

# DISH Responds to Accounts of Proposed FCC Order on Wireless

*Calls draft "significantly flawed"; could add years of delay to network build out  
FCC plan would take a quarter of DISH uplink spectrum to favor incumbent Sprint; no net spectrum gain, hurts competition and jobs  
Urges FCC to adopt power and emissions levels as it originally proposed  
With appropriate rules, DISH ready to invest billions, trigger tens of thousands of jobs*

ENGLEWOOD, Colo.--DISH is responding to news today that the Federal Communications Commission ("FCC" or "Commission") has circulated a proposed order related to rules that would, once approved by the full Commission, govern 40 MHz of broadband-ready AWS-4 wireless spectrum controlled by DISH Network Corporation (NASDAQ: DISH).

"While the FCC's proposed order, based on reported accounts, does properly address some of the opportunities with this spectrum, it's significantly flawed by introducing serious limitations that impair its utility," said R. Stanton Dodge, DISH executive vice president and general counsel. "While the FCC would grant full terrestrial rights, its proposal to lower our power and emissions levels could cripple our ability to enter the business.

"The good news is that this proposed order is not final and we urge Chairman Genachowski and the Commissioners to recognize that the DISH plan delivers on the greatest public interest – the most investment, the most jobs and the most spectrum," said Dodge. "We stand ready to work with the full Commission on final rules that put the full AWS-4 spectrum to work for America and that advance the future potential of the H Block."

DISH has declared its intent to launch a wireless business assuming the FCC delivers rules making it economically and technically feasible to do so. The company expects to invest billions and trigger tens of thousands of jobs to create a wireless broadband network that would power a variety of mobile and fixed devices, including smartphones, tablets and computers.

## NO NET SPECTRUM GAIN FOR CONSUMERS

In the draft order, the FCC appears to back a proposal, advanced solely by Sprint, calling on DISH to disable 25 percent of its uplink spectrum and impair another 25 percent of that spectrum to accommodate possible future use of neighboring H Block spectrum by Sprint.

The FCC does not currently license H Block spectrum, and that spectrum is unused today. Sprint, which controls more than 200 MHz of wireless spectrum, has expressed interest in acquiring rights to the 5 MHz H Block.

"Sprint's position on the H Block would render useless 25 percent of DISH's uplink spectrum – so that Sprint is positioned to merely gain the exact same amount of spectrum," said Dodge. "This is a zero-sum approach that does not result in a net spectrum gain for the American consumer when the wireless economy needs access to all available spectrum. Nor does this approach add jobs."

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## POSSIBLE DELAYS IN INVESTMENT, JOBS, BUILD OUT

The Sprint plan embodied in the proposed order would likely force a reopening of the standards-setting process led by the Third Generation Partnership Project. Without 3GPP approval, wireless companies do not have the required technical blueprints needed to design and build everything from cellphone chipsets to broadband networks.

"If the FCC adopts this draft, the 3GPP specification will likely be reopened and an FCC rulemaking will be needed for the H Block," said Dodge. "Until we know how to manage issues like interference from the H Block, we may have to put on hold activities like radio design and network build out while we wait for the H Block rulemaking and another 3GPP process to be completed."

DISH expects new approvals could add years to a process that has already lasted 20 months since it acquired two bankrupt companies in an effort to bring this spectrum to the market. This 40 MHz of spectrum remains on the sidelines.

## FCC PRECEDENT GOOD FOR ALL PARTIES AND CONSUMERS

"DISH's position is consistent with more than 20 years of FCC precedent. The AWS-4 rulemaking should be completed with the power and emissions levels that were recommended by the FCC in its April Notice of Proposed Rulemaking (NPRM) and supported by most commenters (with the notable exception of Sprint), and which would not require DISH to effectively surrender 25 percent of its uplink capacity.

"The H Block should be subject to the same auction and rulemaking processes that have applied to other spectrum bands for decades," said Dodge. This approach will ultimately free up the H Block for its highest-and-best use based upon input from all interested parties, and will lead to more investment, more jobs, more competition and more spectrum for wireless consumers."

## About DISH

DISH Network Corporation (NASDAQ: DISH), through its subsidiary DISH Network L.L.C., provides approximately 14.042 million satellite TV customers, as of Sept. 30, 2012, with the highest quality programming and technology with the most choices at the best value, including HD Free for Life. Subscribers enjoy the largest high definition line-up with more than 200 national HD channels, the most international channels, and award-winning HD and DVR technology. DISH Network Corporation's subsidiary, Blockbuster L.L.C., delivers family entertainment to millions of customers around the world. DISH Network Corporation is a Fortune 200 company. Visit [www.dish.com](http://www.dish.com).

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