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EX PARTE PRESENTATION

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

Re: Ex Parte Presentation in IB Docket No. 12-343, *Applications of Sprint Nextel Corporation, SoftBank Corp., and Starburst II, Inc. for Consent to Assign or Transfer Control of Licenses and Authorizations*

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, 47 C.F.R. § 1.1206, DISH Network Corporation ("DISH") responds to the letters from the Minority Media and Telecommunications Council ("MMTC") to Chairwoman Mignon Clyburn in the above-referenced proceeding.¹

DISH is disappointed that Sprint Nextel Corporation ("Sprint") has chosen to cite various procedural reasons for sidestepping the questions that were posed by MMTC regarding diversity, inclusion, and service to unserved and underserved communities, rather than considering and addressing them directly.²

Although DISH does not yet have a transaction before the Commission, we welcome the opportunity to answer MMTC's questions.

(1) MMTC Question: "How would the transaction expand access to broadband, especially for underserved groups and communities and for rural citizens?"

DISH Response: DISH's proposed merger with Sprint offers a path for expanding broadband to rural and underserved areas of the United States. Today, DISH's dishNET Internet access service brings broadband via satellite to households that previously had no broadband options. A combined DISH/Sprint would significantly expand the reach of our

¹ See Letter from David Honig, President, Minority Media and Telecommunications Council to Chairwoman Mignon Clyburn, FCC, IB Docket No. 12-343 (May 28, 2013) ("MMTC Letter"); see Letter from David Honig, President, Minority Media and Telecommunications Council to Chairwoman Mignon Clyburn, FCC, IB Docket No. 12-343 (June 4, 2013) ("MMTC Response Letter").

² See Letter from Antoinette Cook Bush, Counsel for Sprint Nextel Corporation, to Marlene H. Dortch, Secretary, FCC, IB Docket No. 12-343 (May 30, 2013).

broadband offerings and would be uniquely positioned to build on DISH's track record of innovation in the pay-TV market by offering fixed wireless broadband service to more than 40 million unserved and underserved homes. DISH has already offered concrete plans regarding how it would use the combined DISH/Sprint/Clearwire spectrum assets to create a robust fixed and mobile broadband service that will benefit customers throughout the U.S., including those in unserved and underserved rural areas. Among other things, using DISH's existing service installation infrastructure, a combined DISH-Sprint will be able to utilize the Clearwire 2.5 GHz spectrum in rural areas in a way that SoftBank cannot. In particular, DISH would offer nationwide installation of fixed wireless broadband antennas on top of consumers' homes, thereby delivering cable-quality broadband speeds to unserved and underserved rural areas.

DISH is already taking steps to implement this fixed wireless broadband offering with its recently announced strategic relationship with regional wireless carrier nTelos.³ DISH and nTelos are co-developing and testing a fixed-mobile broadband service within nTelos's coverage territory, which includes Virginia, West Virginia, portions of Maryland, North Carolina, Pennsylvania, Ohio and Kentucky. This partnership will give consumers located in underserved rural communities access to reliable high-speed Internet both at home or on the go.

Combining satellite and mobile assets to provide fixed and mobile video, voice and data to customers across all parts of the nation is a tangible and substantial benefit of a DISH-Sprint merger, and is a unique function of the two companies' complementary assets and skills.

(2) MMTC Question: "It is well established minority populations depend more heavily on wireless connections than the population at large, a reversal of the typical 'digital divide' patterns in personal computer and wireline broadband adoption. How will [DISH]'s plans advance universal broadband access, adoption, and informed use?"

DISH Response: The fixed wireless broadband solution described in response to the previous question will bring affordable, cable-quality broadband access to more than 40 million unserved and underserved households that may have had no broadband options previously. In addition, DISH has thousands of independent retailers in every corner of every state and every community in America, more than 15% of which are minority-owned or controlled, who know their communities well and specialize in marketing products and services to their neighbors. By adding DISH wireless products and services to the satellite products and services already marketed through these channels, DISH will be well positioned to drive wireless broadband adoption and use in a diverse array of communities.

³ See DISH Network Corp. Press Release, *DISH Pursues Co-Development of Fixed-Mobile Broadband Offering*, May 24, 2013, available at <http://dish.client.shareholder.com/releasedetail.cfm?ReleaseID=767213>.

More broadly, DISH believes that a combined DISH/Sprint will be able to challenge the two dominant telecommunications providers for both in-home and mobile broadband services, and to offer better service at lower prices. Greater competition in the broadband market will benefit American consumers who may have been unable to obtain sufficient broadband Internet access before.

(3) MMTC Question: “How would the transaction expand access to those that cannot afford to purchase broadband today? (Reports indicate that 24% of the U.S. population that does not have broadband lacks access because of affordability.)”

DISH Response: DISH aims to do in wireless broadband what it did in pay-TV: take on the big incumbents and beat them with lower prices, better service, and better products. DISH has a long history as an innovator and disrupter, such as taking on the cable TV incumbents in the 1990s by introducing a superior video product at a lower price. DISH is poised to bring those same disruptive, competitive forces to the broadband market.

