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Policy Branch
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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Marlene H. Dortch
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Int'l Bureau

JUL 09 2004

Front Office

Re: File Nos. SAT-ASG-20030728-00138 and SAT-ASG-20030728-00139

Dear Ms. Dortch:

Intelsat North America LLC ("Intelsat"), by its attorneys, hereby urges the Federal Communications Commission ("FCC" or "Commission") to deny SES AMERICOM, Inc.'s ("SES AMERICOM") Motion to Strike ("Motion")¹ Intelsat's ex parte letter of June 4, 2004 ("Ex Parte").² Intelsat's Ex Parte is both fully consistent with the letter and intent of the Commission's ex parte and pleading cycle rules and otherwise authorized under the Commission's rules. It is therefore properly presented to the Commission for consideration.

On August 15, 2003, the Commission classified this proceeding as "permit-but-disclose" for purposes of the Commission's ex parte rules.³ The Commission's ex parte rules are designed to allow for a full and open discussion of all the issues associated with an application. In deciding to afford "permit-but-disclose" status to this proceeding, the Commission agreed with the parties that such designation "would serve the public interest by facilitating the development of a complete record upon which a well-reasoned decision can be made."⁴ Under the Commission's "permit-but-disclose" ex parte regulations, substantive written presentations filed subsequent to the closure of a formal pleading cycle are expressly permitted, provided they are not intended solely to delay the review process.⁵ Intelsat's Ex Parte is not repetitive or excessive. Instead, it was designed

¹ *SES AMERICOM, Inc. Motion to Strike*, File Nos. SAT-ASG-20030728-00138/00139 (filed June 24, 2004) ("*SES AMERICOM Motion to Strike*").

² Letter from Bert W. Rein and Jennifer D. Hindin, Counsel to Intelsat North America LLC, to Marlene H. Dortch, Secretary, Federal Communications Commission (filed June 4, 2004).

³ Public Notice, Federal Communications Commission, Intelsat North America LLC, Loral Satellite, Inc. (Debtor-in-Possession), Loral SpaceCom Corporation (Debtor-in-Possession) and Loral Space & Communications Ltd. (Debtor-in-Possession) Seek Approval to Assign Certain Space Station Authorizations Held by Loral Satellite, Inc. (Debtor-in-Possession) and Loral SpaceCom Corporation (Debtor-in-Possession) to Intelsat North America LLC (Aug. 15, 2003).

⁴ *Id.* at 2.

⁵ 47 C.F.R. § 1.1206(b)(1). In its Motion, SES AMERICOM specifically relies on only one prior FCC decision to exclude subsequent filings from consideration. See *SES AMERICOM Motion to Strike* at 2-3 (citing *Lockheed Martin Corp., COMSAT Gov't Sys. LLC, and COMSAT Corp.*,

July 1, 2004

Page 2

to supplement and clarify Intelsat's original opposition so as to respond to specific questions raised by the Commission and other parties. As such, Intelsat's Ex Parte is permissible under the Commission's ex parte rules.

Furthermore, on May 26, 2004, representatives of Intelsat and Lockheed Martin Corporation met with John Rogovin, General Counsel of the FCC, and other representatives of the Office of General Counsel and the International Bureau. At this meeting, we informed the staff that Chairman Powell and his staff had requested that Intelsat file a substantive ex parte letter with the Commission "supplementing and clarifying" its statutory analysis in its Opposition to SES AMERICOM's pending Application for Review in this proceeding.⁶ This request is consistent with Section 25.111 of the Commission's rules, pursuant to which the "Commission may request from any party at any time additional information concerning any application, or any other submission or pleading regarding an application."⁷ Thus, in addition to being a permissible ex parte presentation, Intelsat's Ex Parte was filed in direct response to an FCC request for additional information and is therefore specifically permissible under Section 25.111(a) of the Commission's rules.

For the foregoing reasons, Intelsat respectfully requests that the Commission deny SES AMERICOM's Motion to Strike. If you have any questions regarding this letter or proceeding, please do not hesitate to contact the undersigned.

Sincerely,



Bert W. Rein
Jennifer D. Hindin
Carl R. Frank
Counsel to Intelsat North America LLC

(Continued . . .)

Order on Reconsideration, 17 FCC Rcd 13160, 13164 (2002)). In contrast to the current situation, that case involved supplemental filings that were both excessive and repetitive. *Id.* In fact, the party in question had filed five supplemental filings repeating the same arguments in each filing. *Id.*

⁶ *SES AMERICOM, Inc., Application for Review*, SAT-ASG-20030728-00138/00139 (filed March 12, 2004).

⁷ 47 C.F.R. § 25.111(a).

CERTIFICATE OF SERVICE

I hereby certify that on this 1st day of July, 2004, I caused a copy of the foregoing letter to be served by U.S. First-Class Mail, postage prepaid, on the following:

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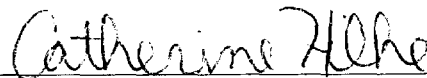
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