

VERNER · LIIPFERT
BERNHARD · McPHERSON & HAND
[CHARTERED]

ERIC THOMAS WERNER
(202) 371-6230

901 - 15TH STREET, N.W.
WASHINGTON, D.C. 20005-2301
(202) 371-6000
FAX: (202) 371-6279

e-mail address:
etwerner@verner.com

September 5, 1997

HAND-DELIVERED

William F. Caton
Acting Secretary
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 222
Washington, D.C. 20554

DOCKET FILE COPY ORIGINAL

RECEIVED
SEP - 5 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Amendment of the Commission's Regulatory Policies to Allow Non-U.S. Licensed Space Stations to Provide Domestic and International Satellite Service in the United States, FCC 97-252, released July 18, 1997 (DISCO II) -- Reply Comments of Orion Network Systems, Inc.

Dear Mr. Secretary:

On behalf of Orion Network Systems, Inc. ("Orion"), and pursuant to Sections 1.415 and 1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415, 1.419 (1996), I enclose herewith for filing an original and four (4) copies of its Reply Comments In Response to Further Notice of Proposed Rulemaking in the above-captioned proceeding.

Kindly stamp and return to this office the enclosed copy of this filing designated for that purpose. You may direct any questions concerning this material to the undersigned.

Respectfully submitted,


Eric T. Werner

Enclosures

cc: Richard H. Shay, Esquire
April McClain-Delaney, Esquire
Thomas J. Keller, Esquire
Service list

HOUSTON, TEXAS
2600 TEXAS COMMERCE TOWER
600 FLOOR
HOUSTON, TEXAS 77002
(713) 225-7200
FAX: (713) 237-1216

AUSTIN, TEXAS
SAN JACINTO CENTER
98 SAN JACINTO BLVD., SUITE 1440
AUSTIN, TEXAS 78701
(512) 703-6000
FAX: (512) 703-6005

HONOLULU, HAWAII
HARRIS TRUSS BUILDING
925 NICHOLS AVE., SUITE 400
HONOLULU, HAWAII 96817
(808) 366-0999
FAX: (808) 366-0995

MCLEAN, VIRGINIA
8280 GREENWOOD DRIVE
SUITE 601
MCLEAN, VIRGINIA 22102
(703) 749-6000
FAX: (703) 749-6027

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

SEP - 5 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Amendment of the Commission's Regulatory)
Policies to Allow Non-U.S.-Licensed Space)
Stations to Provide Domestic and International)
Satellite Service in the United States)
)
and)
)
Amendment of Section 25.131 of the)
Commission's Rules and Regulations to)
Eliminate the Licensing Requirement for)
Certain International Receive-Only Earth)
Stations)
)
and)
)
COMMUNICATIONS SATELLITE)
CORPORATION)
Request for Waiver of Section 25.131(j)(1))
of the Commission's Rules As It Applies to)
Services Provided via the Intelsat K)
Satellite)

IB Docket No. 96-111

CC Docket No. 93-23
RM-7931

File No. ISP-92-027

To: The Commission

**REPLY COMMENTS OF ORION NETWORK SYSTEMS, INC.
IN RESPONSE TO FURTHER NOTICE OF PROPOSED RULEMAKING**

ORION NETWORK SYSTEMS, INC. ("Orion"), by its attorneys, and pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419 (1996), hereby submits its Reply Comments in response to certain of the comments filed on August 21, 1997, concerning the Federal Communications Commission's ("FCC" or "Commission") Further Notice of Proposed Rule Making ("Further Notice") in the proceedings captioned above.^{1/}

^{1/} *Amendment of the Commission's Regulatory Policies to Allow Non-U.S.-Licensed Space Stations to Provide Domestic and International Satellite Service in the United States*, FCC 97-252, released July 18, 1997 (Further Notice of Proposed Rule Making in IB Docket No. 96-111, CC Docket No. 93-23, RM-7931, and File No. ISP-92-007) ("Further Notice").

