

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Federal Communications Commission’s Report) IB Docket No. 10-70
to Congress as Required by the ORBIT Act)
)
)

OPPOSITION TO INTELSAT’S REQUEST FOR EXTENSION OF TIME TO REPLY

ARTEL, Inc. (“ARTEL”) and Globecomm Systems Inc. (“Globecomm”) oppose Intelsat LLC and its affiliated entities’ (collectively “Intelsat”) two-week extension request¹ made at the close of the fifth day of the seven-day reply period established by the Commission for this proceeding on March 17, 2010.² ARTEL and Globecomm contend that Intelsat’s untimely and overreaching request should be denied or, in the alternative, curtailed.

Section 1.46 of the Commission’s rules³ provides that a motion for an extension of time in which to reply to comments must be filed at least seven days before the filing deadline.⁴ Intelsat’s request was filed two days before the April 14, 2010, deadline. Accordingly, Intelsat’s filing, on its face, is untimely and should be denied.

¹ *Federal Communications Commission’s Report to Congress as Required by the ORBIT Act*, Intelsat Request for Extension of Reply Comment Deadline, IB Dkt. No. 10-70 (April 12, 2010) (“*Intelsat’s Extension Request*”).

² *International Bureau Information: Report to Congress Regarding the ORBIT Act*, Public Notice, DA 10-448, IB Dkt. No. 10-70 (rel. Mar. 17, 2010) (“*Pleading Cycle Order*”).

³ 47 C.F.R. § 1.46 (“It is the policy of the Commission that extensions of time shall not be routinely granted.” 47 C.F.R. § 1.46(a)).

⁴ 47 C.F.R. § 1.46 (b): “Motions for extension of time in which to file responses to petitions for rulemaking, replies to such responses, comments filed in response to notice of proposed rulemaking, replies to such comments and other filings in rulemaking proceedings conducted under Subpart C of this part shall be filed at least 7 days before the filing date.” The Commission’s *Pleading Cycle Order* cites sections 1.415 and 1.419 of the Commission’s rules as its enabling authority to allow for comments under this proceeding. Since sections 1.415 and 1.419 are contained within Subpart C of the Commission’s rules (§§ 1.399-1.430), the requirements of section 1.46 (b) apply.

Should the Commission, however, decide to consider Intelsat's late-filed request, ARTEL and Globecomm assert that Intelsat has failed to meet the requisite standard required to grant such requests. Again, section 1.46 of the Commission's rules provides that "[i]n *emergency* situations, the Commission will consider a late-filed motion for a *brief* extension of time *related to the duration of the emergency*"⁵ Intelsat has not claimed that its request for an extension of time is related to an emergency of any type. In fact, the only grounds for the extension of time is to "thoroughly review" the comments filed by the parties to this opposition.⁶ ARTEL and Globecomm would hardly consider Intelsat's need to thoroughly review four pleadings⁷ as an "emergency situation" requiring a two-week extension to the current deadline. Virtually every pleading cycle established by the Commission would be subject to this "emergency situation" under Intelsat's interpretation of "emergency." Accordingly, the Commission should deny Intelsat's extension request.

ARTEL and Globecomm recognize, however, that the Commission's initial seven-day reply deadline may not have afforded Intelsat sufficient time to review the filed comments and submit a timely-extension request. Accordingly, ARTEL and Globecomm recommend that should the Commission decide to extend the period of time for replies that it do so only until April 19, 2010. This five-day extension should give Intelsat ample time to respond to the four comments filed in this proceeding.

Additionally, the Commission's need for a full and complete record related to its Congressional reporting obligations under the ORBIT Act⁸ would be frustrated by an Intelsat

⁵ 47 C.F.R. § 1.46 (c) (emphasis added).

⁶ *Intelsat's Extension Request*, p. 2.

⁷ In addition to ARTEL and Globecomm, CapRock Communications, Inc. and Spacenet Inc. filed comments.

⁸ 47 U.S.C. § 765e. Commission reports to Congress must include – "(1) Progress with respect to each objective since the most recent preceding report; (2) Views of the Parties with respect to privatization; (3) Views of industry

filing that precluded ARTEL, Globecomm, and others from having the opportunity to respond. Therefore, in light of Intelsat's effort to sandbag the record by only providing reply comments, ARTEL and Globecomm are filing a separate motion to the Commission for the opportunity to submit surreplies in the instant docket.

As noted above, ARTEL and Globecomm oppose Intelsat's untimely request for an extension of time to file its reply and request that the Commission either deny the request or limit the extension period to one that more accurately reflects the "emergency situation" faced by Intelsat.

Dated April 13, 2010

Respectfully submitted,

/s/

Catherine Wang
Frank G. Lamancusa
Timothy L. Bransford
BINGHAM MCCUTCHEN LLP
2020 K Street, N.W.
Washington, DC 20006
(202) 373-6000
Counsel for ARTEL, INC.

Michelle A. McClure
Frank R. Jazzo
Christine E. Goepp
FLETCHER, HEALD & HILDRETH LLP
1300 North 17th Street, 11th Floor
Arlington, VA 22209
(703) 812-0400
Counsel for Globecomm Systems Inc.

and consumers on privatization; (4) Impact privatization has had on United States industry, United States jobs, and United States industry's access to the global marketplace."

CERTIFICATE OF SERVICE

I, Tim Bransford, do hereby certify that on April 13, 2010, I served, via electronic mail, a copy of ARTEL/Globecom's Opposition to Intelsat's Request for Extension of Reply Comment Deadline on the following:

Jennifer D. Hindin
Colleen King
WILEY REIN LLP
1776 K Street, NW
Washington, DC 20006
(202) 719-7000
jhindin@wileyrein.com

Counsel for Intelsat LLC

Joan M. Griffin
KELLEY DRYE & WARREN LLP
3050 K Street, NW
Suite 400
Washington, DC 20007
(202) 342-8573
jgriffin@kelleydrye.com

Counsel for Spacenet Inc.

C. Douglass Jarrett
Wesley K. Wright
KELLER AND HECKMAN LLP
1001 G Street, NW
Washington, DC 20001
(202) 434-4100
jarret@khlaw.com

Counsel for CapRock Communications, Inc.

/s/
Tim Bransford