

The Honorable Michael K. Powell

Chairman

Federal Communications Commission

445 12th Street, S.W.

Washington, D.C. 20554

Dear Chairman Powell:

I am writing you as a satellite subscriber to tell you that I am very strongly against the merger of EchoStar/Dish Network and Hughes/DirectTV. I am very concerned that the merger will lead to DishNetwork/DirectTV having a virtual monopoly for offering satellite TV broadcast services. Reducing competition in satellite broadcast TV could only hurt satellite subscribers.

My concerns are drastically heightened by recent examples of Echostar's anticompetitive behavior and total disregard of its customers. For several years Echostar's ethnic programming included the Polish public TV channel, TV Polonia. Through very heavy advertisement in Polish-American media, Echostar lured tens of thousands of customers who in most cases installed Echostar's equipment just to receive TV Polonia. On May 2, 2002, without even a day notice to its customers, Echostar abruptly stopped broadcasting TV Polonia. Dissatisfaction of TV Polonia customers was immense - this is well illustrated by thousands of angry letters, e-mails, phone calls received by the Polish Daily News published in New York City. To this day Echostar has not provided any meaningful explanation for discontinuing TV Polonia, and responses to any customer inquiries have been very general, fact-free public statements.

However, public statements by TV Polonia's U.S. sales agent, Spanski Enterprises Inc., indicate that Echostar demanded exclusive rights for broadcast of TV Polonia in USA. If the TV Polonia sales agent agreed to Echostar anticompetitive demands hundreds of thousands of Polish speaking viewers living in large cities, who must use cable TV, would have no access to Polish public TV.

In response to the TV Polonia sales agent denial of Echostar's request for exclusivity, Echostar chose to betray its ethnic customers, drop TV Polonia over night and replace it with third rate Polish speaking channels whose programming quality does not even come close to the Polish public channel, TV Polonia (it's analogous to replacing PBS with the Home Shopping Network channel - both are in English but satisfy quite different needs). Any comments and requests for resuming the broadcast of TV Polonia are completely ignored by Echostar's

management. It seems that in Echostar's struggle for dominance customer needs are truly secondary.

Mr. Chairman, Echostar is already displaying strong anti-competitive behaviors by striving to reduce customer choices by trying to monopolize ethnic channels. The merger will further reduce our choice of satellite TV access providers. The combination of these trends can only hurt consumers.

Please oppose this anticompetitive merger.

Sincerely,

Darek Smyk

57 Shannon Hill Rd.

Basking Ridge, NJ 07920

--Boundary\_(ID\_fFwbhOsgMrb7ZEjQtNMzog)  
Content-type: text/html; charset=iso-8859-1  
Content-transfer-encoding: quoted-printable

```
<!DOCTYPE HTML PUBLIC "-//W3C//DTD HTML 4.0 Transitional//EN">
<HTML><HEAD>
<META http-equiv=3DContent-Type content=3D"text/html;
charset=3Diso-8859-1">
<META content=3D"MSHTML 6.00.2600.0" name=3DGENERATOR>
<STYLE></STYLE>
</HEAD>
<BODY bgColor=3D#ffffff>
<DIV><FONT size=3D2><SPAN
style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica;
mso-fareast-font-family: 'Times New Roman'; mso-bidi-font-family: 'Times
New Roman'; mso-ansi-language: EN-US; mso-fareast-language: EN-US;
mso-bidi-language: AR-SA">
<P class=3DMsoNormal
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN
style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">ECFS - E-mail
Filing<?xml:namespace prefix =3D o ns =3D
"urn:schemas-microsoft-com:office:office"
/><o:p></o:p></SPAN></P>
<P class=3DMsoNormal
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN
style=3D"FONT-SIZE: 10pt; FONT-FAMILY:
```

Helvetica">&lt;PROCEEDING&gt;01-348<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;DATE&gt;5/30/02<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;NAME&gt;Darek Smyk<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;ADDRESS1&gt;57 Shannon Hill Rd.<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;ADDRESS2&gt;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;CITY&gt;Basking Ridge<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;STATE&gt;NJ<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;ZIP&gt;07920<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;LAW-FIRM&gt;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;ATTORNEY&gt;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;FILE-NUMBER&gt;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;DOCUMENT-TYPE&gt;CO<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;PHONE-NUMBER&gt;908-647-5613<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;DESCRIPTION&gt;Letter against the merger of EchoStar and Hughes<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;CONTACT-EMAIL&gt;dsmyk@optonline.net<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&lt;TEXT&gt;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">The Honorable Michael K.

