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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of	)	
	)	
E-SAT, Inc.	)	File No. RM-_____
	)	
	)	
Petition for Rulemaking to Establish Rules for Licensing Second-Round Applicants in the Non-Voice, Non-Geostationary Mobile Satellite Service	)	

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MOTION TO STRIKE

Leo One USA Corporation ("Leo One USA"), by its counsel, hereby submits this Motion to Strike portions of the comments of Final Analysis, Inc. ("Final Analysis") in response to Leo One USA's Motion to Dismiss the February 14, 1996 E-SAT, Inc. ("E-SAT") Petition for Rulemaking on non-voice, non-geostationary mobile satellite system ("NVNG MSS") applications. Leo One USA is extremely reticent to submit this Motion because it is aware that additional filings concerning the NVNG MSS merely result in additional work for the Commission's staff. However, Leo One USA is compelled to make this filing because of the outrageous nature of Final Analysis' comments and its continued abuse of the Commission's rules. Leo One urges the Commission to strike Section II of Final Analysis' comments so that some order and professionalism can be brought back to this proceeding.

The February 14, 1996 E-SAT Petition reviewed various processing and allocation issues facing the pending NVNG MSS applicants. It did not raise any issues concerning Leo One USA's

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legal or financial qualifications to be an NVNG MSS licensee. On February 26, 1996 Leo One USA submitted a Motion to Dismiss E-SAT's Petition. The Leo One USA Motion focused solely on processing and allocation issues for the NVNG MSS. It did not discuss any technical, financial or character issues of any pending applicant, nor did it mention the name of any applicant other than E-SAT. Notwithstanding the limited, procedural nature of the E-SAT Petition, Final Analysis in its comments launched a full-scale attack on Leo One USA and its application to construct, launch and operate an NVNG MSS. These attacks outside the pleading cycle for commentary on Leo One USA's qualifications are an abuse of the Commission's procedures and must be stopped.

I. FINAL ANALYSIS HAS ABUSED THE COMMISSION'S PROCESSES

Leo One USA will not respond to the reckless and unsubstantiated statements, attempted character assassination and innuendo made by Final Analysis regarding Leo One USA's financial and technical qualifications. Rather, Leo One USA stands by the record in this proceeding and its principals' long-standing reputation for integrity and innovation in the telecommunications industry.

By its comments, Final Analysis has once again abused the Commission's processes. Final Analysis was provided an opportunity to comment on Leo One USA's qualifications in 1995 when the Leo One USA application was placed on public notice. This pleading cycle closed in March 1995. Nevertheless, Final Analysis has used any excuse, pleading, or opportunity to subsequently vilify Leo One USA. Strangely, Final Analysis has chosen to raise its bizarre claims against Leo One USA in a proceeding that does not focus on Leo One USA and to overlook its obligation to respond to the issues raised in the E-SAT Petition. Final Analysis' conduct and this wanton abuse of the Commission's rules cannot be condoned. The bold character assassinations submitted by

Final Analysis in its comments must be stopped. Otherwise, Final Analysis will continue to litter the record with repetitive, unauthorized, and libelous filings. These filings are an abuse of the Commission's processes on their face and merely create additional work for an already overburdened staff. For all these reasons, Leo One USA urges the Commission to strike Section II of the Final Analysis comments.

II. U.S. EFFORT AT WRC-97

Leo One USA briefly responds to Final Analysis' statements concerning the impact of the FCC's regulatory process on WRC-97. Final Analysis and Leo One USA do agree that foreign partners are key to the United States' success at WRC-97. However, Leo One USA strongly believes that unless NVNG MSS proponents can enter into relationships with parties who have the incentive and ability to influence the WRC-97 process, such relationships are meaningless. Final Analysis, in its continued efforts at self-aggrandizement, points to its relationship with Polyot and with unnamed parties in Poland, Mongolia and Germany. Today, the argument cannot be made that these relationships will translate into support from the Russian, Polish, Mongolian or German administrations at WRC-97. The Final Analysis–Polyot relationship predated WRC-95.[1/] However, as is well-known by all United States WRC-95 participants, the Russian Federation was the biggest opponent of Little LEOs at WRC-95.