Specifically, Orion herein addresses four issues raised in its initial comments or those of other parties which warrant clarification or further reinforcement.

1. First, Orion desires to clarify its position with respect to the appropriate application of the Commission's proposed route market analysis to WTO-member licensed systems which propose to provide service between the United States and a non-WTO member market. Second, it supports the view expressed by other U.S satellite operators that foreign-licensed systems seeking access to the U.S. market should be subject to the same regulatory fee, universal service contribution, and other fees which are imposed on U.S. licensees in order to preserve regulatory parity and maintain a level competitive playing field. Third, Orion reiterates its support for the Commission's proposal to consider the other public interest factors identified in the Further Notice, but it urges the Commission to exercise its authority with respect to these factors with caution and deliberation to reduce the likelihood that foreign administrations will invoke the same considerations as a pretext for anti-competitive exclusion of U.S. operators from their markets. Finally, Orion reiterates its position -- stated in its original comments and reply comments in this proceeding, and echoed by several parties in their comments on the Further Notice -- that the Commission should take up the issue of the appropriate treatment to be given to intergovernmental satellite organizations ("ISOs") and their spin-offs and "privatized" affiliates in a separate rulemaking proceeding after the facts concerning the nature and character of the privatized entities becomes clearer.

I. THE COMMISSION SHOULD FOREBEAR FOR THE TIME BEING FROM APPLYING AN ECO-SAT ANALYSIS TO WTO-MEMBER LICENSEES PROPOSING TO SERVE NON-WTO MEMBER MARKETS

2. In the Further Notice, the Commission inquired whether it should apply an ECO-Sat test to non-WTO member route markets to be served by a WTO-member licensed satellite.

Further Notice, slip op. at 11-12 ¶¶ 25-28. Although in its Comments, Orion generally expressed support for the Commission's proposal to apply the two prongs of the ECO-Sat test to non-WTO member licensed satellite systems seeking to serve the U.S. market or provide service between the U.S. and WTO-member route markets,^{2/} Orion did not squarely address the appropriate treatment to be given to a WTO-member licensed satellite which proposes to provide service between the United States and a non-WTO member route market. However, several parties did address this issue.^{3/}

3. Orion shares the concern voiced by these parties -- most notably by PanAmSat and Loral -- that application of an ECO-Sat analysis to the non-WTO member route market in these circumstances would contravene the U.S.'s national treatment obligation under the GATS in light of the liberalized foreign market access afforded to U.S. operators by the Commission under *DISCO I*.^{4/} Because Orion believes that the liberalization effected by the Commission's action in *DISCO I* ultimately will serve to encourage more vigorous competition better than the more restrictive regulatory approach represented by the ECO-Sat test, Orion also supports the view advanced by these parties that Commission should forebear from applying the ECO-Sat test

^{2/} See Comments of Orion Network Systems, Inc., In Response to Further Notice of Proposed Rulemaking, filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 5-6 ¶¶ 7-8 [hereinafter "Orion Comments"].

^{3/} See, e.g., Comments of PanAmSat Corporation, filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 4-5 ["PanAmSat Comments"]; Joint Comments of Loral Space & Communications Ltd., and L/Q Licensee, Inc., filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 4-6 ["Loral Comments"]; Comments of Columbia Communications Corporation, filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 4-5 ["Columbia Comments"]; and Comments of GE American Communications, Inc., filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 4 ["GE Americom Comments"].

^{4/} See PanAmSat Comments at 5; Loral Comments at 4-5.

to WTO-member satellites proposing to serve non-WTO member markets. Rather, to the extent that it can do so consistent with the U.S.'s obligations under the WTO Agreement,^{5/} the Commission should adopt the alternative remedy proposed in the Further Notice and merely prohibit non-U.S. licensed satellites (as it does U.S. licensees) from entering into exclusionary arrangements with the overseas countries whose markets they propose to serve.^{6/} Such an approach would, in most circumstances, prove adequate to address the Commission's concerns for competition.

