

BEFORE THE
Federal Communications Commission
WASHINGTON, D.C.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the matter of)

Loral SpaceCom Corporation and)
Loral Space & Communications Corporation)

Applications for Modification of Fixed-Satellite)
Service Space Station Authorizations)

Applications for Extension of Milestone Dates)

Request for Extension of Time to Construct,)
Launch, and Operate a Ka-band Satellite)
System in the Fixed-Satellite Service)

File Nos. 123/124-SAT-MP-96;
IBFS Nos. SAT-MOD-19960610-00082/83
SAT-MOD-19991102-00106;
SAT-MOD-19991101-00108/109
Call Signs: S2159, S2160, S2205, T402

File Nos. SAT-MOD-19991101-00107
SAT-MOD-20020408-00060; Call Sign: S2160

File Nos. SAT-MOD-20000104-00042/43/44/45

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To: The Commission

Policy Branch
International Bureau

OPPOSITION TO APPLICATION FOR REVIEW, IN PART

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May 6, 2003

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SUMMARY

Loral Space & Communications Corporation and Loral Orion, Inc. (collectively “Loral”), oppose the Application for Review, in part, filed by Orbital Resources LLC (“Orbital Resources”) demanding that the Commission immediately vacate portions of the International Bureau’s April 1, 2003, Order confirming the validity of Loral’s Ku-band authorization at 47° W.L. Orbital Resources has established no basis for its Application for Review.

In the Order, the Bureau clearly explained that, although it was nullifying Loral’s Ka-band authorization at 47° W.L. for failure to meet the Ka-band milestones established in 1997, consistent with its prior determinations on this matter such action did not affect the Ku-band authorization at that orbital location. When Loral’s use of Ku-band frequencies was authorized in 1991, the Commission did not impose any implementation milestones in that authorization. In its 1997 Ka-band order, the Commission modified the original authorization, with a second authorization, which imposed milestones on the Ka-band frequencies to be incorporated into a hybrid satellite. The Bureau should be accorded significant deference when interpreting its own decisions.

Orbital Resources’ standing to file its Application for Review is tenuous. Orbital Resources holds no FCC space station licenses nor does it appear to have any plans to build a satellite at 47° W.L. or elsewhere. Its interest in this proceeding is purely pecuniary. Orbital Resources provides no basis for the Commission to vacate the provisions of the Bureau’s Order validating Loral’s 47° W.L. Ku-band authorization. The Bureau’s decision was rational and consistent with prior orders and should be upheld.

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System in the Fixed-Satellite Service)	

OPPOSITION TO APPLICATION FOR REVIEW, IN PART

Loral Space & Communications Corporation and Loral Orion, Inc. (collectively "Loral" except where otherwise noted), by its attorneys, submit this Opposition to the April 21, 2003, Application for Review, In Part ("Application for Review") filed by Orbital Resources LLC ("Orbital Resources") in the above-referenced proceeding. Orbital Resources demands that the Commission vacate portions of the International Bureau's April 1, 2003, Order relating to the validity of Loral's Ku-band authorization at 47° W.L.¹ Orbital Resources provides no basis for such action. Its Application for Review is without merit and should be dismissed.

¹ In re Loral SpaceCom Corporation and Loral Space & Communications Corporation, Applications for Modification of Fixed-Satellite Service Space Station Authorizations; Applications for Extension of Milestone Dates; Request for Extension of Time to Construct, Launch and Operate a Ka-band Satellite System in the Fixed-Satellite Service, *Memorandum Opinion, Order and Authorization*, DA 03-1045 (rel. April 1, 2003) ("Order").

I. BACKGROUND

On June 27, 1991, the Commission granted Loral's predecessor-in-interest, Orion Satellite Corporation ("Orion"), final authorization to use Ku-band frequencies at 47° W.L.² Consistent with its separate systems licensing policies, the Commission did not impose implementation milestones on Orion's authorization. On May 8, 1997, the Commission granted Orion authority to modify its Ku-band authorization to add a Ka-band payload.³ In the Ka-band Order, the Commission established construction and launch milestones for the Ka-band authorization. The Ka-band construction completion and launch milestones for the 47° W.L. Ka-band authorization were identical to those imposed with respect to Orion's Ka-band authorizations at 89° W.L., 81° W.L. and 78° E.L.⁴

Following its acquisition of Orion,⁵ Loral filed a request to modify its Ka-band authorization for 47° W.L. and for its other newly acquired Ka-band slots to add inter-satellite links (ISLs) and to extend the Ka-band milestones to be commensurate with those of other first round Ka-band licensees with ISL authority.⁶ Although the

² In re Orion Satellite Corporation Request for Final Authority to Construct, Launch and Operate an International Communications Satellite System, Order, 6 FCC Rcd. 4201 (1991).

