

Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)	
)	
COMSAT Corporation)	1-SAT-ISP-96
Maritime Telecommunications Network, Inc.,)	
and Williams L. Whitely Petitions)	
For Reconsideration)	
Pan AmSat Corporation Application)	99-SAT-ISP-96
For Review)	
Cosat Corporation Notification of)	31-SAT-ISP-97
Corporate Reorganization)	
Cosat Corporation Notification of)	196-SAT-ISP-97
Corporate Reorganization)	
)	
WILLIAM L. WHITELY)	117-SAT-DR-96
Request for Declaratory Ruling)	
)	
WILLIAM J. HALLENBECK)	118-SAT-DR-96
Request for Declaratory Ruling)	
)	
COMMITTEE TO RESTRUCTURE)	
THE INTERNATIONAL SATELLITE)	
ORGANIZATIONS)	
Petition to Enjoin Cosat Payment of)	64-SAT-DR-97
Dividends from Retained Earnings, as amended)	
Emergency Petition to Enjoin Cosat)	65-SAT-DR-97
From Using Legal Process, as amended)	
)	
BELCOM MINORITY SHAREHOLDERS)	
AND CLAIMANTS COMMITTEE)	
Petition for Investigation and Issuance of a)	73-SAT-DR-97
Declaratory Ruling)	
)	
PANAMSAT CORPORATION)	
Petition to Reopen Changes in the Corporate)	CC Dkt. No. 80-634
Structure and Operations of the)	
Communications Satellite Corporation)	

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FOR MAIL SECTION

MEMORANDUM OPINION AND ORDER**Adopted: September 7, 2000****Released: September 13, 2000**

By the Commission:

1. The Commission has before it a “Request for Issuance of a Corrected Memorandum Opinion and Order” and a “Petition for Investigation, Sanctions and/or Correct Measures,” both filed by William H. Hallenbeck on behalf of the Committee to Restructure the International Satellite Organizations (hereafter referred to as the Petitioner).¹ The petitions are in the nature of requests for reconsideration of our 1998 *Consolidated Order* in the above-styled proceeding.² Comsat Corporation (Comsat) filed separate oppositions to each petition.³ The Petitioner also filed untimely a “Response to Reply of Comsat Corporation and Petition for Directed Ruling Based on Admission Against Interest by Comsat Corporation.”⁴ Comsat filed a Motion to Strike and an Opposition to this pleading. The Petitioner filed a Response to Comsat’s Opposition and a Supplement to its Response. For the reasons stated below, we deny Petitioners requests for reconsideration.

A. BACKGROUND

2. In the *Consolidated Order*, the Commission denied various petitions previously filed by the Petitioner alleging violations of the Communications Satellite Act of 1962 and Commission policy by Comsat. For reasons discussed below, we deny reconsideration of the *Consolidated Order* and other relief requested by the Petitioner.

3. The Petitioner reasserts claims it made in past petitions that Comsat has violated: (1) the 1962 Satellite Act by not obtaining prior Commission authorization to acquire control of Belcom, Inc., a Comsat subsidiary that provides telecommunications services in other countries; and (2) Commission structural separation requirements through misallocation of expenses it occurred on behalf of Belcom. The Petitioner also requests us to “correct” various findings and statements in the *Consolidated Order* that it maintains are in error. The alleged errors include mischaracterization of: (1) FCC oversight

¹ The Petitioner (also known as Litigation Trust Recovery (LTR)), has had a long-standing disagreement with Comsat over operation of Belcom, Inc., which is controlled by Comsat. Petitioner represents former shareholders in Belcom. Comsat had successfully brought legal action against one of the shareholders in Delaware Chancery Court, for breaching his fiduciary duty to Belcom. *Belcom, Inc. v. Scott Robb, Del-*, Civil Action No. 14663 (April 28, 1998). The Petitioner states that it is appealing that decision.

² *In re Comsat Corporation*, 13 FCC Rcd 2714 (1998) (*Consolidated Order*).

³ Comsat also filed with each Opposition a “Motion for Acceptance” of its pleading because the petitioners’ filings are not specifically contemplated by the Commission’s Rules.

