

Before The

United States Federal Communications Commission

Washington, D.C. 20554

In the Matter of)
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Reprot to Congress Regarding the) IB Docket No. 13-13
ORBIT Act)
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Statement For The Record

COMES NOW, ROBERT L LINDSEY IV, before the United States Federal Communications Commission in the District of Columbia who pursuant 47 CFR §§ 1.415, 1.419, and *Public Notice*, DA 13-140, hereby respectfully submits his Statement for the Record.

Robert L. Lindsey IV
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For Petitioners

February 11, 2013

On February 4, 2013 the Federal Communication Commission (“Commission”) released a *Public Notice*, soliciting comments from the public regarding the privatization of Intelsat and Inmarsat, the impact of privatization on U.S. industry and jobs, including access to the global marketplace.¹ The Commission is required by federal law to annually submit a *Report*² to Congress regarding the Commissions progress of implementing provisions of the ORBIT Act.³ Privatization has widely been recognized as something mainly promoted by international originations, including the World Bank and the International Telecommunications Union (“ITU”). The satellite communications industry has experienced a tremendous growth, which could be partially attributed to privatization.

Although “Inmarsat’s privatization appears to have had a positive impact on the domestic market”⁴ some would say that privatization should be approached with delicacy. Although I support the privatization of Intelsat and Inmarsat, I urge both Congress and the Commission to streamline policies that promote the privatization of satellite communication companies in a manner that is consistent with the national security interest of the United States.

¹ See International Bureau Information: Report to Congress Regarding the ORBIT Act Pleading Cycle Established, *Public Notice*, IB Docket No. 13-13, DA 13-65 (2013).

² As required by statute the Commission has submitted a total of thirteen *Reports* to Congress, the most recent *Report* was issued in 2012.

³ 47 U.S.C. § 701.

⁴ *FCC Report to Congress as Required by the ORBIT Act*, Report, 25 FCC Rcd 7834 (2010).

It should be noted there have been some allegations made against Intelsat of anticompetitive conduct since the 2006 Intelsat/PanAmSat merger. Furthermore Spacenet, Inc. (“Spacenet”), ARTEL, Inc. (“ARTEL”), CapRock Communications, Inc. (“CapRock”), and Globecom Systems, Inc. (“Globecom”) have attributed a lack of available orbital locations to their ability to compete with Intelsat in the FSS market. In the past ARTEL, CapRock, and Globecom have made allegations against Intelsat regarding anticompetitive behavior practiced by Intelsat General (“IGEN”), an Intelsat wholly-owned subsidiary.⁵ As noted by the Commission, ARTEL, without providing specific’s, claimed IGEN entered into agreements with other satellite operators that frustrated or precluded those very same operators from conducting business with competitors to IGEN.⁶ Additionally Globecom accused IGEN of similar anticompetitive practices by receiving preferable rates from Intelsat, however Globecom did not provide a specific example of these allegations.⁷

⁵ IGEN was initially created when Intelsat acquired Comcast General Corp. and PanAmSat’s G2 Satellite Solutions Division; *see also* Intelsat’s 2009 annual report to the Securities and Exchange Commission, Intelsat described IGEN at a “*government business subsidiary*” available at <http://www.sec.gov/Archives/edgar/data/1156871/000119312510051611/d10k.htm> (visited Feb. 9, 2013).

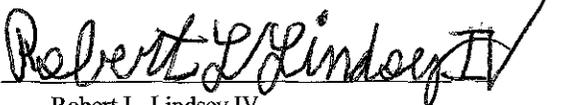
⁶ ARTEL Comments at 5-6, in IB Docket No. 10-70.

⁷ Globecom Comments at 3-4, in IB Docket No. 10-70.

In light of the serious nature of the allegations made by ARTEL, CapRock, and Globecom it is recommended that the Committees on Commerce and International Relations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Foreign Relations of the Senate conduct an investigation inquiring as to whether Intelsat, and or IGEN engaged in anticompetitive practices. It is further recommended that the Commission conduct a similar investigation and reflect any findings in its *Report* to Congress.⁸

Section 312(a)(2) of the Communications Act of 1934, as amended, provides that the Commission may revoke any license if “conditions come to the attention of the Commission which would warrant it in refusing to grant a license or permit on the original application.”⁹ Currently, only a small number of statutes exist, which the Commission may rely on, to enforce its Character and Candor Requirements. I believe it would be warranted for Congress, and in the best interest of the public, to specify certain conduct that would automatically warrant immediate revocation of a license or permit without requiring the Commission to conduct a hearing before an administrative law judge. Proposed immediate revocation of this nature should only be reserved for the worst cases, such as a licensee found to have been convicted by, adjudicated or have pled guilty to a court of competent jurisdiction of any egregiously violent sexual act.

Respectfully Submitted,

By: 
Robert L. Lindsey IV

⁸ The Commission is reminded that any *Report* to Congress must include progress made in regards to fulfilling the statutory obligations of the ORBIT Act, see 47 U.S.C. § 765(e).

⁹ 47 U.S.C. § 312(a)(2).