

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In re Applications of )  
 )  
ECHOSTAR COMMUNICATIONS CORPORATION, )  
GENERAL MOTORS CORPORATION, AND HUGHES )  
ELECTRONICS CORPORATION )  
 ) CS Docket No. 01-348  
For Consent to Transfer of Control of )  
Various Space Station, Earth Station, )  
Wireless and Experimental Licenses, )  
And Section 214 Authorizations )

To: Chief, Cable Services Bureau

**COMMENTS OF PUBLIC COMMUNICATORS, INC.**

Introduction

Public Communicators, Inc. ("PCI") is a non-profit corporation that operates a non-commercial direct broadcast satellite ("DBS") public interest set-aside channel pursuant to Section 335(b) of the Communications Act. Our channel, known as Free Speech TV ("FSTV"), chiefly transmits documentaries, current events programs, and magazine programs on important national and international issues. FSTV is carried on EchoStar's satellite at the 110 degree orbital position; it is not carried on DirectTV.

PCI submits its comments from the perspective of a public interest DBS programmer, and also makes observations on the impact of the proposed EchoStar-DirectTV merger on viewers of public interest channels. For the reasons set forth herein, we urge approval of the above-captioned assignment applications.

Background

We believe it is instructive to examine the methods EchoStar has employed thus far to build a thriving roster of public interest channels.

EchoStar has deployed millions of innovative "Dish 500" receive antennas at subscribers' homes. The Dish 500 permits the reception of transponders from EchoStar's satellites at both the 110 and 119 degree orbital positions. At current compression ratios, this amounts to several hundred channels.

Because Section 335(b) of the Communications Act assigns a quota of public interest channels as a percentage of a satellite's channel capacity, Dish 500 customers receive an unprecedented array of public interest programming. EchoStar carries channels from educational institutions and organizations from the secondary school level to community college to undergraduate and graduate instruction. As well, there is programming by and for ethnic minorities in both English and Spanish. There is a channel directed at rural residents, religious programming, and a variety of topical documentary, magazine, and news programming, including Free Speech TV's, which cover some of the most vital national and international public issues. It is no exaggeration to say that some of the finest minds in the world are found on EchoStar's public interest channels. A roster of current EchoStar public interest channels is attached hereto as Exhibit I.

As technology has allowed an expansion of channel capacity through improved compression, so has the number of public interest channels on EchoStar's 110/119 degree satellites increased in tandem. In late 2001, EchoStar added two new public interest channels: CoLours, a channel which carries cultural and information programming concerning peoples of color, and StarNet, which features specialized formal education programming for K-12 students.

EchoStar has assigned most of its public interest channels adjacent channel numbers, which begin with 94. This makes it easy for viewers to toggle up and down between public interest channels, and to promote the channels as a "neighborhood."

Discussion

PCI believes that the merger between EchoStar and DirectTV will have a number of tangible benefits for both public interest programmers and viewers.

A key advantage of combining the two companies' operations is that it will increase the number of public interest programmers. In its regulation of the public interest set-aside, the Commission maintains a "one to a customer" rule, which limits a programmer to a single channel per DBS operator. Understandably, some public interest channels are now carried by both DirectTV and DISH Network. Once DirectTV and DISH merge, this duplication will be eliminated, and even more slots for new public interest programmers will be created. While individual public interest channels are outstanding in their own right, the most salient characteristic of the EchoStar 110/119 public interest neighborhood is its sheer breadth---a quality which will be enhanced with the addition of new programmers.

In light of the excellence of the recently added public interest channels on EchoStar, and the continuing demand for channel capacity by noncommercial programmers, there is every reason to believe that the vibrant community of public interest channels will be enriched as previously-duplicated slots are filled with new services. Strong as the current roster is, the addition of new programmers will make it stronger. For example, to our knowledge there is thus far only one foreign-language public interest channel, and no full-time environmental channel, no religious channel dealing with faiths other than Christianity, and so on.

A further advantage of the merger is that more efficient use of DBS spectrum will allow many individual subscribers to receive a far greater array of public interest programming.

DirectTV's chief satellite is located at the 101 degree orbital position. DirectTV also operates a satellite transmitting a limited number of channels at the 119 degree orbital position.

After an EchoStar-DirectTV merger, it will be feasible to deploy the

equivalent of Dish 500 receivers that pick up satellites at the 101 and 110 degree orbital positions, as well as others which receive 110 and 119. The former combination will roughly double the number of public interest channels available to viewers of DirectTV's 101 degree satellite---and that today constitutes the majority of DBS subscribers. Further, consolidation of EchoStar's and DirectTV's channels at 119 degrees will mean an increased number of public interest channels available to viewers who receive their signals from the 110/119 degree pair, or 119 alone.

While PCI has focused its comments on the benefits of the merger to public interest programming, we observe that the above-described improvements are but one example of a number of ways that consolidating DBS channel capacity produces efficiencies and benefits to American public.

#### Conclusion

The DBS public-interest set-aside has proved to be a coup for satellite operators, and a unique boon for American TV viewers. We know of nothing else in the world to rival this assemblage of cultural, educational, and informational channels. Though public interest channels are fulfilling the purposes of Congress when it mandated their creation as part of Public Law 98-549, further improvements are possible through the consolidation of spectrum and elimination of duplicated channels.

For these reasons, Public Communicators, Inc. hereby urges Commission approval of the above-captioned assignment applications.

Respectfully submitted,

PUBLIC COMMUNICATORS, INC.

