

KELLER AND HECKMAN LLP

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

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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;
CS Docket Number 01-348**

Dear Ms. Dortch:

On behalf of our client, the National Rural Telecommunications Cooperative (NRTC), the attached Reply (*NRTC Reply*), which was filed today in a separate Commission proceeding, is 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.

The *NRTC Reply* was filed in response to a request by EchoStar's VisionStar Incorporated (EchoStar)¹ to extend its Ka-band construction and launch milestones² due to an alleged lack of available financing for Ka-band projects. In NRTC's view, EchoStar consciously determined not to fund the VisionStar satellite for the simple reason that launching a Ka-band satellite at this point would debunk EchoStar's claim that only the Merger will enable American consumers to receive broadband service by satellite.

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); See also Opposition of VisionStar Corporation, filed in *VisionStar Proceeding*, June 27, 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); 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).

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

Sincerely,



Jack Richards

Enclosure

cc: Jim Bird
C. Anthony Bush
Neil A. Dellar
Barbara Esbin
W. Kenneth Ferree
Marcia Glauberman
Julius Knapp
JoAnn Lucanik
David Sappington
Royce Dickens Sherlock
Douglas Webbink
Qualex International
Pantelis Michalopoulos
Counsel for EchoStar Communications Corporation
Counsel for VisionStar Incorporated
Gary M. Epstein
Counsel for General Motors Corporation and Hughes Electronics Corporation