

Exhibit 14 to Reply
Memorandum by All Plaintiffs
in Support of Alternative
Motion for Clarification
(Dec. 6, 2006)

Case No. 98-2651-CIV-Dimitrouleas/Seltzer

Transcript of Nov. 30, 2006
“Charlie Chat”

“Charlie Chat” Transcript: Charles Ergen and James DeFranco
November 30, 2006

Jame DeFranco (“DeFranco”): I want to make sure that we’ve got the most current information for our customers.

Charlie Ergen (“Ergen”): Right we sure do and of course if you’re watching this tonight, you’re probably in a situation where you have lost at least one of your one or more of your network distant channels and the reason is that a court order by a District Judge in Florida goes into effect at midnight tonight and by midnight tonight we will shut off all of our distant network channels ABC NBC CBS and Fox that originates from outside your local community. So first let’s maybe explain what that is.

A distant network channel is a channel that does, in fact, originate from somewhere other than where you live today. So for example, if you live in Omaha, Nebraska today, we’re probably broadcasting your Omaha local stations to you today, but if you happen to live in a very rural area where you’re outside the range of an outdoor antenna... Many years ago Congress passed legislation that allows you to get a distant signal for example, from New York or Los Angeles. That law changed in 2004 and where you’d be local today you’re no longer allowed to do distant network signals. And EchoStar has fought for your rights since 1998 we’ve been in many, many, many, many courtrooms to make sure you have the right to have those distant network channels. We know they’re important to you, but ultimately we did not prevail. Broadcasters prevailed. We’re under court order to turn those signals off by tonight so we, in fact, have done that. So we really, really apologize for that. We feel terrible about that. But, in fact, we’ll go over some things that you can do about the situation and maybe some alternatives for you.

So, first let’s talk about who’s not affected and, you know, in this shutoff. In 96% of the United States, Dish network today does, in fact, offer your local ABC, NBC, CBS, and Fox, and while many of you may not be aware that signal is there, it is in fact there in most of the country today. So most of our customers are not affected by this, they can get their local signals today. We’ll go through some more detail about that. Additionally, what is not affected is all of our other programming. So whether it be America’s Top 60 or Top 120 or Top 180, all of our cable channels and popular channels are not affected whatsoever at this...or we know they’re not going to be affected because they aren’t affected by this statute. Additionally, super stations are not affected. Your premium channels are not

affected like HBO and Showtime. So your super stations, WSPK or KWGN, which is a CW channel or a former WB channel or UPN channels are not affected and many of you get those networks today and will continue to do so. So, but it does, of course, affect those popular channels from outside your community. So, you know, Jim will talk a little bit about (blank spot in tape)...

DeFranco: ...and there's different segments of customers, right?

Ergen: Right. Let's get a feel for the scope of the problem. We really have about 7% of our customers who are affected. I'm going to assume that if you're watching this today that you may be one of those 7%. It's about 900,000 customers at Dish network. It's a lot of customers in total, but a small population of our total population. Really, there's three groups of you today. Let's take group A for example today. Group A is about a third of that number. So about 300,000 customers. You are already subscribing to local network channels today. So you're not going to lose your favorite shows, but because of the law you're going to lose the channels from outside your community, or outside your city. So you're not going to lose your favorite shows. You may lose a time zone, time shifting ability that you've had in the past and there's really nothing we can do about that, and the law is very clear that today where we offer local channels we're not allowed to bring in a distant signal. And that changed in 2004.

The second group of customers, another 300,000 or so customers, are customers who today don't subscribe to our local channels but, in fact, those local channels are up there for you. In some cases you may need some equipment to get those channels. And, in fact, if you go to your TV set tonight, those channels are there. We've been broadcasting those in the free preview since October and will continue to broadcast those free of charge to you through the end of the year. And if you go to your...if you just go to your satellite receiver and punch in your local channel number, for example in Denver there's channels 2, 4, 7, 9. And then all you've got to do is punch in that number and your local channels should show up...show up there in your network channels.

(blank spot in audio) [the third group of customers] is the more difficult group and one that we'll spend a little bit more time talking about tonight. That means that you live in one of the 33 markets where we don't do local-to-local as a company today and/or you live in an area...you may have an RV. Or you live in an area where the market itself does not have all four networks. For example, Albany, Georgia only has two of the networks and so the other networks have to come in from another city like New York or Atlanta, and so forth, and we're not

allowed to bring those channels in now. So you're affected, in part, by this ruling. So we'll talk a bit more about that.

So what is the solution? That's really the key. What can you do? And again, if you're one of those customers within the A category, there's really nothing you can do. There's no cable company, there's no other satellite company. There's really nothing you can do, it's an effect of the new law, you're just going to lose your distant network signals.

DeFranco: You mean in the C category

Ergen: In the...in the A category. Those customers really...

DeFranco: Oh, right. They're receiving their local network.