4. However, as reflected in its Comments,^{7/} Orion shares GE Americom's concern that such a policy might not reach *de facto* arrangements that exist between a WTO-member licensed system and the non-WTO route market administration.^{8/} Orion agrees with GE Americom that the Commission should weigh evidence of any such arrangements in its consideration of whether a particular market access request poses a "very high risk to competition."^{9/}

^{5/} See Orion Comments at 14-15 ¶¶ 20-22.

^{6/} See Further Notice, slip op. at 12 ¶ 27; see also Loral Comments at 6; GE Americom Comments at 4.

^{7/} Orion Comments at 15 n.29.

^{8/} See Comments of GE Americom at 4.

^{9/} Moreover, to the extent that experience with this regulatory approach over time produces evidence of significant competitive disparities between U.S. licensees and other WTO-member licensed operators, Orion agrees with PanAmSat, PanAmSat Comments at 5, that the Commission can and should revisit this issue.

II. THE COMMISSION'S REVISED MARKET-ENTRY FRAMEWORK SHOULD REQUIRE FOREIGN-LICENSED SYSTEMS SERVING THE UNITED STATES TO PAY THE SAME REGULATORY FEES, UNIVERSAL SERVICE CONTRIBUTIONS, AND OTHER OBLIGATIONS IMPOSED ON U.S. LICENSEES

5. Several commenters also asked the Commission to include in its new market-access framework a requirement that foreign-licensed systems be subject to the same fee and contribution payment obligations which the Commission now imposes on U.S. licensees.^{10/} Orion strongly supports this proposal AND urges the Commission to adopt such a policy.

6. As GE Americom correctly noted, "equivalent treatment of U.S. licensed and non-U.S.-licensed service providers in the U.S. market requires that the costs of Commission action be shared by all parties who benefit from Commission activities."^{11/} Such regulatory parity is critical to ensure that foreign-licensed systems do not enjoy an artificial competitive advantage over their U.S. licensed counterparts, and no evident rationale exists for relieving foreign operators from shouldering their fair share of the burdens associated with the Commission's operations.^{12/}

^{10/} See GE Americom Comments at 10-12; Loral Comments at 24-27.

^{11/} GE Americom Comments at 10.

^{12/} The failure to impose on foreign licensees such fee and contribution requirements, as well as the other regulatory requirements to which U.S. licensees are subject, would be inequitable and would engender unfavorable effects on the competitive marketplace. It would be bad policy for another reason as well. Specifically, the Commission should recognize that waiving such obligations for foreign-licensed entities would create unintended incentives for U.S. entities to circumvent Commission regulation. As Columbia Communications noted in its comments, *see* Columbia Comments at 6-7, the Commission should be vigilant to efforts by U.S. entities to obtain licenses from foreign administrations for systems intended to serve the United States under the auspices of the WTO Agreement.

III. THE COMMISSION SHOULD NOT HESITATE TO APPLY THE OTHER PUBLIC INTEREST FACTORS IDENTIFIED IN THE FURTHER NOTICE TO REQUESTS TO ENTER THE U.S. MARKET; HOWEVER, IT SHOULD EXERCISE CARE IN DOING SO TO PREVENT RETALIATION BY FOREIGN ADMINISTRATIONS

7. In the Further Notice, the Commission proposed to consider other public interest factors such as violations of U.S. antitrust laws, fraudulent conduct before governmental entities, criminal misconduct involving false statements or dishonesty, as well as such matters as national security, law enforcement, foreign policy, and other trade concerns when evaluating a proposal from a foreign-licensed satellite operator to serve the U.S. market.^{13/} As noted in its Comments, Orion generally supported the Commission's proposal to consider these factors,^{14/} and it continues to do so. The factors enumerated in the Commission's proposal comport with the terms of the offer the U.S. advanced in the WTO negotiations and, more importantly, they embody important elements of U.S. substantive law which have proven necessary and helpful to ensure a fair, competitive marketplace and the delivery of communications services in a manner which serves the public interest.

