

BEFORE THE

ORIGINAL

Federal Communications Commission

WASHINGTON, D.C. 20554

FEB 5 - 1997

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
COLUMBIA COMMUNICATIONS CORPORATION)
)
Application for Extension of Special Temporary)
Authority for the TDRS-4 Satellite at 41° W.L.)

File No. 127-SAT-STA-96
Generic Policy Branch
International Bureau

To: Chief, International Bureau

MOTION TO DISMISS PETITION FOR RECONSIDERATION

Columbia Communications Corporation (“Columbia”), by counsel and pursuant to Section 1.106(g) of the Commission’s Rules, hereby requests that the International Bureau dismiss the “Petition for Reconsideration” filed by the International Telecommunications Satellite Organization (“Intelsat”) on January 21, 1997 in connection with the above-captioned application. The petition is subject to dismissal on two grounds.

First, Intelsat does not have standing to participate directly in U.S. regulatory proceedings. Intelsat is an intergovernmental organization under an agreement to which the U.S. government itself is a party, and pursuant to which Intelsat possesses broad privileges and immunities under U.S. law. Intelsat’s special status insulates it from certain U.S. laws and regulations (including the antitrust laws and any regulation by the FCC) and thus precludes it from invoking such laws and regulations on its own behalf.

Comsat, the U.S. Intelsat Signatory, which is subject to U.S. regulation, is the appropriate representative for Intelsat's interests before the FCC. Moreover, any legitimate concern that Intelsat may have relating to Columbia's satellite operations may be raised within the coordination process established by the International Telecommunications Union.

Second, even if Intelsat were entitled to party status in FCC proceedings, its petition is a nullity. As Intelsat notes, it has already sought review of the International Bureau's initial grant of special temporary authority ("STA"). That matter is pending before the Commission, and the Commission's decision ultimately will govern the continued validity of Columbia's authority. In the interim, it is perfectly reasonable for the International Bureau to extend without condition the authority originally granted to Columbia on May 6, 1996. See Columbia Communications Corporation, DA 96-703 (released May 6, 1996).^{1/}

^{1/} Although Intelsat complains that the STA extension "was granted *ex parte*, without service on Intelsat, without any public notice, and without opportunity for public participation" (Petition at 1), it offers no basis for its apparent notion that this approach was improper. The Bureau placed Columbia's initial STA request on public notice and Intelsat had the opportunity to comment upon it at that time (see Letter from Donald D. Wear, Jr., V.P. and General Counsel, Intelsat, to Scott Blake Harris, Chief, International Bureau, dated April 25, 1996). The International Bureau rejected Intelsat's arguments and, finding that grant of the requested authority would be in the public interest, granted Columbia the STA. No purpose would have been served by repeating this process in response to Columbia's extension request. As Intelsat notes, it has already sought Commission review of the initial grant.

Accordingly, Intelsat's Petition for Reconsideration should be rejected.

Respectfully submitted,

COLUMBIA COMMUNICATIONS CORP.

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February 5, 1997

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CERTIFICATE OF SERVICE

I, Vera L. Pulley, hereby certify that true and correct copies of the foregoing "Motion To Dismiss Petition For Reconsideration" were sent via first-class mail, postage prepaid, this 5th day of February, 1997, to the following:

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