

**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF SOUTH DAKOTA**

IN THE MATTER OF EHOSTAR SATELLITE) LLC OWNING THE TRADEMARK DISH) NETWORK'S FAILURE TO REGISTER AS A) TELEMARKETER AND THE SOLICITATION IT) MADE TO THOSE REGISTERED ON THE DO) NOT CALL LIST)	ORDER SETTING PROCEDURAL SCHEDULE TC06-191
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On November 15, 2007, the Commission Staff (Staff) filed a Motion for Order to Show Cause (Motion) against Dish Network alleging that Dish Network had failed to register as a telemarketer in South Dakota and had engaged in telephone solicitations in violation of the state's Do Not Call statutes and rules, SDCL 49-31-99 through 49-31-108 and ARSD Chapter 20:10:35. On November 28, 2006, the Commission first heard Staff's Motion. The Commission deferred action, due to uncertainty regarding the correct Dish Network corporate name. The Commission again heard Staff's request for an Order to Show Cause on December 6, 2006. Dish Network's correct corporate name was determined and an Order to Show Cause was granted unanimously by the Commission. An Order for and Notice of Show Cause Hearing was issued on January 9, 2007. An Amended Order for and Notice of Show Cause Hearing was issued on March 1, 2007.

The parties have agreed to the following procedural schedule and to this Order's serving as formal notice of hearing for the motion to dismiss and motion for summary disposition referenced in the schedule:

April 13, 2007	Staff's follow-up discovery request served
April 13, 2007	EchoStar's first round served
May 14, 2007	Discovery completed
May 17, 2007	EchoStar's motion to dismiss filed
May 21, 2007	Staff's response filed
May 22, 2007	Hearing on motion to dismiss (9:30 a.m. CDT)
June 15, 2007	EchoStar's motion for summary disposition filed
June 21, 2007	Staff's response filed
June 25, 2007	EchoStar's reply, if any
June 26, 2007	Hearing on motion for summary judgment (8:30 a.m. CDT)
July 10, 2007	Hearing on other pre-hearing motions

The Commission has jurisdiction to issue this preliminary order and hear and consider the pre-hearing motions referenced herein pursuant to SDCL Chapter 1-26, specifically, 1-26-18, SDCL 15-6-12(b) and 15-6-56, SDCL Chapter 49-31, specifically 49-31-7.1, 49-31-99 through 49-31-108, and ARSD Chapters 20:10:01 and 20:10:35. It is therefore

ORDERED, that the parties shall follow the procedural schedule as set forth above; and it is further

ORDERED, that this Order shall serve as formal notice of hearing on EchoStar's Motion to Dismiss and Motion for Summary Disposition referenced in the above procedural schedule.

Dated at Pierre, South Dakota, this 5th day of April, 2007.

CERTIFICATE OF SERVICE
The undersigned hereby certifies that this document has been served today upon all parties of record in this docket, as listed on the docket service list, by facsimile or by first class mail, in properly addressed envelopes, with charges prepaid thereon.
By: <u>Alain Kolbo</u>
Date: <u>4/5/07</u>
(OFFICIAL SEAL)

BY ORDER OF THE COMMISSION:

Dustin M. Johnson
DUSTIN M. JOHNSON, Chairman *dk*

Gary Hanson
GARY HANSON, Commissioner

Steve Kolbeck
STEVE KOLBECK, Commissioner