

EX PARTE OR LATE FILED

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June 14, 1999

Magalie Roman Salas  
Secretary  
Federal Communications Commission  
455 12th Street, S.W.  
Washington, D.C. 20554

RECEIVED  
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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Re: EX PARTE LETTER; IB Docket No. 98-60

Dear Ms. Salas:

This letter is submitted on behalf of CBS Corporation, National Broadcasting Corporation, Inc., Turner Broadcasting System, Inc., and the Walt Disney Company, on behalf of its subsidiary, ABC, Inc., to request that the Commission require COMSAT to comply with the Commission's February 9, 1999 order in this proceeding by reducing immediately its rates for short-term video services.<sup>1</sup> While COMSAT reduced its rates by four percent for the per-minute occasional-use video service, effective March 3, 1999, it has failed to implement a reduction for short-term video leases, as it is required to do pursuant to the February 9 order.

In its April 1998 Order and Notice of Proposed Rulemaking in this very same proceeding, when the Commission's first proposed implementing an incentive regulation regime for COMSAT, the Commission very clearly stated that: "The term 'occasional-use video service' is used herein to describe **both** occasional-use video transmission and short-term video transmission service because the two services are sufficiently similar in nature."<sup>2</sup> The Commission defined occasional-use and short-term video services as "collectively 'occasional-use video service.'"<sup>3</sup> It was made absolutely clear, therefore, that throughout the remainder of this proceeding the term "occasional-use video service" would be used to encompass both per-minute service and short-term leases up to three months.<sup>4</sup>

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<sup>1</sup>COMSAT Corporation, FCC 99-17, IB 98-60, February 9, 1999.

<sup>2</sup>COMSAT Corporation, 13 FCC Rcd 14083, 14093, note 39 (1998).

<sup>3</sup>Id., at 14093.

<sup>4</sup>Id., at 14093, note 39.

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Thus, when the Commission in its February 9, 1999 order adopted COMSAT's proposal to implement an immediate four percent rate reduction for "occasional-use video service," the Commission surely intended -- and the Networks assumed -- that the term "occasional-use service" was being used in the same sense to encompass short-term video leases as the Commission specified in the NPRM in this proceeding. There is no basis whatever to indicate a contrary intention. Indeed, COMSAT's February 17, 1999 tariff filing proposing the reduction for per-minute occasional service states that it is made pursuant to the very April 1998 order in which the Commission defined occasional-use service to encompass short-term leases. Therefore, the Commission should require COMSAT immediately to file tariff revisions to implement a four percent rate reduction for its short-term video services.

Please do not hesitate to contact me if you have any questions.

Sincerely,



Randolph J. May  
Counsel for the Networks

cc: Roderick K. Porter, Acting Chief, International Bureau  
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