



OFFICE OF  
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON

March 18, 2002

The Honorable Chris Cannon  
U.S. House of Representatives  
118 Cannon House Office Building  
Washington, D.C. 20515

Dear Congressman Cannon:

Thank you for your recent letter concerning the request by Digital Broadband Applications Corp. ("DBAC") to utilize an advanced hybrid satellite network to provide high-speed two-way digital data and video services to consumers in the United States. Specifically, DBAC seeks to operate earth stations with Canadian-licensed Direct Broadcast Satellite and U.S.-licensed Fixed-Satellite Service satellites (as well as using terrestrial Local Multipoint Distribution Service spectrum, where available) to deliver its proposed service. Your letter was placed in the public record for consideration as part of this proceeding.

DBAC's application seeking authority to operate its proposed service was placed on public notice and a comment cycle was established that closed on March 14, 2002. At least one petition to deny DBAC's application has been filed.

I respect the serious nature of the issues raised in your letter and appreciate the opportunity to assure you of my commitment to facilitate sustainable, nationwide competition in the multichannel video programming and broadband service marketplace for the benefit of U.S. consumers. The Commission staff is conducting a thorough review of the application, taking into account the record in this proceeding. I assure you that in its review, we will consider carefully the points that you raise in your letter.

Thank you for your interest and participation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Powell", written over a horizontal line.

Michael K. Powell  
Chairman

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3RD DISTRICT, UTAH

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Congress of the United States  
House of Representatives  
Washington, DC 20515

January 28, 2002

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ENVIRONMENT, TECHNOLOGY, AND STANDARDS

The Honorable Michael Powell  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, N.W.  
Washington, D.C. 20554

Re: **Digital Broadband Applications Corporation's ("DBAC") January 8, 2002 Application**

Dear Chairman Powell:

As you may know, I have been closely following the proposed acquisition by **EchoStar** of Hughes and its **DirectTV** subsidiary. The House Judiciary Committee has taken an active interest in **preserving** competition in the multichannel video programming and broadband markets. I have written to you previously on this **matter** together with other Members to express concerns about of the proposed merger.

I am now writing on a related topic to urge the Federal Communications Commission to give serious consideration to Digital Broadband Applications Corporation's ("DBAC") January 8, 2002 application for authority to operate earth stations with Fixed Satellite Service ("FSS") and Direct Broadcast Service ("DBS") satellites to provide a combined satellite video and high-speed data service throughout the United States.

DBAC's use of FSS and DBS **satellites** -- as well as terrestrial Local Multipoint Distribution Service ("LMDS") spectrum where available -- will provide an important alternative for all Americans for broadband video and data services, such as multichannel programming and two-way high-speed Internet access. **For** many people in **rural** America, satellite-delivered video and data service is the only option, since cable television and digital subscriber line ("DSL") service is either unavailable or prohibitively expensive. The DBAC application takes on added urgency if the Commission is even considering the proposed merger of the only two major DBS market participants, a merger that would prohibit new entrants and greatly reduce the quality of customer service for many Americans.

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This Congress has sought sustainable, nationwide competition in the multichannel video programming and broadband service markets to spur lower prices, and improve service **quality** and innovation. It is critical that the FCC **fulfill** these important Congressional objectives. Granting approval **to DBAC's** application would be a helpful step toward preserving and enhancing competition for these services.

Thank you for your attention to this issue. I look forward to your response and favorable action **from** the Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Chris Cannon", with a long horizontal flourish extending to the right.

Chris Cannon  
Member of Congress