³ In re Orion Atlantic, L.P. Application for Modification of Authority to Add Ka-band Capacity to its Ku-band Orion F-2 Satellite, Order and Authorization, 13 FCC Rcd. 1416 (1997) ("Ka-band Order").

⁴ Ka-band Order at ¶ 32; In re Orion Network Systems, Inc. Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 12 FCC Rcd. 23027 at ¶ 31 (1997).

⁵ In re Application of Loral Space & Communications Ltd. and Orion Network Systems, Inc., International Private Satellite Partners, L.P. (d/b/a) Orion Atlantic, L.P., Order and Authorization, 13 FCC Rcd. 4592 (1998). The term "Loral" will now be used to refer to all Loral-affiliated entities for purposes of this pleading, except where explicitly noted.

⁶ File No. SAT-MOD-20000104-00045.

International Bureau granted Loral's ISL modification, it denied Loral's milestone extension request.⁷ Loral filed a petition for reconsideration of this order. In the instant Order, the Bureau affirmed its decision not to extend Loral's construction completion and launch milestones with respect to the Ka-band payload at 47° W.L. and declared that authorization null and void.⁸ However, it clarified that "Loral's underlying Ku-band-only authority at 47° W.L. remains valid until such time as the Commission addresses in a future rulemaking the broader issue of how [the FCC] will recapture as-yet unbuilt Ku-band licenses issued without milestones."⁹

II. THE BUREAU'S DECISION IS CONSISTENT WITH ITS PRIOR ORDERS AND SHOULD BE UPHELD.

The Commission's rules require a party seeking Commission review of an action taken pursuant to delegated authority to specify with particularity which among a list of factors warrants Commission consideration of the questions presented.¹⁰ The factors include (i) a conflict with statute, regulation, case precedent or established policy; (ii) an undecided question of law or policy; (iii) a precedent that should be overturned or revised; (iv) an erroneous finding on an material question of fact; or (v) prejudicial

⁷ In re Loral Space & Communications Corp. Request for Extension of Time to Construct, Launch and Operate a Ka-band Satellite System in the Fixed-Satellite Service, Order, 16 FCC Rcd. 11044 (2001).

⁸ The Bureau also declared null and void Loral's Ka-band authorizations at 81° W.L., 78° E.L. and 89° W.L. Order at ¶¶ 1, 22.

⁹ Order at ¶ 14.

¹⁰ 47 C.F.R. § 1.115(b)(2).

procedural error.¹¹ Orbital Resources has not presented sufficient reason on any of these grounds to overturn the International Bureau's decision.

Orbital Resources' primary argument is that milestones attach to a satellite, regardless of whether distinct frequency authorizations have provided for the construction and launch of that satellite. It also maintains that one satellite automatically denotes one authorization. Orbital Resources argues that the Bureau's Order concludes, "absent a scintilla of evidence," that Loral's Ku-band authorization remains valid despite concluding that the separate authorization for a Ka-band payload is null and void.¹²

As an initial matter, Orbital Resources has erroneously assumed that the Bureau bears the burden of providing "evidence" that Loral's Ku-band authorization is valid. On the contrary, the Bureau is entitled to substantial deference when it interprets its own orders, just as courts accord administrative agencies a higher level of deference when agencies interpret their own rules. Indeed, "in construing administrative regulations, the ultimate criterion is the administrative interpretation, which becomes of controlling weight unless it is plainly erroneous or inconsistent with the regulation."¹³ The Bureau is entitled to the same level of deference when it interprets its own prior orders. Here, the Bureau's reading of relevant prior orders is supported by the language of the orders themselves as well as its own administrative practices. Contrary to Orbital Resources' allegations, the Bureau's decision was consistent with the terms of Loral's

¹¹ Id.

¹² Application for Review at 1-2.

