



NEWS

Federal Communications Commission
445 12th Street, S.W.
Washington, D. C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

This is an unofficial announcement of Commission action. Release of the full text of a Commission order constitutes official action.
See MCI v. FCC, 515 F 2d 385 (D.C. Circ 1974).

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News Media contact:
Emily Willeford at (202) 418-2100

Joint Press Release by Commissioners Kevin J. Martin and Michael J. Copps

Washington, DC -- In a statement released today, FCC Commissioners Kevin J. Martin and Michael J. Copps announced that the Media Bureau's recent decision rejecting the Echostar 2-Dish plan for meeting local-into-local broadcast carriage requirements fails to adequately protect consumers from potential discriminatory conduct by Echostar.

Commissioner Martin said that "the Bureau's decision essentially gives Echostar an easy loophole to continue its two-dish policy and makes it needlessly burdensome for consumers to get all of their available local broadcast channels." Under the guidance contained in the Bureau's decision, by merely providing consumers with notice that they will not receive local channels without a second dish, Echostar can easily continue its two-dish policy and make some local broadcast channels inaccessible to consumers as a practical matter.

"In our view, the Bureau's decision is inconsistent with the statute, the Commission's implementing rule, and even the Bureau Order's own findings that such steps impose a discriminatory cost on certain local broadcast channels," Commissioner Martin and Commissioner Copps said. The Commissioners also questioned whether the Bureau had the authority to make this decision. "We believe that the Bureau--on its own--cannot propose an escape hatch that would essentially permit conduct that violates our Congressional directive, violates FCC rules, and is inconsistent with the language adopted in a Commission decision." Commissioner Martin and Commissioner Copps said.

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