

Dear FCC,

As a current rural satellite TV and HDTV consumer, I hope the FCC will grant approval to the proposed merger between Echostar and DirectTV.

As a resident who resides within the 46th largest over-the-air television DMA in the United States, this merger represents the only chance that I will have to receive local channels or national (ABC, CBS, NBC, FOX) network programming via satellite. Without the merger, my only choice will be cable or wireless cable, thus eliminating any possibility of competition from satellite in rural markets.

The Satellite Home Viewer Improvement Act (SHVIA) of 1999, passed by Congress and signed into law by the President, imposed must-carry requirements on the two major competing satellite companies, which now propose to merge. Without must-carry, the two companies could have had the capacity, in conjunction with spot beam satellites now in the process of going into service, to add portions of the top 75 DMAs to their offerings. Now the only way that most of the nation's television markets can be offered via pay satellite services is if this merger is approved.

While it is true that the SHVIA provides a mechanism whereby consumers can request signal measurements in order to qualify for distant locals, in practice local stations have introduced confusion into the process that prevents satellite providers from pursuing this avenue of providing networking programming to consumers. Under the terms of the SHVIA, consumers can also request via their satellite provider a waiver that will allow them to receive national networking programming via distant locals. However, local stations have colluded with the NAB and Decisionmark to blanket deny waivers for distant programming without any actual measurements. Rather than providing better service, local broadcasters choose legal means to block consumers' ability to receive this programming. That means as a consumer my only recourse is to purchase an over the air antenna at great expense and "hope" I can get a snowy picture half the time.

In fact, I installed an over-the-air UHF antenna in 2001 in the hope that I would be able to pick up Oklahoma's only "broadcasting" DTV station, KFOR-DT channel 27 in Oklahoma City. My assumption that KFOR-DT was broadcasting over the air DTV was based upon lists of DTV stations on-the-air at the FCC and at NAB. Only after I had gone to the expense and time of installing the antenna, did I learn that those lists, and statements by the station that it had been broadcasting DTV signals since 1999, were false. Apparently, in an attempt to show that the DTV roll out was progressing, the FCC bought into the false statements and lists provided by the NAB of DTV stations on the air.

The FCC should also take this opportunity to knock down the monopolies that local stations enjoy with their local television viewers. By eliminating the waiver process and allowing distant network access for DTV signals only, consumers could have a fixed time in which they could receive DTV distant networks -- i.e., until their local stations are providing equivalent (pass through HDTV) programming over the air or via cable. This would undoubtedly provide a boost to the DTV roll out, resulting in increased programming and higher equipment sales, and force local stations to utilize the bandwidth they were given for this purpose. As it stands now and without the Echostar-DirectTV merger, it'll be decades before local stations provide DTV signals that reach rural markets such as mine, delaying the government's ability to reclaim analog spectrum owned by the people of the United States.

Thus, the merger between Echostar and DirectTV, provides the best opportunity to make local programming available via satellite to the largest number of markets nationwide due to the combined capacity of the merged services. This merger also could provide a mechanism for the combined provider to offer distant HDTV programming to local viewers -- something cable is unwilling to do and which local rural stations either don't have the capital for or are just reluctant to do without competition.

Regards,