¹³ Capital Network System, Inc. v. FCC, 28 F.3d 201, 206 (D.C. Cir. 1994), *citing* U.S. v. Larionoff, 431 U.S. 864, 872 (1977) (internal quotations omitted).

authorizations and the public interest. The Bureau's decision is, therefore, not plainly erroneous and must be upheld.

In the Order, the Bureau clearly and accurately explained the rationale behind its decision to uphold Loral's 47° W.L. Ku-band authorization. Consistent with the licenses it issued to Loral, and decisions relating to those licenses, the Bureau concluded that, although it was nullifying Loral's Ka-band authorization at 47° W.L. for failure to meet the Ka-band milestones established in 1997, such action did not affect the underlying Ku-band authorization at that orbital location.¹⁴ The Bureau noted that when the Ku-band frequencies were authorized, there were no milestone requirements for separate systems satellites, and the Commission did not impose any implementation milestones in that authorization.¹⁵ Indeed, the Bureau also notes that, even today, there are no milestone requirements for licenses granted under the separate systems policies.¹⁶ In its Ka-band Order, the Commission merely modified the Ku-band license to provide for an additional Ka-band authorization and imposed milestones on the Ka-band portion of the proposed hybrid satellite. The Bureau clearly states that "those milestone deadlines *were not intended* to apply to the Ku-band portion of that satellite."¹⁷

The language of the Ka-band Order supports and is consistent with the Bureau's interpretation. The assignment of the 47° W.L. Ka-band frequencies and the associated milestones were established in a separate, distinct authorization from the one authorizing use of Ku-band frequencies. The Ka-band authorization includes an

¹⁴ Order at ¶ 26.

¹⁵ Id.

¹⁶ Id.

¹⁷ Id. (emphasis added)

extensive discussion of the milestone schedules to be imposed on first round Ka-band licensees and is focused solely on 28 GHz (Ka-band) systems.¹⁸ In that paragraph, there is no discussion of imposing milestones on Ku-band frequencies. The ordering clauses of that license mention only the Ka-band frequencies authorized and include no language imposing milestones on Loral's Ku-band authorization or any rationale for doing so. Orbital Resources' arguments to the contrary clearly do not comport with the plain language of the Ka-band Order.

In the final analysis, Orbital Resources essentially argues that the FCC modified Loral's Ku-band authorization in the Ka-band Order *sub silentio*. This is not the Bureau's interpretation, having stated that it will address milestone enforcement with respect to the Ku-band frequencies once the Commission has developed a mechanism to enforce such requirements on separate system satellites that do not have milestone requirements.¹⁹ Orbital Resources' argument is also contrary to Section 316 of the Communications Act of 1934, as amended.²⁰ The Commission may only modify Loral's 47° W.L. Ku-band authorization after providing Loral written notice of such intention and an opportunity to respond, in accordance with Section 316. Until and unless the Commission does so, Loral's Ku-band license contains "no other conditions allowing [the FCC] to revoke the license on the basis of construction status."²¹

¹⁸ Ka-band Order at ¶ 26.

¹⁹ Order at ¶ 26.

²⁰ 47 U.S.C. § 316.

²¹ In re Columbia Communications Corporation Petition to Revoke Authorization of Orion Satellite Corporation, Order and Order on Reconsideration, 16 FCC Rcd 10867 at ¶ 5 (2001) ("Columbia Revocation Order").

A. Orbital Resources' Reliance on Specific Terms Used in Loral's Ka-Band License is Inapt.

As described above, the Ka-band Order discussed the imposition of milestones and the rationale for doing so only as applied to the Ka-band frequencies. Orbital Resources' primary "proof" that the Bureau really meant to apply Loral's Ka-band milestones to Loral's Ku-band authorization is language in an ordering clause in the Ka-band Order which states that "unless extended by the Commission for good cause shown, *each of the authorizations* shall become NULL AND VOID in the event the space station is not constructed, launched, and successfully placed into operation in accordance with the technical parameters and terms and conditions of the *authorizations* by the following dates."²² Orbital Resources also calls into question use of the term "system milestone schedule."²³

First, the use of the term "system milestone schedule" is used in every one of the first round Ka-band licenses issued with milestones, whether the licenses were for one satellite or a fleet of satellites.²⁴ Moreover, the term "authorizations" is used inconsistently in the Ka-band orders. For example, PanAmSat's Ka-band license authorized it to launch two Ka-band satellites, each with its own construction milestones. However, the relevant ordering clause states that "this *authorization* shall

²² Application for Review at 10 (citing Ka-band Order at ¶ 32). Orbital Resources' position on this issue changes frequently to serve its purpose. In some parts of its Application for Review, Orbital Resources argues that the Ka-band Order replaced the Ku-band license, providing one authorization for the Commission to revoke. Here, Orbital Resources argues that Loral has two authorizations, which are both conditioned by one set of milestones.

