

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

IN THE MATTER OF ECHOSTAR SATELLITE)	BRIEF IN SUPPORT OF
LLC OWNING THE TRADEMARK DISH)	MOTION FOR
NETWORK'S FAILURE TO REGISTER AS A)	CONTINUANCE OF
TELEMARKETER AND THE SOLICITATION IT)	DISCOVERY AND TO ADD
MADE TO THOSE REGISTERED ON THE DO)	ADDITIONAL PARTIES
NOT CALL LIST)	TC06-191

COMES NOW Commission Staff (herein 'Staff'), by and through its attorney, Kara Van Bockern, in support of its Motion wherein it requested the Public Utilities Commission continue the Procedural Order as it relates to Discovery and further to add additional parties to the docket. The DISH or Dish Network product (herein 'Dish Network'), reaches consumers only as a result of a complex corporate structure. Staff only recently became aware of such structure, and now requests a scheduling modification and additional entity names added to the docket as a result thereof.

ARGUMENT

The Commission is aware of the procedural history of this docket. Staff believes, however, it is helpful to review docket activity to obtain an accurate picture regarding the necessity of Staff's requests. The Commissioners Ordered a Show Cause Hearing on January 9, 2007. A hearing was scheduled for April 3, 2007. Thereafter, Staff awaited EchoStar Satellite LLC's (herein 'EchoStar') appointment of local counsel to proceed with discovery. EchoStar did not appoint local counsel until March 13, 2007. Staff proceeded with Discovery, however, and served the same on EchoStar on January 25, 2007 even though EchoStar had not yet appointed local counsel. Discovery responses were received from EchoStar on March 16, 2007. Due to the extent of discovery material and the newly appointed local counsel, it was apparent the original hearing date was impracticable and rescheduled for August 1, 2007. A scheduling order was issued thereafter and is attached hereto as Exhibit A.

Throughout the course of discovery, a corporate organization chart was requested by Staff. See Exhibit B. Although Staff has limited information regarding the corporate structure under which

the Dish Network product is created, marketed, sold and billed, it is clearly complex. Additional discovery is necessary to understand the relationship among all entities. It appears, however, from both the diagram (Exhibit B) and other discovery responses, EchoStar is one of ten companies that possibly markets, creates or provides Dish Network in some way. EchoStar is solely responsible for the digital direct broadcast of Dish Network services. Such broadcast services are only a portion, however, of the product purchased by a consumer. Specifically, it is one of five companies solely owned and managed by EchoStar DRS Corporation. All five companies, as Staff understands it, contribute to the consumer's Dish Network experience. Others included in the five separate entities owned by EchoStar DBS Corporation, for example, provide installation for the hardware, another performs repairs and yet another manages Dish Network's retailer requirements. The information received by Staff, therefore, in the course of discovery only pertains to EchoStar and only includes information related to digital direct broadcast services and the contracts that result therefrom.

Therefore, Staff does not believe it received complete information regarding the Dish Network product and its sales process as a whole. It is necessary for this Commission to obtain information regarding all entities that fall under EchoStar Communications Corporation to obtain a complete picture regarding the nature of the Dish Network business. Only through such an understanding is it possible to determine whether EchoStar or one of the other companies listed within its corporate structure is ultimately responsible for the illegal calls made by telemarketers to sell the Dish Network product in South Dakota.

CONCLUSION

Staff submitted a first and a second set of discovery questions as they relate to EchoStar. It met all timelines with regard to EchoStar. EchoStar is, however, only one of ten (10) companies in the corporate diagram that contributes to the consumer's Dish Network experience in some way. Staff respectfully requests the Commission first add all corporate entity names to this docket. As a result, Staff will obtain information regarding other entities with a corporate relationship to EchoStar.

In addition, Staff respectfully requests additional time to conduct Discovery as it relates to all entities included in the EchoStar corporate diagram.

Dated at Pierre, South Dakota, this 13th day of April, 2007.



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CERTIFICATE OF SERVICE

I hereby certify that copies of the Brief in Support of Motion for Continuance of Discovery and to Add Additional Parties were served on the following electronically on the 13th day of April, 2007.

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