

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

In the Matter of:)	
)	
EchoStar Satellite L.L.C.)	
)	
v.)	CSR-6913-P
)	
iN DEMAND L.L.C.)	

ORDER

Adopted: September 8, 2006

Released: September 11, 2006

By the Deputy Chief, Policy Division, Media Bureau:

1. On July 5, 2005, a program access complaint was filed on behalf of EchoStar Satellite L.L.C. (“EchoStar”) against iN DEMAND L.L.C. (“ID”) pursuant to Section 628(d) of the Communications Act of 1934, as amended,¹ and Section 76.1003(a) of the Commission’s rules.² EchoStar alleged that ID’s fee structure for the sale of INHD programming violated Section 628(c)(2)(B) of the Act and Section 76.1002(b) of the Commission’s rules because it discriminated in its price, terms and conditions.³ EchoStar also alleged that ID’s fee structure constituted an unfair practice in violation of Section 628(b) of the Act and Section 76.1001 of the rules.⁴ EchoStar further alleged that ID’s conduct amounted to a *de facto* exclusive reservation of the INHD programming to cable systems and violated the Commission’s prohibition on exclusive cable contracts.⁵ On September 6, 2006, pursuant to Section 76.7(a)(4)(iii) of the Commission’s rules, EchoStar withdrew its program access complaint against ID and asked the Commission to dismiss the complaint without prejudice.⁶

¹ 47 U.S.C. § 548(d).

² 47 C.F.R. § 76.1003(a).

³ 47 U.S.C. § 548(c)(2)(B); 47 C.F.R. § 76.1002(b).

⁴ 47 U.S.C. § 548(b); 47 C.F.R. § 76.1001.

⁵ See 47 U.S.C. § 548(c)(2)(C)& (D); 47 C.F.R. § 1002(c)(1)& (2)

⁶ 47 C.F.R. § 76.7(a)(4)(iii).

2. Accordingly, EchoStar's request is **GRANTED** and its program access complaint against iN DEMAND **IS DISMISSED WITHOUT PREDUDICE**.

3. This action is taken pursuant to authority delegated by Section 0.283 of the Commission's rules.⁷

FEDERAL COMMUNICATIONS COMMISSION

Steven A. Broeckaert
Deputy Chief, Policy Division
Media Bureau

⁷ 47 C.F.R. § 0.283.