

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of:)	
)	
EchoStar Satellite Corporation)	
)	File No. CSR-5554-C
Complainant,)	
)	
v.)	
)	
Landmark Communications, Inc. and)	
NewsChannel 5 Network, L.P.,)	
(WTVF-TV))	
)	
Defendants.)	

MEMORANDUM OPINION AND ORDER

Adopted: September 13, 2000

Released: September 15, 2000

By the Chief, Consumer Protection and Competition Division, Cable Services Bureau:

- On May 30, 2000, EchoStar Satellite Corporation (“EchoStar”) filed a retransmission consent complaint against Landmark Communications, Inc. and NewsChannel 5 Network, L.P. (collectively “Landmark”) alleging that Landmark breached its obligation to negotiate in good faith the terms for EchoStar’s local retransmission of Landmark’s CBS affiliate, WTVF, in Nashville, Tennessee. Landmark filed an answer to EchoStar’s complaint and EchoStar filed a reply.
- On September 5, 2000, EchoStar filed a “Motion to Dismiss with Prejudice” its retransmission consent complaint against Landmark. EchoStar states in its motion that by means of a retransmission consent agreement executed on August 30, 2000, EchoStar and Landmark settled the dispute that was the subject of the complaint. Accordingly, EchoStar, with the consent of Landmark, requests that the Commission dismiss its complaint with prejudice.

3. Accordingly, **IT IS ORDERED** that EchoStar Satellite Corporation's Motion to Dismiss with Prejudice its retransmission consent complaint against Landmark Communications, Inc. and NewsChannel 5 Network, L.P. **IS GRANTED** and EchoStar's retransmission consent complaint **IS DISMISSED WITH PREJUDICE**.

4. This action is taken pursuant to delegated authority under Section 0.321 of the Commission's rules.¹

FEDERAL COMMUNICATIONS COMMISSION

Deborah E. Klein
Chief, Consumer Protection and Competition Division
Cable Services Bureau

¹ 47 C.F.R. § 0.321.