8. However, a number of commenters also expressed concerns or doubts about the Commission's proposal.^{15/} The general thrust of the Telesat Canada's and ICO's comments

^{13/} See Further Notice, slip op. at 15 ¶ 37. The Commission also included on this list of proposed considerations spectrum availability and technical coordination, and compliance with Commission rules and policies. *Id.*, slip op. at 15-17.

^{14/} See Orion Comments at 12-16.

^{15/} See, e.g., Comments of AirTouch Communications, Inc., filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 2-3 ["AirTouch Comments"]; Supplemental Comments of Telesat Canada filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 5-6 ["Telesat Canada Comments"]; Further Comments of ICO Global Communications, filed August 21, 1997, in IB Docket No. 96-111 and related proceedings, at 10 ["ICO Comments"].

appears to be a concern that the Commission will not apply these public interest criteria in a reasonable, objective and impartial manner; that their use will contribute to ambiguity and uncertainty in the licensing process; and/or that they will be used by the Commission as a pretext to evade the U.S.'s obligations under the WTO Agreement. Orion respectfully submits that these concerns are misplaced. The history of U.S. case law and Commission authorities provides clear guidance in most circumstances concerning the appropriate application of these considerations and properly cabins the Commission's ability to employ them to achieve improper objectives.

9. However, Orion shares AirTouch's concern that unrestrained or injudicious application of these factors in a manner which does not clearly advance the public interest objectives which the enumerated considerations are intended to protect could motivate foreign administrations to retaliate against U.S. licensees seeking access to their markets. Accordingly, Orion urges the Commission to exercise special care and deliberation in cases where it believes these other public interest considerations would warrant denial of a request for access to the U.S. market.

**IV. THE COMMISSION SHOULD RESERVE THE COMPLEX ISSUES
RELATIVE TO LIBERALIZED MARKET ACCESS FOR THE ISOs
AND THEIR PROGENY FOR A SEPARATE RULE MAKING
PROCEEDING AT A LATER DATE**

10. With respect to the liberalization of U.S. market access for the ISOs and their ostensibly privatized spin-offs and affiliates, the Further Notice reopened for further comment, in light of the WTO Agreement, proposals that the Commission had earlier advanced in the *DISCO II Notice*.^{16/} In their comments on the Commission's proposals, Comsat and ICO

^{16/} See Further Notice, slip op. at 13-15 ¶¶ 31-36.

predictably repackaged the same threadbare arguments that they have advanced in the past. Orion's Comments and Reply Comments in response to the *DISCO II Notice* and its most recent Comments in this proceeding responded to these arguments and set for the rationale for special attention to, and treatment of, the ISOs and their spin-offs. Accordingly, Orion will not burden the Commission with a full recapitulation of those arguments here.

11. However, the comments of Comsat and ICO, and those of other parties,^{17/} do continue to underscore the complexity and diversity of the issues which the proposals to liberalize U.S. market access for ISOs and their affiliates present. Orion has previously noted these concerns. As it stated in its original Reply Comments in this proceeding:

. . . Orion [has] observed that the issue of greater market access for the ISOs and their progeny would require the Commission to traverse a thicket of complex legal and factual issues that require special attention. For example, as the Commission observed in the [*DISCO II Notice*], the ISOs and their signatories present unique issues of treaty obligations and the special advantages that derive from the privileges and immunities they enjoy. In addition, as previously noted, they benefit considerably from their "dominant positions in the global market [resulting from] . . . their size and . . . the fact that, in general, their members are the primary if not exclusive providers of fixed and mobile maritime services in most major national markets."