(4) MMTC Question: “How would the transaction increase multi-modal competition (e.g., allow for more bundling of communication services) relative to incumbent carriers and program distributors?”

DISH Response: Offering consumers the choice of a complete bundle of communications services, in the home and on the go, is one of the strategic advantages of a DISH/Sprint merger. DISH believes that consumers and businesses want greater capacity and speed in broadband service, ubiquitous access to all devices, video capability, and in-home and out-of-home coverage. A combined DISH/Sprint can offer all of those, for one affordable price on a single bill. No other carrier does this today on a nationwide basis, including AT&T and Verizon.

(5) MMTC Question: “How would the transaction enhance access to content and programming diversity, especially through the use of mobile broadband and other converged services, for minority, disabled, and other communities that have been underserved in the communications and media marketplace?”

DISH Response: If DISH is successful in its merger with Sprint, then the wide variety of video content that DISH offers today can be enjoyed more easily and flexibly both in and out of the home, and DISH will be able to leverage personalized video and related content distribution over broadband platforms to reach consumers on their mobile devices such as smart phones and tablet computers. Among other things, DISH’s channel lineup offers a very substantial array of choices that are minority-owned and/or offer content that serves specific minority or ethnic communities (some for-profit and some noncommercial).

- Foreign Language Channels: DISH offers over 270 international channels in 29 languages to serve minority communities in the United States, which is more than

any other pay-TV provider. Our lineup includes channels in the following languages, among others: Arabic, Chinese, French, German, Hindi, Hebrew, Italian, Japanese, Portuguese, Russian, Spanish and Vietnamese.

- Minority Owned/Focused Non-Commercial Channels: DISH carries several noncommercial channels that are minority-owned and/or offer minority-focused programming, including: Alma Vision, Hispanic Information and Telecommunications Network, Impact Network, Enlace, V-ME and KBS World.
- English Language Minority Owned/Focused Commercial Channels: DISH carries many commercial channels that are minority-owned or which offer programming focusing on issues of interest to minority communities, such as: BET, NUVOTV, WAPA America, KBS America, Azteca America, Starz In Black, Galavision and Alma Vision Hispanic Network.

(6) MMTC Question: “What will [a combined DISH/Sprint] do to advance the hiring/promotion of racially diverse persons for senior management?”

DISH Response: DISH today has programs in place to promote hiring for minority candidates to positions with management potential. Among other things, DISH plans to recruit at job fairs held by the National Society of Hispanic MBAs and the National Black MBA Association later this year.

(7) MMTC Question: “How would the transaction offer opportunities for minority- and women-owned business enterprises to participate in the mobile broadband ecosystem, either as content and/or service providers to end-users on the applicants’ network or through procurement opportunities with the applicants’ operations (e.g., in the provision of equipment and services such distribution, construction, and others)?”

DISH Response: DISH’s national business model offers opportunities for minority- and women-owned and small businesses today, and the launch of new, nationwide broadband services will broaden those opportunities. To market its satellite TV service, install equipment and ensure customer satisfaction, DISH relies upon thousands of independent local retailers, local and regional consumer electronics stores, nationwide retailers, and telecommunications companies. Of the 5,000 independent retailers that market and/or install DISH TV service, more than 15 % are minority-owned or minority-controlled businesses.

With a combined DISH/Sprint, an entrepreneurial retailer that before marketed only TV service would now be able to market a package of video, voice and data services for both inside and outside the home, significantly expanding the reach and scope of his or her business.

(8) MMTC Question: “How will the transaction affect [DISH/Sprint] employment in the United States? How would the companies incorporate increased recruitment and training in majority minority communities?”

DISH Response: As noted above, DISH today has programs in place to promote hiring for minority candidates to positions with management potential, and has plans to recruit at job fairs held by the National Society of Hispanic MBAs and the National Black MBA Association. In addition to its existing programs, the combined DISH/Sprint will bring about new forms of broadband services. Those include the fixed wireless broadband services described above, requiring growth in our field installation work force, of which approximately 40 % is comprised of people from diverse backgrounds today. Our strategy to increase broadband competition will also provide our existing field technicians a chance to learn new skills.

(9) MMTC Question: “What is SoftBank’s explanation for the reported requirement of a valid passport for the purchase of an iPhone in Japan, and can SoftBank commit to not imposing overly burdensome identification requirements in the United States?”

DISH Response: DISH agrees that it is important for SoftBank to answer this question, and DISH itself uses flexible subscription protocols to maximize consumer access to its products and services.

(10) MMTC Question: “What other commitments is [DISH] prepared to make to ensure that its proposed transaction delivers affirmative public interest benefits to U.S. consumers, including historically underserved groups and communities?”

DISH Response: In addition to the plans outlined above, DISH welcomes the chance to work with MMTC and similar groups to explore other ideas to expand opportunities for historically underserved groups and communities.

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DISH looks forward to working with MMTC and other public interest groups to explore additional ways to increase broadband access to unserved and underserved areas and communities and expand opportunities for women and minorities in the field of communications.

Respectfully submitted,

/s/ Jeffrey H. Blum

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