²³ Application for Review at 10 (citing Ka-band Order at ¶ 13).

²⁴ See e.g., In re PanAmSat Licensee Corp. Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 13 FCC Rcd. 1405 at ¶ 11 (1997) ("PanAmSat Ka-band Order"); In re GE American Communications, Inc. Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 12 FCC Rcd. 6475 at ¶ 13 (1997) ("GE Americom Ka-band Order").

become NULL AND VOID” and required that the satellites be constructed in accordance with the terms and condition of “the *authorizations*.”²⁵ The same language was used in the relevant ordering clause in GE Americom’s Ka-band license which authorized it to launch nine Ka-band satellites located at five orbital locations pursuant to three sets of milestones.²⁶ In the Orion Network Systems Ka-band license, the Bureau authorized three satellites at three orbital locations with three sets of implementation milestones. The relevant ordering clause is identical to that found in the Ka-band Order and states that “*each of the authorizations* shall become NULL AND VOID” and that the satellites be constructed in accordance with the terms and condition of “the *authorizations*.”²⁷

Thus, Orbital Resources would have the Commission overturn an International Bureau decision and revoke Loral’s Ku-band authorization based on the imprecise use of plurals in an ordering clause. This would clearly be an absurd result. One looks in vain for any consistency in the use of the plural of “authorization” in the Ka-band orders issued on May 8, 1997. It would be patently arbitrary and capricious for the Commission to attach any weight to this wording.

Loral has two authorizations at 47° W.L. These authorizations are licensed to different entities, are subject to different rules and contain different conditions. Loral’s

²⁵ PanAmSat Ka-band Order at ¶ 28.

²⁶ GE Americom Ka-band Order at ¶ 32. The same language was found other Ka-band licenses which imposed milestones. See In re Morning Star Satellite Company, L.L.C Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 12 FCC Rcd. 6039 at ¶ 31 (1997); In re NetSat 28 Company, L.L.C Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 13 FCC Rcd. 1392 at ¶ 31 (1997); In re VisionStar, Inc. Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 13 FCC Rcd. 1428 at ¶ 31 (1997).

²⁷ In re Orion Network Systems, Inc. Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service, Order and Authorization, 12 FCC Rcd. 23027 at ¶ 31 (1997)

Ka-band milestones were the creation of the distinct license that granted Loral Ka-band authority at 47° W.L. The conditions of that license do not apply to Loral's 47° W.L. Ku-band license. The Ka-band milestones, therefore, cannot survive revocation of the Ka-band license. But the separate Ku-band authorization does survive.

B. The Commission Routinely Licenses the Use of Frequencies, Not Just Satellites.

Orbital Resources asserts that the Bureau's actions here are unprecedented. It claims that "it is axiomatic that the FCC licenses satellites, not satellite payloads."²⁸ Nothing could be further from the truth. The Commission fundamentally licenses payloads (i.e., the use of specific frequencies). Satellites are merely the vehicle by which such frequencies are utilized. Further, the Commission routinely licenses frequencies at the same orbital location to different entities - whether there are one or multiple satellites at that location. Indeed, the Ku- and Ka-band frequencies at the 47° W.L. orbital location are licensed to two separate entities. Loral Space & Communications Corporation holds the license for the Ka-band frequencies while the Ku-band frequencies are licensed to Loral Orion, Inc.²⁹ When the Bureau determined that Loral Space & Communications Corporation had failed to meet the milestones imposed in the Ka-band license, it appropriately revoked only Loral Space & Communication Corporation's Ka-band license. Loral Orion, Inc. was therefore left with its Ku-band license, which remains valid.

²⁸ Application for Review at 11.

²⁹ Formerly Loral CyberStar, Inc.