The ISOs' successors and spin-offs present similar analytical difficulties to the extent that they require the Commission to assess the nature of the relationships between these entities and their ISO parents -- a task made substantially more difficult by the uncertain factual context created by the nascent state of privatization efforts. Indeed the parties' comments only serve to underscore this conclusion. As COMSAT and ICO comments make abundantly clear, significant and complex factual and legal issues need to be examined before the Commission can determine the appropriate regulatory model to adopt for them. For example, both COMSAT and ICO flatly assert that they are private entities

^{17/} PanAmSat Comments at 6-8; Columbia Comments at 2-4; GE Americom Comments at 5-7; Loral Comments at 6-19.

and, as such, enjoy no privileges and immunities; however, neither of them adequately addresses the *de facto* competitive advantages they enjoy as a consequence of their relationships to the Inmarsat and INTELSAT systems and with the member states of those organizations.

Reply Comments of Orion Network Systems, Inc., in IB Docket No. 96-111 and related proceedings, filed August 16, 1996, at 9-10 ["Orion First Reply Comments"] (footnotes omitted).

12. None of the concerns cited by Orion has dissipated in any material way.^{18/} Accordingly, Orion again urges the Commission not to expand the rights of the ISOs or their spin-offs within the U.S. market^{19/} Instead, Orion joins GE Americom and Loral, and renews its request that the Commission undertake a separate rule making specifically to address the issues connected with liberalized market access for the ISOs and their new affiliates. As Orion previously stated, "The difficulty of the issues involved, the uncertain factual context for the analysis, and the potential harm to competition that a poor policy choice could produce all support taking a more thorough, considered, and in-depth approach to these issues than the present proceeding will allow." Orion First Reply Comments at 10.

^{18/} In fact, although discussions concerning the future restructuring of Intelsat have been underway for more than two years, the specific form and character of the proposed spin-off remain unclear. Thus, the formulation of market entry standards for such entities at the present time would be premature. Rather than prejudging the ISO/affiliate entry issue based upon a forecast of anticipated competitive problems that such entities may present, the Commission could more effectively fulfill its oversight responsibility by postponing action until the facts concerning ISO restructuring become clearer and the agency is better able to craft remedies which respond to particular problems.

^{19/} Specifically, the Commission should continue to forbid COMSAT from providing U.S. domestic service using INTELSAT or Inmarsat capacity.

V. CONCLUSION

13. For the foregoing reasons, Orion respectfully urges the Commission to adopt a regulatory scheme for entry of foreign-licensed satellite systems into the United States market that is consistent with the views set forth in Orion's Comments filed on August 21, 1997, and in these Reply Comments. Orion further respectfully recommends that the Commission issue a separate Notice of Proposed Rule Making to address the specific issue of liberalized market entry for the ISOs and their affiliates and spin-offs.

Respectfully submitted,

ORION NETWORK SYSTEMS, INC.

By:



Thomas J. Keller
Eric T. Werner
VERNER, LIPPERT, BERNHARD,
MCPHERSON AND HAND, CHARTERED
901 - 15th Street, N.W.
Suite 700
Washington, D.C. 20005-2301
(202) 371-6000

Richard H. Shay, Esquire
Senior V.P. for Law and Administration
April McClain-Delaney, Esquire
Director of Regulatory Affairs
ORION NETWORK SYSTEMS, INC.
2440 Research Boulevard
Suite 400
Rockville, Maryland 20850
(301) 258-3200

Its Attorneys

Date: September 5, 1997

CERTIFICATE OF SERVICE

I, Sandy R. Lee, a secretary for the law firm of Verner, Liipfert, Bernhard, McPherson and Hand, Chartered, hereby certify that I have, this date, sent copies of the foregoing "Reply Comments of Orion Network Systems, Inc. in Response to Further Notice of Proposed Rulemaking" to each of the following by First Class United States mail, postage prepaid:

The Honorable Reed E. Hundt*
Chairman
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 814
Washington, D.C. 20554

Fern J. Jarmulnek, Esquire*
International Bureau
FEDERAL COMMUNICATIONS COMMISSION
2000 M Street, N.W.
Room 518
Washington, D.C. 20554

The Honorable James H. Quello*
Commissioner
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 802
Washington, D.C. 20554

