



attachments are available now in unredacted form, an extension of time to reply to all portions of the Oppositions is simply not warranted.

Iridium and VIZADA justify their Joint Request on the basis that the Loan Facility Agreement and Call Option Agreement attached to the CIP Canada Opposition contain redacted material, and that they need access to that redacted material to file their Replies. VIZADA and Iridium claim that the Loan Facility Agreement and Call Option Agreement "bear directly on the issue of who will actually control Stratos following the proposed transaction and what incentives exist among the parties."<sup>3</sup>

The Loan Facility Agreement and Call Option Agreement are not relevant to deciding who will actually control Stratos. As Stratos, CIP Canada and Inmarsat Finance point out in their Oppositions,<sup>4</sup> the only agreement that is relevant to determine who will control Stratos is the Trust Agreement, which was included in unredacted form with the Applications filed on April 4, 2007. The Trust Agreement establishes a firewall that shields Stratos from any control by CIP Canada or Inmarsat Finance. Pursuant to the Trust Agreement, the Trustee will have *de jure* and *de facto* control over Stratos. The loan is between Inmarsat Finance and CIP, not Stratos. Additional time is not needed for Iridium and VIZADA to further analyze the Trust Agreement or to respond to arguments put forth in the Oppositions concerning the Trust Agreement.

No portion of the Inmarsat Finance and Trustee Oppositions were redacted, and no portion of the Stratos Opposition and its five attachments (over 300 pages) were redacted. Moreover, none of the redacted portions of the financial

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<sup>3</sup> Joint Request at 2.

<sup>4</sup> See, e.g., Stratos Opposition at 4-15; CIP Canada Opposition at 7-8; Inmarsat Finance Opposition at 3-4.

documents are relevant to the Applications. In addition, none of arguments put forth by CIP Canada in its Opposition were redacted, and of the 174 pages of attachments provided by CIP Canada, less than 5% were redacted. In sum, almost 99% of all of the material (Oppositions and Attachments) filed by Stratos, Inmarsat Finance, CIP Canada and the Trustee on July 9, 2007 was in unredacted form and is in the hands of Iridium and VIZADA. Further, the redacted material is not relied upon or cross-referenced in any way in the arguments set forth in the Oppositions -- the redacted material is irrelevant to the Applications. Iridium and VIZADA have failed to explain why they cannot respond now to 100% of the Oppositions, and almost 99% of their attachments, in accordance with the pleading cycle.

Stratos, CIP Canada and Inmarsat do not object to allowing Iridium and VIZADA to file a supplement to their Replies within 5 days of being given access to the redacted material.<sup>5</sup> However, there is no reason now to delay their response to the Oppositions and almost 99% of the attached materials that were not redacted. The Applications were filed at the beginning of April, the public notice was not released until the end of May and the Commission purposely established a tight pleading cycle for this proceeding.<sup>6</sup> Approving the blanket extension of time sought by Iridium and VIZADA will only delay action in this proceeding when such delay is not justified. Iridium and VIZADA have the ability to respond completely to the Oppositions and almost 99% of

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<sup>5</sup> Such a supplement should be narrowly focused on the "redacted material."

<sup>6</sup> With 4 weekend days and a federal holiday in the interim, Stratos, CIP Canada and Inmarsat had only five business days in which to prepare their Opposition to the Iridium and VIZADA Petitions. By adhering to the Commission's pleading cycle, Iridium and VIZADA would also have five business days to file their Replies.

the attachments, and the Commission should require them to do so without any extension of time.

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Dated: July 12, 2007

## CERTIFICATE OF SERVICE

I, Marc A. Paul, an attorney with the law firm of Steptoe & Johnson LLP, hereby certify that on this 12th day of July 2007, I served a true copy of the foregoing Joint Opposition by first class mail, postage pre-paid (or as otherwise indicated) upon the following:

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