Powell<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Chairman<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Federal Communications

Commission<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">445 12th Street, S.W.<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Washington, D.C. 20554<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Dear Chairman Powell:<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">I am writing you as a satellite

subscriber to tell you that I am very strongly against the merger of EchoStar/Dish Network and Hughes/DirectTV.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>

</SPAN>I am very concerned that the merger will lead to DishNetwork/DirectTV

having a virtual monopoly for offering satellite TV broadcast services.<SPAN

style=3D"mso-spacerun: yes">&nbsp;</SPAN>Reducing competition in satellite

broadcast TV could only hurt satellite

subscribers.<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">My concerns are drastically heightened by recent examples of Echostar=92s anticompetitive behavior and total disregard of its customers.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>For several years Echostar=92s ethnic programming included the Polish public TV channel, TV Polonia.<SPAN style=3D"mso-spacerun: yes">&nbsp;&nbsp;</SPAN>Through very heavy advertisement in Polish-American media, Echostar lured tens of thousands of customers who in most cases installed Echostar=92s equipment just to receive TV Polonia. On May 2, 2002, without even a day notice to its customers, Echostar abruptly stopped broadcasting TV Polonia.<SPAN style=3D"mso-spacerun: yes">&nbsp;&nbsp;</SPAN>Dissatisfaction of TV Polonia customers was immense - this is well illustrated by thousands of angry letters, e-mails, phone calls received by the Polish Daily News published in New York City.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>To this day Echostar has not provided any meaningful explanation for discontinuing TV Polonia, and responses to any customer inquiries have been very general, fact-free public statements.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN><o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">However, public statements by<SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica; mso-bidi-font-family: Arial">TV Polonia's U.S. sales agent, </SPAN><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Spanski Enterprises Inc., indicate that Echostar demanded exclusive rights for broadcast of TV Polonia in USA.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>If the TV Polonia sales agent agreed to Echostar anticompetitive demands hundreds of thousands of Polish

speaking viewers living in large cities, who must use cable TV, would have no access to Polish public TV.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN><o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">In response to the TV Polonia sales agent denial of Echostar=92s request for exclusivity, Echostar chose to betray its ethnic customers, drop TV Polonia over night and replace it with third rate Polish speaking channels whose programming quality does not even come close to the Polish public channel, TV Polonia (it=92s analogous to replacing PBS with the Home Shopping Network channel =96 both are in English but satisfy quite different needs).<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>Any comments and requests for resuming the broadcast of TV Polonia are completely ignored by Echostar=92s management.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>It seems that in Echostar=92s struggle for dominance customer needs are truly secondary.<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Mr. Chairman, Echostar is already displaying strong anti-competitive behaviors by striving to reduce customer choices by trying to monopolize ethnic channels.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>The merger will further reduce our choice of satellite TV access providers.<SPAN style=3D"mso-spacerun: yes">&nbsp;</SPAN>The combination of these trends can only hurt consumers.<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">&nbsp;<o:p></o:p></SPAN></P>

<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN

style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Please oppose this  
anticompetitive merger.</p></SPAN></P>  
<P class=3DMsoNormal  
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN  
style=3D"FONT-SIZE: 10pt; FONT-FAMILY:  
Helvetica">&nbsp;</p></SPAN></P>  
<P class=3DMsoNormal  
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN  
style=3D"FONT-SIZE: 10pt; FONT-FAMILY:  
Helvetica">Sincerely,</p></SPAN></P>  
<P class=3DMsoNormal  
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN  
style=3D"FONT-SIZE: 10pt; FONT-FAMILY:  
Helvetica">&nbsp;</p></SPAN></P>  
<P class=3DMsoNormal  
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN  
style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Darek  
Smyk</p></SPAN></P>  
<P class=3DMsoNormal  
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN  
style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">57 Shannon Hill  
Rd.</p></SPAN></P>  
<P class=3DMsoNormal  
style=3D"MARGIN: 0in 0in 0pt; mso-layout-grid-align: none"><SPAN  
style=3D"FONT-SIZE: 10pt; FONT-FAMILY: Helvetica">Basking Ridge, NJ  
07920</p></SPAN></P>  
<P class=3DMsoNormal style=3D"MARGIN: 0in 0in 0pt"><FONT  
size=3D3>&nbsp;</p></FONT></SPAN></FONT></DIV></BODY></HTML>

--Boundary\_(ID\_fFwbhOsgMrb7ZEjQtNMzog)--