Other examples that highlight the reality of licensing by frequency include 121° W.L. where the Ku- and Ka-band frequencies are licensed to EchoStar (pursuant to two different authorizations)³⁰ and the C-band frequencies are licensed to Loral, but all payloads are on one hybrid satellite. At 37.5° W.L., the Ku-band frequencies are licensed to Loral and the C-band frequencies are licensed to Columbia Communications Corp. (“Columbia”). Hughes Communications Galaxy, Inc. was assigned both the C- and Ku-band frequencies at the 91° W.L. orbital slot by virtue of its acquisition of Satellite Transponder Leasing Corporation.³¹ Hughes was granted authority to launch a hybrid satellite at that location using the two authorizations, despite the fact that the C-band would remain vacant for several years.³² Contrary to the assertions of Orbital Resources, the Commission’s satellite licensing scheme is inherently based on the assignment of frequencies rather than merely the licensing of satellites.

The last refuge of Orbital Resources is to claim that Loral has acquiesced in its interpretation of the Ka-band Order by defending its compliance with the milestones with respect to the hybrid Ku/Ka-band satellite. This argument is disingenuous. Loral acknowledges that the Ka-band payload was a part of the planned hybrid satellite and,

³⁰ EchoStar has filed applications to modify its separate 121° W.L. Ku-band and Ka-band space station authorizations in order to launch and operate a hybrid Ka/Ku-band satellite at that orbital location. See, Public Notice, Satellite Space Applications Accepted for Filing, Report No. SAT-00145, Files Nos. SAT-AMD-20030127-00003, SAT-AMD-20030127-0004 (rel. April 10, 2003).

³¹ In re Application of Hughes Communications Galaxy, Inc. and Satellite Transponder Leasing Corporation for Replacement Satellite for SBS-4 and for Modification of Construction Permit and License of Galaxy-6 Satellite, Order and Authorization, 6 FCC Rcd. 72 (1990).

³² Recognizing that the separate licenses had distinct requirements, the Commission noted that “operators wishing to replace two single-band satellites with a hybrid satellite may anticipate finding that the end-of-service lives of the single-band satellites do not coincide. Faced with this situation, an operator may.....wait to launch the hybrid after both single-band satellites have reached their end-of service lives and cause a gap in service at that location in one frequency band. The satellite operator is in the best position to weigh the economic tradeoffs involved....” Id. at ¶ 11.

consistently, that the Ka-band milestones affected that hybrid satellite. Loral's statements, however, must be fairly judged in the context that they were made. The satellite for 47° W.L. was to be a hybrid. The Commission has recognized and encouraged the use of hybrid satellites as they can be more efficient financially and technologically than the operation of two single-band satellites at the same orbital location.³³ Loral entered into a contract for the construction of such a satellite. Loral's discussion and demonstration of compliance with the milestones that attached to the Ka-band frequencies on the hybrid satellite does not constitute an admission that the Ka-band Order applied such milestones to the separate Ku-band frequency authorization.

III. ORBITAL RESOURCES' STANDING IN THIS PROCEEDING IS TENUOUS.

Orbital Resources' standing in this proceeding is tenuous, at best. Orbital Resources is not a satellite operator. Orbital Resources is not a satellite licensee. It has no applications before the Commission to construct, launch and operate a satellite at any location. Its attempt to obtain standing by relying on the dismissed 49° W.L. satellite modification application of its former company, Columbia are misleading.³⁴ Orbital Resources' interest in this proceeding is purely pecuniary.

Clifford Laughton and Kenneth Gross, the principals of Orbital Resources and the former owners of Columbia, are currently engaged in litigation concerning various provisions of their April 2000 agreement to sell Columbia to GE American

³³ Id. at ¶ 8. See also In re Application of Hughes Communications Galaxy, Inc., Order, 11 FCC Rcd. 5532 at ¶ 6 (1995); In re Application of AT&T Corp., Order, 11 FCC Rcd. 15038 (1996).

³⁴ The prior owners of Columbia attempted to modify its 1987 application for Ku-band authority at 49° W.L. to obtain Ku-band authority at 47° W.L. The Commission has vehemently denied these efforts. See Columbia Revocation Order.