William J. Kirsch, Esquire*
International Bureau
FEDERAL COMMUNICATIONS COMMISSION
2000 M Street, N.W.
Room 840
Washington, D.C. 20554

The Honorable Rachelle B. Chong*
Commissioner
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 844
Washington, D.C. 20554

Charlene Vanlier, Esquire
ABC, INC.
21 Dupont Circle
6th Floor
Washington, DC 20036

The Honorable Susan Ness*
Commissioner
FEDERAL COMMUNICATIONS COMMISSION
1919 M Street, N.W.
Room 832
Washington, D.C. 20554

Mark W. Johnson, Esquire
CBS INC.
Suite 1200
600 New Hampshire Avenue, N.W.
Washington, DC 20037

Mr. Peter Cowhey*
Chief
Regina M. Keeney, Esquire*
Chief - *Designate*
International Bureau
FEDERAL COMMUNICATIONS COMMISSION
2000 M Street, N.W.
Room 800
Washington, D.C. 20554

Randolph J. May, Esquire
Timothy J. Cooney, Esquire
SUTHERLAND, ASBILL & BRENNAN LLP
1275 Pennsylvania Avenue, N.W.
Washington, DC 20004-2404

Diane Zipursky, Esquire
NATIONAL BROADCASTING COMPANY, INC.
1299 Pennsylvania Avenue, N.W.
11th Floor
Washington, DC 20004

Valerie Hartman-Levy, Esquire
TURNER BROADCASTING SYSTEM, INC.
One CNN Center
100 CNN Center
Atlanta, GA 30348

Charles D. Cosson, Esquire
Lynn Van Housen, Esquire
AIRTOUCH COMMUNICATIONS
One California Street
29th Floor
San Francisco, CA 94111

Kathleen Q. Abernathy, Esquire
David A. Gross, Esquire
AIRTOUCH COMMUNICATIONS
1818 N Street, N.W.
Suite 800
Washington, DC 20036

Mark C. Rosenblum, Esquire
Lawrence J. Lafaro, Esquire
James J. R. Talbot, Esquire
AT&T CORP.
295 North Maple Avenue
Room 3252H3
Basking Ridge, NJ 07920

Cheryl Lynn Schneider, Esquire
Chief US Regulatory Counsel
BT NORTH AMERICA, INC.
601 Pennsylvania Avenue, N.W.
Suite 725
Washington, DC 20006

Raul R. Rodriguez, Esquire
David S. Keir, Esquire
LEVENTHAL, SENTER & LERMAN P.L.L.C.
2000 K Street, N.W.
Suite 600
Washington, DC 20006

Neal T. Kilminster, Esquire
Bruce A. Henoch, Esquire
COMSAT CORPORATION
6560 Rock Spring Drive
Bethesda, MD 20817

Philip V. Otero, Esquire
Senior Vice President, Esquire
and General Counsel
GE AMERICAN COMMUNICATIONS, INC.
Four Research Way
Princeton, NJ 08540

Peter A. Rohrbach, Esquire
Karis A. Hastings, Esquire
HOGAN & HARTSON L.L.P.
555 Thirteenth Street, N.W.
Washington, DC 20004

James T. Roche, Esquire
Regulatory Counsel
GLOBECAST NORTH AMERICAN INCORPORATED
Suite 177
400 North Capitol Street, N.W.
Washington, DC 20001

Gary M. Epstein, Esquire
James H. Barker, Esquire
Teresa D. Baer, Esquire
Nandan M. Joshi, Esquire
LATHAM & WATKINS
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004-2505

Richard DalBello, Esquire
Francis D. R. Coleman, Esquire
ICO GLOBAL COMMUNICATIONS
1101 Connecticut Avenue, N.W.
Suite 550
Washington, DC 20036

Cheryl A. Tritt, Esquire
Charles H. Kennedy, Esquire
Susan H. Crandall, Esquire
MORRISON & FOERSTER, LLP
2000 Pennsylvania Avenue, N.W.
Washington, DC 20006-1888

