

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

FCC 03M-01

In the Matter of Application of	)	
	)	
<b>EchoStar Communications Corporation,</b>	)	<b>CS Docket No. 01-348</b>
(a Nevada Corporation), <b>General Motors</b>	)	
<b>Corporation, and Hughes Electronics</b>	)	
<b>Corporation</b> (Delaware Corporations)	)	
	)	
(Transferors)	)	
	)	
and	)	
	)	
<b>EchoStar Communications Corporation</b>	)	
(a Delaware Corporation)	)	
	)	
(Transferee)	)	

**ORDER**

**Issued:** January 10, 2003

**Released:** January 13, 2003

The Commission ordered a hearing before an Administrative Law Judge to examine a Transfer of Control Application and a Satellite Application (collectively the “Applications”) requested by EchoStar Communications Corporation, General Motors Corporation, and Hughes Electronics Corporation (collectively the “Applicants”). *See In re Application of EchoStar Corporation (a Nevada Corporation), General Motors Corporation, and Hughes Electronics Corporation (Delaware Corporations) (Transferors) and EchoStar Communications Corporation (a Delaware Corporation) (Transferee), Hearing Designation Order (“HDO”),* CS Docket No. 01-348, FCC 02-284, released October 18, 2002.

An Amendment to Consolidated Application for Authority to Transfer Control (“Application Amendment”) was filed with the Commission on November 27, 2002, as authorized by the HDO at Para. 295 (parties may file amended application to ameliorate competition concerns). The Application Amendment was before the Commission for consideration, as provided in the HDO. Id.<sup>1</sup>

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<sup>1</sup> In the interim, a Prehearing Conference was set by the Chief Administrative Law Judge for December 19, 2002, to, inter alia, set a hearing date. See Order, FCC 02M-109, released December 9, 2002.

By letter to the Commission dated December 10, 2002, the Applicants requested withdrawal and dismissal of their Transfer of Control and Satellite Applications and Application Amendment. In that same letter, the Applicants also requested termination of this hearing and any further proceedings addressing these applications.<sup>2</sup>

The Commission has granted the request and has ordered that the Application Amendment filed by the Applicants on November 27, 2002, be dismissed without prejudice. *ORDER* FCC 03-4, released January 10, 2003.<sup>3</sup> In addition, the Commission ordered that the Chief Administrative Law Judge terminate this hearing for examining whether granting the contemplated Transfer of Control and Satellite Applications would be in the public interest, and further ordered the termination of this proceeding and other proceedings addressing the Applications. Id.

### **Rulings**

Accordingly, IT IS ORDERED that the hearing ordered to be held for examining the captioned Transfer of Control and Satellite Applications and any other proceedings addressing the Applications IS TERMINATED.

IT IS FURTHER ORDERED that this proceeding (CS Docket No. 01-348) IS ALSO TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

Richard L. Sippel  
Chief Administrative Law Judge

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<sup>2</sup> As a result, the scheduled Prehearing Conference was cancelled by the Chief Administrative Law Judge. See Order FCC 02M-112, released December 12, 2002.

<sup>3</sup> Any application may be dismissed without prejudice as a matter of right if the applicant requests its dismissal prior to final Commission action. 47 C.F.R. §35.152(a). The Commission has yet to take its final action in this matter. See Order FCC 03-4, supra at Para. 6.