

STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

Pantelis Michalopoulos
202.429.6494
pmichalo@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795

Telephone 202.429.3000
Facsimile 202.429.3902
www.steptoe.com

December 26, 2002

VIA HAND DELIVERY

Marlene H. Dortch
Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

RECEIVED

DEC 26 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Received

JAN 6 2003

Re: **EchoStar Communications Corporation**
SAT-PDR-19981202-00094

Satellite Policy Branch
International Division

Dear Ms. Dortch:

On behalf of EchoStar Communications Corporation (“EchoStar”), I am writing to withdraw the above-captioned Petition for Declaratory Ruling (“Petition”), filed December 2, 1998, to the extent that the Petition is still pending, requesting authority to exceed the indirect foreign ownership benchmark up to non-controlling levels with respect to a license held by EchoStar’s wholly-owned subsidiary, EchoStar Satellite Corporation, for a Ka-band satellite system in the Fixed-Satellite Service (“FSS”). EchoStar has already declared to the Commission that it does not intend to provide any common-carrier services from its Ka-band system. Indeed, the Commission long ago approved the transaction that had triggered the filing of the Petition, and in that decision waived all foreign ownership limits that needed to be waived.¹ In any event, EchoStar believes that the level of indirect foreign ownership in EchoStar Satellite Corporation would be well below the 25% benchmark even if that benchmark applied. Even standing alone, each of these reasons renders this Petition moot. Accordingly, there is no need to burden Commission resources with further processing of the Petition.

¹ See *MCI Telecommunications Corp., Assignor, and EchoStar 110 Corp., Assignee, For Consent to Assignment of Authorization to Construct, Launch and Operate a Direct Broadcast Satellite System Using 28 Frequency Channels at the 110° W.L. Orbital Location, Order and Authorization*, 16 FCC Rcd. 21608, 21629-30 (1999). *MCI Telecommunications Corporation; For Authority to Construct, Launch and Operate a Direct Broadcasting Satellite System at 110° W.L.*, Memorandum Opinion and Order, 14 FCC Rcd. 11077, 11087 (1999).

Ms. Marlene H. Dortch
December 26, 2002
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Please call the undersigned if you have any questions about this letter.

Sincerely,

Handwritten signature of Pantelis Michalopoulos in cursive script, with a circled initial 'PM' at the end.

Pantelis Michalopoulos
Counsel for EchoStar Communications Corporation

cc: Jennifer Gilsonan
Selina Khan