Gerald Musarra
Senior Director
Commercial Government Affairs
Space & Strategic Missiles Sector
LOCKHEED MARTIN CORPORATION
Crystal Square 2
Suite 300
1725 Jefferson Davis Highway
Arlington, VA 22202

William D. Wallace, Esquire
CROWELL & MORING LLP
1001 Pennsylvania Avenue, N.W.
Washington, DC 20004

Stephen R. Bell, Esquire
Andrew R. D'Uva, Esquire
Nicos L. Tsilas, Esquire
WILLKIE FARR & GALLAGHER
Three Lafayette Centre
1155 21st Street, N.W.
Suite 600
Washington, DC 20036

Paul J. McGeady, Esquire
General Counsel
MORALITY IN MEDIA, INC.
475 Riverside Drive
New York, NY 10115

Veronica M. Ahern, Esquire
J. Breck Blalock, Esquire
NIXON, HARGRAVE, DEVANS & DOYLE LLP
One Thomas Circle, N.W.
Suite 700
Washington, DC 20005

Michael D. Kennedy
Vice President & Director
Regulatory Relations
Barry Lambergerman
Manager, Satellite Regulatory Affairs
MOTOROLA, INC.
1350 I Street, N.W.
Suite 400
Washington, DC 20005

F. Thomas Tuttle, Esquire
Vice President and General Counsel
Patricia A. Mahoney, Esquire
Senior Counsel, Regulatory Matters
IRIDIUM LLC
1575 Eye Street, N.W.
Suite 800
Washington, DC 20005

Phillip L. Malet, Esquire
Alfred M. Mamlet, Esquire
Maury D. Shenk, Esquire
STEPTOE & JOHNSON LLP
1330 Connecticut Avenue, N.W.
Washington, DC 20036

Henry Goldberg, Esquire
Joseph A. Godles, Esquire
Daniel S. Goldberg, Esquire
GOLDBERG, GODLES, WIENER & WRIGHT
1229 Nineteenth Street, N.W.
Washington, DC 20036

Phillip L. Spector, Esquire
Jeffrey H. Olson, Esquire
David J. Weiler, Esquire
PAUL, WEISS, RIFKIND,
WHARTON & GARRISON
1615 L Street, N.W.
Suite 1300
Washington, DC 20036

Scott Blake Harris, Esquire
Mark A. Grannis, Esquire
Kent D. Bressie, Esquire
GIBSON, DUNN & CRUTCHER, LLP
1050 Connecticut Avenue, N.W.
Washington, DC 20036

Gregory C. Staple, Esquire
KOTEEN & NAFTALIN, L.L.P.
1150 Connecticut Avenue, N.W.
Suite 1000
Washington, DC 20036

Norman P. Leventhal, Esquire
Stephen D. Baruch, Esquire
LEVENTHAL SENTER & LERMAN P.L.L.C.
2000 K Street, N.W.
Suite 600
Washington, DC 20006

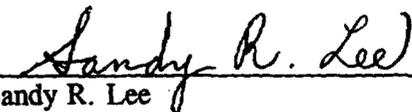
Rebecca S. Weeks, Lt. Col., USAF
Staff Judge Advocate
Paul Schwedler, Esquire
Deputy General Counsel for Regulatory Law
DEFENSE INFORMATION SYSTEMS AGENCY
701 S. Courthouse Road
Arlington, VA 22204

Jeffrey L. Sheldon, Esquire
General Counsel
Sean A. Stokes, Esquire
Associate General Counsel
UTC
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, DC 20036

Timothy R. Graham, Esquire
Joseph M. Sandri, Jr., Esquire
Barry J. Ohlson, Esquire
WINSTAR COMMUNICATIONS, INC.
1146 19th Street, N.W.
Suite 200
Washington, DC 20036

* *Hand-delivered*

Dated: September 5, 1997


Sandy R. Lee