By: \_\_\_\_\_

John B. Schwartz, President  
Public Communicators, Inc.  
P.O. Box 6060  
Boulder, CO 80306

Dated: February 1, 2002

## Exhibit I

## Public Interest Channels Currently Carried by EchoStar

Research TV ch. 9400

Description: Research TV offers the public a means to access the activities, lectures, special presentations, news, and reports of the leading research universities. For more information call 1-877-616-7265 or visit [www.washington.edu/researchtv](http://www.washington.edu/researchtv).

HITN (Hispanic Information and Telecom. Network) ch. 9401

Description: HITN provides the Hispanic community in the US and Puerto Rico with necessary tools to advance their economic, social and cultural aspirations through education and to become contributing members in America's Society.

PBS-U ch. 9402

Description: PBS YOU is lifelong learning. PBS uses the power of noncommercial television, the Internet, and other media to enrich the lives of all Americans through quality programs and education services that inform, inspire, and delight. For more information call 1-800-344-2740 or visit [www.pbsyou.org](http://www.pbsyou.org).

BYU (Brigham Young University) ch. 9403

Description: Delivers high quality multimedia educational experiences to the home and other places of learning, focusing on family life education, early childhood development, quality of life in families, and address prevention and intervention solutions. For more information call at 1-800-298-5298 or visit [www.byutv.org](http://www.byutv.org).

UWTV (University of Washington) ch. 9404

Description: The University of Washington TV offers certification and continuing education opportunities in computer science, library and information science, engineering, public health sciences and related disciplines.

CCCSAT (California Community College/Palomar) ch. 9405

Description: California Community Colleges Satellite Network brings distance learning solutions for higher education. For more information call 1-760-744-1150 x2431 or visit [www.cccsat.org](http://www.cccsat.org).

StarNet ch. 9406

Description: StarNet offers K-12 courses for students, parent and teachers for educational credit and continuing education. For further information, visit their website at [www.starnet.org](http://www.starnet.org).

CoLours TV ch. 9407

Description: CoLours offers multi-cultural and multi-ethnic programming highlighting educational and cultural issues of African, Asian, Latin, and Native Americans. For further information visit their website at [www.colourstv.org](http://www.colourstv.org).

RFD (Rural Farm) ch. 9409

Description: RFD-TV is dedicated to serving rural America with a 24-hour schedule of Rural News, agricultural features, horse training, and informational programming. Visit [www.rfd-tv.com](http://www.rfd-tv.com), or call 972-309-5800 for more information.

WorldLink ch. 9410

Description: WorldLink is linking Americans to the world, providing audiences with a global perspective on cultural, political and humanitarian issues which impact every American's life. Visit [www.worldlinktv.com](http://www.worldlinktv.com)

NAU (Northern Arizona University or University House) ch. 9411

Description: Educating students, faculty, and staff around the nation by offering graduate programs and instruction through educational partnerships, supporting research, and providing public service. NAU will use these means to provide an educational environment encouraging independent, critical and creative thought. For college and K-12 school learning information go to [www.universityhouse.nau.edu](http://www.universityhouse.nau.edu) or call 1-877-867-1824.

UCTV (University of California) ch. 9412

Description: The mission of UCTV is to use the vast resources of

the University of California to inform, educate, and enrich the lives of the people in the nation and around the globe. The University of California brings the latest in research and education to viewers. Visit [www.uctvonline.org](http://www.uctvonline.org).

EE (Educating Everyone) ch. 9413

Description: An aggregated channel of quality foreign language instruction, teacher training, and supplemental educational materials for rural schools, home schooling families and adult learners. The channel will also serve as a barker channel for educational programmers wishing to launch their own public interest channel in the future. For more information call 941-366-8686 or visit: [www.educatinge.org](http://www.educatinge.org)

FSTV (Free Speech TV) ch. 9415

Description: FSTV carries documentaries, current events programs, and magazine programs on important national and international issues, and works for progressive social change: 303-442-8445. Visit [www.freespeech.org/fstv](http://www.freespeech.org/fstv).

GSN (Good Samaritan Network) ch. 9416

Description: GSN offers workplace learning for social ministry and not for profit organizations. For more information, call 1-605-362-3263 or visit [www.din.good-sam.com](http://www.din.good-sam.com).

SafetyNet ch. 9417

Description: Safety-Net - Justice Distance Learning Consortium offers educational programming for at-risk youth. For additional information, visit [www.safety-net.org](http://www.safety-net.org).

PAEC (Panhandle Area Educational Consortium) ch. 9418

Description: PAEC TV is a joint effort of the Florida Department of Education and the Panhandle Area Educational Consortium to serve the educational needs of students and teachers. Visit [www.paec.org](http://www.paec.org) for more information.

EWTN ch. 261

Description: EWTN is America's largest religious cable network. EWTN provides 24 hours of family-oriented, spiritual growth programming featuring top-notch talk shows, weekly series and exciting documentaries.



TBN (Trinity Broadcasting Network) ch. 260

Description: TBN is America's most viewed religious network. TBN features the best in faith and inspirational programs that include a wide variety of denominations. Its program formats include worship, variety, music, children's, news, sports, talk and live anointed programs. TBN produces more original programs than any other religious network.

NASA ch. 213

Description: The NASA Channel provides real-time coverage of NASA activities and missions as well as resource videos for the news media and educational programming to teachers, students and the general public.

C-SPAN ch. 210

Description: C-SPAN offers unique news and information programming, including 24-hour coverage of important political events from Washington, D.C. and around the nation including live debate from the floor of the U.S. House.