

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)
)
EchoStar Satellite Corporation)
)
Application for Authority to Make)
Minor Modifications to Direct)
Broadcast Satellite Authorization)
)
Application for Special Temporary)
Authority to Operate a Direct)
Broadcast Satellite Over the Even-)
Numbered Channels at the 148°)
Orbital Location)

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File No. SAT-MOD-20011025-
00090

File No. SAT-STA-20011025-
00091

THE STATE OF ALASKA'S RESPONSE TO COMMENTS

The State of Alaska submits this brief response to support the position set forth by the State of Hawaii in its comments on the above-referenced applications.¹

Alaska agrees that the Commission should release an order addressing the importance and meaning of its DBS geographic service rules. DBS providers have, in the State's view, not been providing service to Alaska and Hawaii that is comparable to the service offered in the Continental United States. Comparability involves various dimensions, including technical-related measures as well as programming and pricing related measures. The DBS geographic service rules, in

¹ This response is timely as it is filed within 10 days of the filing of the comments. See 47 C.F.R. § 25.154(c).

the State's view, reflect the policy judgment that all Americans should have comparable (though not necessarily identical) access to information services provided by DBS licensees. As the Commission and Congress have recognized in another context (adopting rate integration requirements for long distance carriers), different service offerings and different rates of service for Alaska and Hawaii raise serious questions of discrimination.² Indeed, it is the emergence of satellite services that led the Commission to adopt its rate integration policy.

Over the past few years, the Commission has stated that general policy issues related to its geographic service rules should be resolved in the context of the pending Part 100 rulemaking proceeding and not in the context of specific applications.³ Alaska, therefore, supports the position of Hawaii that the Commission should resolve comparability issues in the rulemaking proceeding as soon as possible.

² See 47 U.S.C. § 254(g); *MTS and WATS Market Structure*, 81 F.C.C.2d 177, 192 (1980).

³ See, e.g., *In re EchoStar Satellite Corp., Application for Authority to Make Minor Modifications to Direct Broadcast Satellite Authorizations, Launch and Operation Authority, Request for Waiver of Section 100.2 of the Commission's Rules*, DA-00-2382 at ¶ 12 (Chief, Sat. and Radio Comm. Div., Nov. 27, 2000) ("this rulemaking is a more appropriate vehicle to resolve these matters than this application proceeding").

Respectfully submitted,

THE STATE OF ALASKA

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Date: December 27, 2001

CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of December 2001, a copy of the foregoing Response to Comments of the State of Alaska in File Nos. SAT-MOD-20011025-00090 and SAT-MOD-20011025-00091 was served by hand and/or first-class mail on the following:

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