The Final Analysis relationships with Mongolia, Poland and Germany are based on the interests of certain parties in those countries in participating in the Final Analysis experimental

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1/ *See attachment A, USA and Russian Companies Announce Strategic Alliance for Global and Fixed Satellite Communications*, PR Newswire, Oct. 5, 1995, available in LEXIS, Nexis Library, News File. (Polyot and Final Analysis announced their new strategic alliance at ITU-Telecom 95, a full two weeks before WRC-95.)

satellite program. Poland, Mongolia and Germany participated in the block of forty-one countries comprising the Council of European Postal and Telegraph which strongly opposed the U.S. position on Little LEOs at WRC-95. There is nothing in the record to indicate this situation will change at WRC-97. The mere agreement to use an experimental satellite alone does not provide incentive for any country to engage in the necessary balancing of competing domestic interests that is a prerequisite for any particular administration to support a United States proposed allocation at WRC-97. To support an allocation, an administration will need to get existing users to agree to move out of a downlink band and convince other existing users in potential uplink bands that they can share with the NVNG MSS. Only a partner with a well-defined economic interest will be willing to champion such a cause and engage in the necessary battles within its own country. Leo One USA continues to believe that true economic relationships cannot be established without a license or some other means of demonstrating legitimacy.

III. CONCLUSION

For all the above reasons, Leo One USA respectfully urges the Commission to strike Section II of the Final Analysis comments on E-SAT's Petition for Rulemaking.

Respectfully submitted,

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Dated: March 22, 1996

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LEVEL 1 - 14 OF 29 STORIES

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October 5, 1995, Thursday

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HEADLINE: USA AND RUSSIAN COMPANIES ANNOUNCE STRATEGIC ALLIANCE FOR GLOBAL MOBILE AND FIXED SATELLITE COMMUNICATIONS

BODY:

POLYOT Enterprises, one of the world's largest aerospace companies, and Final Analysis Inc., a USA- based aerospace and telecommunications company, announced today at the ITU TELECOM 95 a strategic alliance to manufacture and launch small satellites into low earth orbit. The alliance also intends to market mobile and fixed satellite communications on a global basis with service providers to be selected. The alliance is named FAISAT(TM)-COSCON after the planned commercial satellites of the two companies.

GENEVA, Oct. 5

Based in Omsk, Russia, POLYOT is world-renowned in the aerospace and communications satellite industry for high quality, reliability and performance. Final Analysis of Greenbelt, Maryland is a Little LEO company dedicated to the pioneering of innovative small satellite technology for commercial applications.

The two companies plan a Russian-American strategic alliance which will deliver advanced digital data services to include delivery of low- cost applications for SCADA, asset tracking and environmental monitoring, messaging and e-mail.

In addition to joint technical development for the global satellite constellation, the alliance will actively seek investors and local affiliates for regional service provision.

"This is an important step forward in the Little LEO industry," said Dr. Nader Modanlo, founder and President of Final Analysis. "With POLYOT's strong international reputation in the aerospace field, the alliance fits our strategic goals for an aggressive deployment schedule to bring to market quality low-cost advanced services."

"We have been impressed with the technical innovation and market understanding of Final Analysis," said Dr. Alexander I. Ilyin, Chief Designer of POLYOT Enterprises. "This alliance means we can jointly bring the benefits of technology to all nations of the world. We see this system serving all peoples into the 21st Century."

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Founded in 1941, POLYOT has participated in over 40 international programs through INTERCOSMOS bilateral agreements, including launches for India and France. The company has received Russian regulatory authorization to launch its next generation satellite system, COSCON. The centerpiece of its rocket production complex is the COSMOS expendable light-class launch vehicle.

Final Analysis made history as the first American company to deliver a commercial satellite, FAISAT-1, into orbit aboard a Russian launch vehicle in January 1995. Final Analysis is owner-operator of the FAISAT series of Little LEO satellites. FAISAT-COSCON's first experimental satellite under the new strategic alliance is planned for launch in early 1996 from Plesetsk, Russia. CONTACT: Barbara Duffy of Final Analysis at USA Pavilion (Hall 1.320) at TELECOM 95 in Geneva or by telephone 301-474-0111 or fax 301-474-3228 in the USA. Or Nadezhda P. Otmakhova of POLYOT, by telephone

LANGUAGE: ENGLISH

LOAD-DATE: October 6, 1995

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Motion to Stike of Leo One USA Corporation was sent by first-class mail, postage prepaid, this 22nd day of March, 1996, to each of the following:

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