Communications, Inc. (which was subsequently acquired by SES Global, S.A., now SES Americom, Inc.). The litigation involves Laughton's and Gross' asserted right to receive a \$10,000,000 windfall if they are able to obtain for Columbia (now operated as a subsidiary of SES Americom) Loral's Ku-band authority at 47° W.L.³⁵ To fulfill its part of the contract, Orbital Resources apparently must, by September 1, 2003, persuade the FCC to (1) revoke Loral's Ku-band 47° W.L. license; and (2) grant Columbia (an entity with no affiliation to Orbital Resources) authority to construct, launch and operate a Ku-band satellite at that location. In short, there is a bounty on the 47° W.L. Ku-band orbital slot and both the Commission and Loral are being used in an attempt to collect it. There is no public interest in such actions. The Commission should steadfastly avoid being caught in the middle of a commercial dispute that has nothing to do with the launching of satellites.

Contrary to the assertions of Orbital Resources, neither SES Americom or Columbia appear to have an ongoing interest in this proceeding. SES Americom and Columbia have not filed an Application for Review of the Bureau's Order. In response to Orbital Resources' recent requests that the Commission revoke Loral's 47° W.L. Ku-band authorization, counsel for SES Americom has publicly stated that "the former owners of Columbia don't speak for Columbia in proceedings at the FCC or elsewhere."³⁶ SES Americom has filed letters with the Commission indicating that recent submissions by Orbital Resources were not authorized by Columbia or SES

³⁵ See Complaint ¶ 26, Gross v. SES Americom, Inc., Civil Action No. AW 03 CV 102 (D. Md.).

³⁶ *Orbital Resources Urges FCC to Reassign Loral License*, Communications Daily at ¶ 6 (July 11, 2002)

Americom and that Columbia and SE Americom take no position on this matter.³⁷ SES Americom's initial participation in related proceedings apparently occurred only after Orbital Resources "aggressively insisted that pleadings be filed" and paid for the preparation of such filings.³⁸

Ultimately, Orbital Resources seeks to promote its private, pecuniary interest by wrapping it in the cloak of the public interest. The Commission should not be deceived. Orbital Resources has no standing before the Commission on this matter. The only entity that possibly has standing is Columbia - - and it has not filed here. Orbital Resources has neither ownership nor control of Columbia and cannot stand in Columbia's shoes.

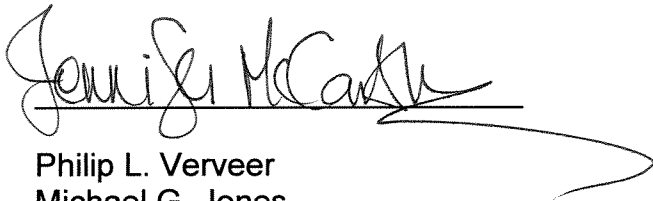
³⁷ See Letter from Philip L. Spector, Attorney for Columbia Communications Corporation and SES Americom, Inc., to Donald Abelson, Chief, International Bureau, Federal Communications Commission, FCC File Nos. CSS-83-002-P-(M), SAT-MOD-20000104-00045, SAT-LOA-19870331-00061, SAT-AMD-19990511-00052, SAT-MOD-19990511-00051 (July 22, 2002). SES Americom says that its neutrality was an accommodation to Orbital Resources. Defendant's Motion to Dismiss Counts I and II of Plaintiff's Complaint at 10, Gross v. SES Americom, Inc., Civil Action No. AW 03 CV 102 (D. Md.)

³⁸ Complaint ¶ 31, Gross v. SES Americom, Civil Action No. AW 03 CV 102 (D. Md.).

IV. CONCLUSION

The International Bureau's decision to uphold Loral's Ku-band authorization at 47° W.L. was rational and consistent with Loral's Ku- and Ka-band licenses as well as the Bureau's prior determinations on this matter. Orbital Resources provides no basis for the Commission to vacate the provisions of the International Bureau's Order validating Loral's 47° W.L. Ku-band authorization.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jennifer McCarthy", with a long horizontal flourish extending to the right.

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May 6, 2003

CERTIFICATE OF SERVICE

I, Dennette Manson, do hereby certify that on this 6th day of May, 2003 copies of the foregoing Loral Space & Communications Corp. and Loral Orion, Inc. Opposition to Application for Review, In Part were delivered by hand, unless otherwise indicated, to the following parties:

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A handwritten signature in cursive script that reads "Dannelle Marson". The signature is written in black ink and is positioned above a thin horizontal line.

*Delivered by first class, postage prepaid mail