Ergen: You're receiving your local network today, you're just not going to have the luxury of getting a distant network signal from anybody in the future. And it's just a change in the law. And we can talk maybe about contacting Congress on that in a minute but that's where you are today. Those customers in the B category, of course, there are some things you can do, Jim. And for example, the first thing that many of you can do and we obviously contacted many of you in the past about this, is we can get you an off-air antenna. So with an off-air antenna, those channels are absolutely free. You actually don't have to pay for those signals today. It is possible that a few of you may not know we do local channels because it may require a second dish. So if you call us, we will give you that dish upgrade free of charge so that you can get those local channels. And so again, when you call us, we'll look up your records and find out if you need an antenna upgrade either being a satellite dish or an off-air antenna. You obviously can call your local retailer and they can do the same thing and help you out as well, particularly since we know we're going to be swamped with calls.

Ergen: And the third thing that's a possibility is that there is a new company that is not associated with Dish Network but that has been delivering the distant signals to the C-Band or big dish business for over 10 years now and so actually...they actually were in this business before we were in terms of delivering the signals and been in the business over 20 years. They are currently starting tomorrow uplinking Atlanta and San Francisco to qualify DBS customers. Now one of the advantages to All-American Direct is that you do not need new equipment for the most part to receive the signals from your DISH network system, just as many of you Dominion customers out there today don't need new

equipment to receive their religious programming from Dominion whose, you know, also up on the same satellite orbital locations we are. The only possible negative here is that broadcasters, of course, for some reason want a monopoly and don't want you to have choice, and they're challenging the right of All-American Direct to actually broadcast that signal to you. Now we think that All-American Direct will prevail in that litigation, but things could change and so what I would do is have you go to their website and contact All-American Direct. It's www.mydistantnetworks.com and go to the website and that's where the most current information will be about qualifying for distant networks there so if you're a B or C customer, that's going to be probably one of your better choices again. You also can look for an off-air antenna or an upgrade from us for free. And finally, the C customers, those customers where we don't do local-to-local today, your solutions are very similar in a sense that an off-air antenna is a possibility that you can receive your channels free of charge. All-American is also a possibility for you there. In fact, a very good possibility. And a third possibility is that you may want to look at what's called lifeline cable. [blank spot in tape; EchoStar Opp. fills in blank as follows: "and I would be remiss if I didn't say that another possibility is DirecTV"] ...any questions we're getting here at Dish Network.

DeFranco: So, Charlie, this first one is from Jody from Sylvester, Georgia. Jody says, "I'm a little confused. Please take a look at my account and tell me what channels I am no longer...excuse me, what channels I am in danger of losing. I get local channels from Albany, Georgia – the Locals Package. This does not include the ABC channel. I'm currently getting WSB channel 2 ABC from Atlanta as a distant local. Channel 2 is offered in the local cable service, but I do not have access to cable. I live outside of the cable service area. Am I going to lose ABC?" Again, I'll stress that Albany, Georgia locals does not include an ABC channel.

Ergen: So, unfortunately you live in what we call a short market, which means there is not a local ABC, so there's no way with an off-air antenna or maybe perhaps from a cable company to get it. You are, in fact, going to lose ABC. In fact, you've probably already lost that ABC channel. And your only alternative today really would be to contact the new company. Contact them and see if you do qualify, in fact, for that signal. Again, part of the Senate bill legislation would, in fact, restore your channel. Because Congress is starting to recognize that that was an unforeseen thing, a consequence of the legislation that's very punitive to customers. And, you know, it's not just a matter of losing ABC, it's a matter of national security, that that may be how you get your news and developments in the

world and in our country. And it's amazing to me that the broadcasters would attempt to take those signals away, but (blank spot in tape)

DeFranco: Okay, Charlie, this next one is from...that's from Ray in Milledgeville, Georgia, another one from Georgia. He says, "I've been paying extra ever since we signed up with Dish Network back in 2002 for local Atlanta channels. Now they disappear and are replaced by Macon channels. Macon stations are terrible. Third rate. Most of the Atlanta stations show Lake St. Clair, where I live on their weather forecast or have it in their radar loop. I work in the Metro Atlanta area, not Macon. If this is not changed, I will have to look to another cable provider or a rooftop antenna. I understand there has been some kind of law enacted forcing this issue. Please forward my email to whoever you need to. Count me out as a customer if this can't be changed."

Ergen: Well that particular case can't be changed. The law doesn't...the law is clear that no other provider can give you anything but your local channels, so Macon or the local channels that you...the only ones you're eligible to receive, if you can use an off-air antenna and pick up Atlanta, then that's legal. But other than that, no cable provider, no satellite provider can give you a signal from outside your local area unless you qualify as someone who's outside the range of an outside antenna. If that is the case, then you could contact somebody who's not broadcasting your local channels and again, because we broadcast your local channels, that's all we can deliver to you. You can reach out to All-American Satellite...All-American Direct, and it's possible you would qualify there because they because they don't broadcast ... (blank spot in tape)

DeFranco: Bruce in Ansonia, Ohio. "I received a postcard from Dish Network today stating that I may be losing my New York and Los Angeles network fees. I called the listed telephone number and noted that I have executed letters from each of my local networks waiving their affiliate rights and granting me permission to receive these distant network feeds. So he's talking about waivers. Copies of these letters were sent to Dish Network when I switched satellite providers. I suggested to your representative that since the local network stations have waived their rights in my specific case, the current legal challenges you are having should not affect my ability to continue to receive New York and L.A. network feeds. So."

