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August 30, 2010

EX PARTE PRESENTATION

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Ex Parte Presentations in GN Docket No. 10-127, Framework for Broadband Internet Service; GN Docket No. 09-191, Preserving the Open Internet; ET Docket No. 10-152, Establishment of a Model for Predicting Digital Broadcast Television Field Strength Received at Individual Locations; ET Docket No. 06-94, Measurement Standards for Digital Television Signals Pursuant to the Satellite Home Viewer Extension and Reauthorization Act of 2004; MB Docket No. 10-148, Implementation of Section 203 of the Satellite Television Extension and Localism Act of 2010 (STELA); and MB Docket No. 10-56, Applications of Comcast Corporation, General Electric Company and NBC Universal, Inc. For Consent to Assign Licenses or Transfer Control of Licensees

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network ("DISH") submits this letter summarizing two separate meetings on Friday, August 27, 2010. In the first meeting, DISH met with Chairman Julius Genachowski, Edward Lazarus, William Lake, Rick Kaplan, Zachary Katz, and Sherrese Smith. In the second meeting, DISH met with Commissioner Michael Copps and Joshua Cinelli. Present on behalf of DISH were Charlie Ergen, Chairman and CEO; Stanton Dodge, Executive Vice President and General Counsel; and Alison Minea, Corporate Counsel.

In both meetings, DISH communicated its longstanding support for Chairman Genachowski's plan in the *Notice of Inquiry* in GN Docket No. 10-127 to resolve legal uncertainty by pursuing the so-called "third way" strategy of classifying broadband Internet access service under Title II of the Communications Act, with forbearance from all but those statutory provisions necessary to carry out the Commission's policy goals. DISH also reiterated its support for promulgation of the proposed open Internet rules, once the Commission resolves its legal authority over broadband. DISH believes that companies need regulatory certainty in order to have the confidence to invest in new technologies and

business ventures, thus creating jobs and promoting innovation. Open Internet rules ensure a level playing field for competition and innovation on the broadband pipe. DISH pledged its support in helping the Commission educate the public about the importance of open Internet rules to job creation and economic recovery.

In both meetings, DISH also discussed its recent filings in two proceedings related to the Satellite Television Extension and Localism Act of 2010 (“STELA”):

- o DISH discussed its call for a further rulemaking to address the problem of “orphan counties” in addition to the Notice of Proposed Rulemaking to implement changes to the significantly viewed (“SV”) station rules. “Orphan counties” are assigned by Nielsen to out-of-state Designated Market Areas (“DMAs”), meaning viewers in those counties are not able to receive via satellite in-state local programming that is most relevant to their interests.
- o DISH discussed the importance of incorporating an indoor “rabbit ears” TV antenna into the predictive model and on-site testing procedures for determining “unserved households” that are eligible to receive distant network signals via satellite. By adopting a realistic standard that reflects the type of antennas that consumers actually use, the Commission will ensure that households unserved by off-air digital TV signals are properly counted. DISH noted that broadcasters receive higher fees for satellite retransmission of local stations compared to the compulsory copyright rates for distant signals, meaning the broadcasters have a financial incentive to resist STELA’s elimination of the outdoor rooftop antenna standard.

Finally, in the meeting with Commissioner Copps, DISH discussed the urgent need for the Commission to consider the impact of the pending Comcast/NBCU transaction on competition and innovation in the pay-TV market. Post-transaction, Comcast/NBCU will have a heightened incentive and ability to harm the online video offerings of MVPD competitors and to stifle the near-future emergence of online video programming distributors that will compete directly with traditional MVPDs. DISH thanked Commissioner Copps for his leadership in recognizing the potential impact of the Comcast/NBCU merger on the future of online video, and noted DISH’s proposed open Internet, broadband, and program access conditions.

Respectfully submitted,

/s/ Alison Minea

cc: Chairman Julius Genachowski
Commissioner Michael Copps
Edward Lazarus
William Lake
Joshua Cinelli

Rick Kaplan
Zachary Katz
Sherrese Smith