

ECHOSTAR SATELLITE LLC

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FAX COVER SHEET

DATE: December 4, 2006

TO: Deb Gregg, Consumer Affairs Manager
Kara Van Bockern, Esq.

COMPANY: South Dakota Public Utilities Commission

FAX#: 605-773-3809

FROM: Denise L. Hargan

RE: TC06-191

NUMBER OF PAGES (including cover sheet): 9

MESSAGE: Please let me know if you have any questions. Please also fax any further communication to me at: 720-723-3928. Thanks very much. Denise

Confidentiality Notice:

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Dana E. Steele, Esq.
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Direct Fax: 303-723-2571
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December 4, 2006

VIA ELECTRONIC MAIL AND FACSIMILE AT: Deb.Gregg@state.sd.us and 605-773-3809

Deb Gregg, Consumer Affairs Manager
Kara Van Bockern, Staff Attorney
South Dakota Public Utilities Commission
500 East Capital Avenue
Pierre, SD 57501

Re: Motion for Order to Show Cause; TC06-191

Dear Ms. Gregg and Ms. Van Bockern:

Please consider this letter EchoStar Satellite L.L.C.'s ("EchoStar") response to the consumer complaints received in the EchoStar legal department by facsimile on November 27, 2006.

Based upon our investigation into the above referenced calls EchoStar has determined that it did not contact the consumers as indicated in the complaints. In a further attempt to respect the consumers Do Not Call requests, the above referenced telephone numbers have been placed on EchoStar's internal "Do Not Call" list.

I also note that EchoStar has taken the steps necessary to complete registration in South Dakota as a telemarketer.

As I indicated to the Commission at the November 28, 2006 hearing, it is our belief that it is likely that the consumers at the above referenced telephone numbers were contacted by a competitor or an EchoStar independent retailer(s) who may have improperly identified themselves as Dish Network, a registered trademark for the products and services of EchoStar Satellite L.L.C. Please note that EchoStar independent retailers are considered independent contractors and are authorized on a non-exclusive basis to market, promote and solicit orders for Dish Network products and services in accordance with and subject to the terms and conditions of an EchoStar Retailer Agreement. Independent retailers are required to prominently state their business name, address and phone number in all communications with the public. Further, independent retailers are prohibited from holding themselves out to the public or to indicate to the public that they represent EchoStar or Dish Network as an agent, employee, subcontractor or

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Letter to South Dakota Public Utilities Commission
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Affiliate of EchoStar or any EchoStar Affiliate. In no event is any independent retailer to use EchoStar's name or that of Dish Network in any manner that would imply that the independent retailer is an Affiliate of EchoStar or that the independent retailer is an agent, subcontractor or employee of EchoStar or one of its Affiliates or that the independent retailer is acting or is authorized to act on behalf of EchoStar or Dish Network.

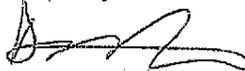
EchoStar takes violations of all Do Not Call laws very seriously. Further, EchoStar takes great efforts to ensure its own compliance with all Do Not Call laws. By no means does EchoStar condone any violation of these Do No Call laws by any entity, including such calls that may have been made by EchoStar independent retailers. Further, EchoStar expends significant resources in pursuit of perpetrators of improper solicitations who hide behind EchoStar's "Dish Network" trade name. Whenever we are able to identify the offending independent retailer, we take action to prevent their conduct. Identifying the retailer is, however, sometimes very difficult. Nonetheless, we welcome any opportunity to assist you and your consumers in identifying the correct entity responsible for the alleged telemarketing violations based on calls from entities improperly identifying themselves as "Dish Network".

If possible, please provide us with a phone number or other identifying information regarding the calls referenced in your Notice and we will make every effort to try and track down the caller. Please contact me directly to coordinate the receipt of such information. Of course, as you are no doubt aware, these third party companies typically use phone lines which do not identify the caller, or they use one way telephone numbers which cannot be called back. Consequently, it is very difficult for EchoStar to track down and take action against the offending companies. Nonetheless, EchoStar will do everything in its power to work with you and your consumers to bring this telemarketing activity to a stop and to discover the identity of the retailers.

I have also enclosed a copy of the EchoStar Satellite L.L.C. Do Not Call Policy for your information and records.

Thank you very much for your time and consideration in this matter. Please do not hesitate to contact me at (303) 723-1621 to discuss this matter further or if you require any further assistance.

Sincerely,



Dana E. Steele
Director and Senior Corporate Counsel

Enclosures

EchoStar Satellite LLC
Complaint Log (as of November 29, 2006)

SD PUC - Formal Complaints:

Complaint Date	Consumer Name	Home Phone	Nature of the Complaint	Call Information	Did E* place call	E* Internal DNC List
10/11/06	Terwilliger, James B.	605-224-0862	Requested to be placed on DNC list; caller cont. to phone; 4-5 calls per day	None provided *Complainant indicates he's sent caller info to the SD AG but this info not provided in the complaint	No	Yes
10/11/06	Shuff, F. Ross	605-665-5218	On Federal DNC registry; asked not to be called	None provided	No	Yes
10/13/06	Flottmeyer, Merle	605-882-7081	Called 20x's from 11/05 to filing; asked not to be called anymore	"Jerry" from Dish TV	02/19/04; 03/17/04; 03/27/04.	Yes
10/13/06	Bozanich, Theodore	605-343-6527	On Federal DNC registry; asked not to be called	Satellite Services in Orange County, CA; said they were "under contract" with Dish Network	No	Yes
10/18/06	Anderson, Charles Jr.	605-258-2301	Requested to be placed on DNC list; caller cont. to phone	"Computer" calls (pre-recorded calls); caller was rude	No	Yes