Ergen: Yep. Believe it or not, we have fought for 8 years for you to have the right to...that you have what is called a waiver from the broadcaster where they voluntarily allowed you to bring a network signal in. We fought for those waiver

rights for you. Unfortunately, the court ruled against us, and we're no longer able to accept the waiver from you even though the networks have agreed to let you do it. So we can't offer you New York and Los Angeles any more. The only alternative company who may be able to accept that waiver, again, is All-American Direct. As strange as it sounds because they're not associated with EchoStar, they're in a different position legally. Under the law, to offer distant network signals. So if you enter their website, then you would have to go through the entire waiver process again. It takes at least 30 days because broadcasters have 30 days to either accept your waiver or not, and that's what you'd have to do.

DeFranco: Okay, Charlie. This is from Burrell in Summerville, South Carolina. It says, "After over 10 years with being with Dish Network – barely over 10 I guess – and referring many customers your way, I find it unacceptable that you added without my permission the local channels for the Charleston, South Carolina area to my receiver. Now because of this, I am projected to lose the stations I enjoy and have been paying for for the past 10 years. You call them distant stations." So this is interesting. So he believes that – because we did actually talk about this previously –

Ergen: I can see his point. It's a good question. First of all, again, we'll repeat. You're not going to pay for distant network signals anymore. You're just going to get a credit or not be charged for those. You're actually one of the lucky ones out there because you do, in fact, have the ability to get your local signals. Now you may not want, maybe Charleston, South Carolina, and maybe you were watching New York and you prefer New York over Charleston, South Carolina, but the fact of the matter is you can't go to anybody else and get New York. It's the law has changed. Okay?

DeFranco: All right. This next one is from Sarah in Binghamton, New York. It says, "I've learned that I will be losing my distant New York network channels, but Dish Network does not yet offer locals in my area. I've been reading about many other markets that Dish Network has been launching lately, many of which appear to be very small, and smaller than my market. When does Dish Network plan to launch my local channels?"

Ergen: We just launched, I think today, two more markets. What were those two markets? Bangor, Maine and Butte, Montana. So we launched two more markets today. Again, we've launched markets occasionally as we get more and more capacity and more efficiency in our satellites. Those were the last two markets for this year that we're going to launch and so I don't know if it was done

so I don't know on your market when it might be launched but it's not around the corner so again, for you, not to be repetitive but your choices are an off-air antenna, lifeline cable, or All-American Direct, to contact them, to get your channel. That's really your options and it's frustrating for me that that's the only options you have, but...

DeFranco: Charlie, as you mentioned earlier, so we are in 174 markets.

Ergen: The only markets we have left are very small. Most of the markets that we have left are short markets. They don't have a full compliment of the networks, so even if we were to launch that, we wouldn't have all four channels for you. So that's one of the problems that we have on the Judge's ruling. So again, the long-term solution is really for Congress to step in and really look at this and really look at the effect on consumers. And they shouldn't look at the effect on our company. They shouldn't look at the effect on broadcasters; they should look at the effect on the consumer himself.

DeFranco: Okay. And the next one, this is from Art, and Art's from Marysville, Washington. He said, I received your email concerning losing distant network channels. I am contacting my representative by phone and sending them an email. I have another question regarding this action. I'm living in my motor home and travel all over the U.S. I'm in my local neighborhood only about 3 months of every year. We cannot get the local networks as we travel. This is why it's so important for us to receive networks through the east and west coast feeds. I hope this change does not affect those of us who travel in our motor homes and are not in the local network.

Ergen: Well, first of all this change does affect you because we're no longer allowed to give you the New York and Los Angeles channels to your motor home, even though under the law you, in fact, are a legal customer to be able to receive distant network signals. So obviously, you can't contact your cable company because they can't deliver signal to an R.V., so your real choices, you really have two choices there: All-American Direct, who if you send in your...you have to send in your registration and paperwork, but in all likelihood you do qualify. And, in fact, I know as an R.V. owner you would qualify for distant networks. So you certainly could call them and certainly, DirecTV, our competitor DirecTV is another alternative for you, and that's the only alternative that you'd have as an RV owner. Or to put up an off-air antenna if you're lucky enough when you pull in at night, you put up an off-air antenna and get a signal. And that's your other option. Of course, you'd be able to receive all our other channels from Dish Network that

we talked about earlier, our basic channels, our premium channels, our super stations. It only affects your network channels. But I understand how that may be the most popular channels you watch.