⁴ The response filed by Litigation Trust Recovery, William J. Hallenbeck and William Whitely was filed on June 29, 2000 – over two years after Comsat filed the pleadings to which it responds. Under Section 1.46 of the Rules, the Petitioner must seek permission to file late filed pleadings demonstrating an emergency situation. It has made no attempt at any such showing. Moreover, the Petitioners filings appear to have been mailed directly to a Commission staff member rather than filed with the Secretary of the FCC pursuant to Section 1.106(i) of the Commission’s Rules. We will therefore dismiss the filings as untimely.

responsibilities; (2) certain proceedings before the FCC; and (3) the nature Comsat divisions and subsidiaries under the Commission's structural separations policy. In addition, the Petitioner asks us to consider new information that according to petitioner, shows that Comsat has misallocated legal fees that should have been borne by Belcom under Commission structural separation requirements.

4. In opposition to the Petitioners "Request for Issuance of a Corrected Memorandum Opinion and Order," Comsat points out that the Commission does not make editorial corrections to its orders; that the "corrections" requested by the Petitioner lack decisional significance; and that Comsat has not been in violation of the Commission's structural separation requirements. In opposition to the Petitioners "Petition for Investigation, Sanctions and/or Corrective Measures," Comsat maintains that the information presented by the Petitioner demonstrates that it has complied with, rather than violated, Commission's structural separation requirements, and requests that the petition be denied.

B. DISCUSSION

5. The Petitioner fails to demonstrate under our rules that we should entertain reconsideration of our *Consolidated Order* based on the petitions that have been filed. Section 1.106 of our Rules provides that petitions for reconsideration, which rely on facts not previously presented to the Commission, may be granted only if consideration of the facts is required in the public interest, or that the facts: (1) "relate to events which have occurred or circumstances which have changed since the last opportunity to present such matters," or (2) were "unknown to the petitioner until after his last opportunity to present such matters which could not, through the exercise of due diligence, have been learned prior to the opportunity."⁵

6. Nothing in the Petitioner's "Request for Issuance of Corrected Memorandum Opinion and Order" persuades us that we should reconsider the *Consolidated Order*. Petitioner's allegations of error either are without merit or of no decisional significance. In addition, the information submitted in the "Petition for Investigation, Sanctions and/or Corrective Measures" is undated and apparently excerpted from an unidentified document from the records of Delaware Chancery Court proceedings. The Petitioner provides no explanation, upon which we could reasonably base a conclusion that the information was unavailable to it prior to the last opportunity to present such matters, or that the Petitioner otherwise could have become aware of it through exercise of due diligence. Further, there is no public interest reason to grant reconsideration based on the information. The information consists of billing records apparently for work performed by Comsat attorneys in connection with proceedings between Comsat and Petitioners in the Delaware Chancery Court. Because the information standing alone does not demonstrate that the information offer falls within any of the limited circumstances provided for in Section 1.106 of our Rules, the Petitioner may not rely on its submission as a basis to seek reconsideration of our *Consolidated Order*.

7. Accordingly, IT IS ORDERED that the "Request for Issuance of a Corrected Memorandum Opinion and Order" filed by William H. Hallenbeck on behalf of the Committee to Restructure the International Satellite Organizations IS DENIED.

8. IT IS FURTHER ORDERED that the "Petition for Investigation, Sanctions and/or Corrective Measures" filed by the William H. Hallenbeck on behalf of the Committee to Restructure the International Satellite Organizations IS DENIED.

⁵ 47 CFR § 1.106(b)(2) and (c).

9. IT IS FURTHER ORDERED that Comsat's Motion for Acceptance of Oppositions to the Petitioners filings IS GRANTED.

10. IT IS FURTHER ORDERED that Comsat Corporation's Motion to Strike the "Response to Reply to Comsat Corporation and Petition for Directed Ruling Based on Admission Against Interest by Comsat Corporation" filed by Litigation Trust Recovery, William J. Hallenbeck, and William L. Whitely IS GRANTED.

FEDERAL COMMUNICATIONS COMMISSION



Magalie Roman Salas
Secretary