Complaint Date	Consumer Name	Home Phone	Nature of the Complaint	Call Information	Did E* place call	E* Internal DNC List
10/23/06	Ryden, Carole (complaint lodged on behalf of Tanner Ensenbach)	605-332-1398 (Ensenbach)	Requested to be placed on DNC list; caller cont. to phone	Caller id number is 800-232-3232.	No	Yes
10/26/06	Lutter, Pam	605-482-8151	Requested to be placed on DNC list; caller cont. to phone; Responded to PUC - 11/03/06.	Caller id number is 800-232-3232.	No	Yes

SD - Informal Complaints

Complaint Date	Consumer Name	Home Phone	Nature of the Complaint	Call Information	Did E* place call	E* Internal DNC List
05/08/06	Grove, Iver	605-335-2241	On Federal DNC registry; asked not to be called	Caller number: 800-232-3232		
05/19/06	Fowler, Linda	605-338-3043	Asked not to be called; not on Federal DNC registry	Caller number: 704-430-4432; pre-recorded calls	01/30/03; 02/04/03; 03/27/03.	Yes
06/12/06	Flaig, Kurt and Jean	605-432-6403	On the federal DNC registry; every time they ask to speak to a supervisor the caller hangs up	Calls are "automated" (prerecorded)	No	Yes

Complaint Date	Consumer Name	Home Phone	Nature of the Complaint	Call Information	Did E* place call	E* Internal DNC List
06/19/06	Christensen, Robert T.	605-895-2624	Got a call about winning a prize (may have been an opt-in by the consumer); indicated that consumer was on federal DNC registry and asked for the calls to stop	None provided	No	Yes

ECHOSTAR SATELLITE, L.L.C.

"DO-NOT-CALL" POLICY

**IN COMPLIANCE WITH THE
THE TELEMARKETING SALES RULE OF 2003**

AND

**TELEPHONE CONSUMER PROTECTION ACT OF 1991
(T.C.P.A.)**

AND

**THE TELEMARKETING AND CONSUMER FRAUD
AND ABUSE PREVENTION ACT OF 1994**

AND

ACCOMPANYING REGULATIONS

(Revised February 24, 2004)

ECHOSTAR DO-NOT-CALL POLICY

I. INTRODUCTION

EchoStar has implemented this Do-Not-Call Policy in order to protect the privacy rights of consumers and to promote compliance with applicable laws and regulations. EchoStar intends to honor the request of any person who opts not to receive telephone solicitations.

II. DO-NOT-CALL POLICY

EchoStar maintains a list of phone numbers of persons who have indicated that they do not wish to receive solicitation calls. The phone number of any person who informs EchoStar that he or she does not wish to receive solicitation calls is placed on EchoStar's Do-Not-Call list. A request may be communicated by means of: 1) advising an EchoStar Customer Service Representative by phone; or 2) advising EchoStar in writing. Oral requests should be made by calling EchoStar's Customer Service Center at 1-800-333-DISH or by stating the wish to be placed on EchoStar's Do-Not-Call list while on a phone call initiated by EchoStar. Written requests should be sent to: EchoStar Satellite, L.L.C., Attention: Do Not Call, P.O. Box 9008, Littleton, Colorado 80120. All EchoStar employees who conduct outbound solicitation calls will be instructed on company policy and provided with guidance on how to add numbers to EchoStar's Do-Not-Call list.

A. GOVERNMENT CONTROLLED DO-NOT-CALL LISTS

It is EchoStar's policy to obtain state and federal Do-Not-Call list(s), and fully comply with legislation regarding the calling of phone numbers on these lists. EchoStar's Do-Not-Call list will be updated within 30 days of receipt of the state Do Not Call list, or such shorter time if required by state law.

B. COMMUNICATION

WHAT TO SAY WHEN A PARTY REQUESTS TO BE ADDED TO OUR DO-NOT-CALL LIST:

"Mr.(s) _____, please excuse this call, I will have your phone number removed from our calling list immediately."

WHAT TO SAY IF A PERSON REQUESTS A COPY OF OUR "DO-NOT-CALL" POLICY:

"Mr.(s) _____, we will be happy to send a copy of our Do-Not-Call policy to you. Please let me confirm your address and we will mail you a copy. Thank you for your interest."

C. UPDATING THE DO-NOT-CALL LIST

If a non-customer or existing Dish Network subscriber calls in to request exclusion from solicitations, the inbound Customer Service Representative will submit the request to EchoStar's Do-Not-Call database via an internal web page. If an outbound Customer Service Representative receives a Do-Not-Call request from a non-customer or existing DISH Network customer, the Customer Service Representative will mark the account as "Do Not Call" in the dialer. Data is downloaded from each dialer and updates EchoStar's Do-Not-Call database each morning. Account in EchoStar's Do-Not-Call database, whether marked manually by an inbound Customer Service Representative or by download, are excluded from any future telemarketing solicitation.

III. OTHER CALLING REQUIREMENTS

In addition to any specific training, instruction or other requirements, all EchoStar employees placing outbound solicitation calls must comply with the following:

- 1) Calls may only be placed between the hours of 8:00 a.m. and 9:00 p.m., local time of the called party or as specific state law regulates.
- 2) Use of an artificial or prerecorded voice to deliver a message to any residential phone line is prohibited. Thus said, we do deliver automated messages to only our existing subscribers for the purpose of customer service reminders such as when a credit card expires and for solicitation for Pay-Per-View events.
- 3) When making a call, provide the potential customer with your name and that you are calling on behalf of "DISH Network."
- 4) Advertisements may not be transmitted by any device to a telephone facsimile machine unless the person receiving the facsimile has given prior express invitation or permission to receive it.