELEPHONE 202.434.4100
FACSIMILE 202.434.4646
WWW.KHLAW.COM

June 17, 2002

Via Electronic Filing

Jack Richards
(202) 434-4210
Richards@khlaw.com

Marlene H. Dortch
Acting Secretary
Federal Communications Commission
Office of the Secretary
445-12th Street, SW
Washington, DC 20554

**Re: Notice of Written Ex Parte Presentation;
Application of EchoStar Communications Corporation,
General Motors Corporation and Hughes Electronics Corporation,
Transferor; and EchoStar Communications Corporation, Transferee,
For Authority to Transfer Control (the "Merger");
CS Docket Number 01-348**

Dear Ms. Dortch:

On behalf of our client, the National Rural Telecommunications Cooperative (NRTC), the attached two documents, which were individually filed today in separate Commission proceedings, are being submitted electronically for consideration in the above referenced proceeding in accordance with 47 C.F.R. § 1.1206(b)(1) of the Commission's Rules.

First, NRTC filed a Petition to Deny (*NRTC Petition*) in response to a modification application (*Extension Request*) filed by EchoStar's VisionStar Incorporated (VisionStar).¹ EchoStar requests an extension of its construction and launch milestones due to an alleged lack of available financing for Ka-band projects.² In the *NRTC Petition*, NRTC argues that the *Extension Request* is nothing more than EchoStar's latest gambit to further its Merger prospects. By failing to fund VisionStar and other broadband satellite projects, EchoStar is attempting to demonstrate that only the proposed Merger will allow for the universal deployment of broadband satellite services. NRTC argues that the Commission should deny the *Extension Request*, revoke EchoStar's Ka-band license and award it to a new, more deserving licensee.

¹ VisionStar Corporation Request for Extension of Time To Complete Construction and To Launch Fixed Satellite Service Satellite, File Nos. SAT-LOA-19950929-00156, SAT-T/C-20011215-00163 (filed April 30, 2002); See also Federal Communications Commission Report No. 00110, *Satellite Space Applications Accepted for Filing*, SAT-MOD-20020430-00075 (released May 17, 2002).

² Order And Authorization, *VisionStar, Inc. Application for Authority to Construct, Launch, and Operate a Ka-band Satellite System in the Fixed-Satellite Service*, 13 FCC Rcd 1428, DA 97-980 (released May 9, 1997) (*VisionStar Authorization*); See also Order And Authorization, *Application of VisionStar, Incorporated, Licensee, Shant Hovnanian, Transferor And Echostar Visionstar Corporation, Transferee*, 24 CR 1326, ¶30 (released October 30, 2001).

Second, NRTC filed Comments regarding a Petition for Declaratory Ruling (*SES Petition*) submitted by SES AMERICOM, Inc. (SES), seeking a determination that it is in the public interest for SES to offer satellite capacity in the 12.2-12.7 and 17.3-17.8 GHz bands to third parties for the provision of direct broadcast satellite (DBS) services from a foreign licensed satellite located at the 105.5° W.L. orbital position (*SES Petition*).³ If all existing DBS subscribers can be protected from harmful interference and all associated technical and regulatory issues can be resolved, NRTC generally supports the *SES Petition* as a potential new platform to provide additional competition in the MVPD and broadband markets. NRTC points out, however, that under established legal guidelines, the benefits proposed by the *SES Petition* are too distant and speculative to be considered in connection with the proposed Merger. To the contrary, SES's open platform promises to make available to EchoStar and DIRECTV additional capacity for the provision of MVPD and broadband services -- *without* the necessity of an unlawful and anticompetitive Merger.

Should you have any questions or require any additional information, please feel free to contact the undersigned.

Sincerely,


Jack Richards

Enclosures

³ Petition for Declaratory Ruling, SES AMERICOM, INC., April 25, 2002. See Federal Communications Commission Report No. SAT-00110, *Satellite Space Applications Accepted for Filing*, SAT-PDR-20020425-00071 (released May 17, 2002).