

December 5, 2003

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FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Marlene Dortch  
Secretary  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

Re: Application for Transfer of Control of Verestar, Inc.  
FCC File No. SES-T/C-20030918-01300

Int'l Bureau

DEC 08 2003

Front Office

Dear Ms. Dortch:

Intelsat Global Sales and Marketing, Ltd. ("Intelsat") herein responds to the letter ("letter") filed by Verestar, Inc. ("Verestar") and American Tower Corporation (collectively, "the applicants") on December 3, 2003, in the above-captioned proceeding. As an initial matter, the applicants' letter is an unauthorized pleading and should be dismissed as such.<sup>1</sup> However, in the event the Commission decides to consider the letter, Intelsat submits the following comments.

**It is now undisputed that Verestar's Glenwood earth stations routinely and frequently operate beyond the authorized parameters of their licenses and cause harmful radio frequency interference into the Intelsat system and the operations of FCC-authorized U.S. carriers.**<sup>2</sup> While the applicants now acknowledge three of the four specific instances of harmful radio frequency interference, the point is not that the interference incidents have been subsequently "remedied" (after Intelsat brought them to the applicants' attention), as the applicants maintain.<sup>3</sup> The point is that Verestar is operating its earth stations in a manner that causes harmful radio frequency interference into the operation of others which is fundamentally inconsistent with the basic responsibilities of a Commission licensee.

<sup>1</sup> See 47 C.F.R. Section 1.45.

<sup>2</sup> Letter at 1-2 and affidavits attached thereto.

<sup>3</sup> *Id.* at 2. The applicants failed to address a fourth incident of harmful interference into the Intelsat system which occurred on July 27, 2003. This is either another "error" which Verestar has yet to remedy or, more likely, Verestar has no record of the interference--another violation of the Commission's rules. See 47 C.F.R. Section 25.274. Verestar should immediately forward its records of these and all other incidents of harmful interference to the Commission pursuant to 47 C.F.R. Section 25.274(c), assuming it maintains such records, which, given the state of its licenses and operations, is certainly doubtful.

These interference problems are incontrovertibly and inextricably related to the issue of whether the applicants have the requisite technical qualifications to be a Commission licensee and whether the Verestar earth stations are being operated lawfully.<sup>4</sup> Consequently, the radio frequency interference issues discussed in Intelsat's Consolidated Reply cannot possibly be considered a "new" matter to be summarily dismissed, as the applicants request.<sup>5</sup> Rather, these and the other critical public interest issues raised in this proceeding must be fully examined, consistent with Section 310(d) of the Communications Act of 1934, as amended.

Finally, the applicants have given the Commission an unreasonable "drop-dead date," fully of their own making, giving the Commission less than ten business days in which to review, investigate and respond to the very serious public interest issues raised by Intelsat.<sup>6</sup> We believe that the requested rush to judgment imposed by the applicants will give the Commission insufficient time to thoroughly consider these issues, which, in and of itself, is contrary to the public interest. The Petition to Deny filed by Intelsat should be granted, as set forth in detail therein.

Respectfully submitted,  
Intelsat Global Sales and Marketing, Ltd.

By Robert A. Mansbach / JAH  
Intelsat Global Communications Service Corporation  
Robert A. Mansbach  
Its Attorney

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<sup>4</sup> Joint Opposition at 3-6; Opposition at 7-8.

<sup>5</sup> Letter at 1.

<sup>6</sup> Ex Parte Presentation of Verestar, American Tower Corporation and SkyTerra Communications, Inc., dated November 21, 2003 at 2. Now that it is understood that the Glenwood stations have operated at E.I.R.P. densities in excess of those licensed, surely, the numerous Verestar licenses that have not been modified in ten to seventeen years (one of which appeared on Public Notice in 1982) require careful Commission review to determine if they are operationally compliant.

## CERTIFICATE OF SERVICE

I hereby certify that on December 5 , 2003, I caused a copy of the foregoing "letter" of Intelsat Global Sales and Marketing, Ltd., to be served via first class mail, postage prepaid, upon the following:

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\*By hand