

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
Lockheed Martin Corporation,)	
COMSAT Corporation, and)	IB Docket No. 02-87
COMSAT Digital Teleport, Inc., Assignors)	
and)	
Intelsat, Ltd.,)	
Intelsat (Bermuda), Ltd.,)	
Intelsat LLC, and)	
Intelsat USA License Corp., Assignees)	
)	
Applications for Assignment of Earth Station)	
and Wireless Licenses and Section 214)	
Authorizations and)	
Petition for Declaratory Ruling)	

**MOTION TO DISMISS PETITION FOR RECONSIDERATION
AS AGAINST INTELSAT, LTD.**

Litigation Recovery Trust (“LRT”), on behalf of its members and its associated entities¹, hereby submits the instant Motion to Dismiss Petition For Reconsideration As Against Intelsat, Ltd. In so doing, LRT specifically reserves its rights and claims over and against certain other parties.

Background

On November 23, 2003, LRT submitted a Petition For Reconsideration of the Order and Authorization (“Intelsat Order”) in this proceeding. The Intelsat Order granted the applications of Lockheed, Comsat and Comsat Digital Teleport, Inc. (collectively,

¹ Litigation Recovery Trust represents the rights and claims of certain individuals and entities. The basic LRT claims relate to a series of business disputes with Comsat Corporation (“Comsat”) dating to 1995. Since that time, and continuing after the acquisition of Comsat by Lockheed Martin Corporation (“Lockheed”) in August 2000, LRT has monitored and reviewed the operations of Comsat and Lockheed on a continuing basis. Based on these activities, LRT has periodically sought the intervention of the Commission with respect to perceived statutory and regulatory violations and compliance issues. LRT’s participation in the instant proceeding has been undertaken as part of LRT’s continuing monitoring and assessment program.

“Comsat,” and with Lockheed, “Assignors”), and Intelsat, Ltd., Intelsat (Bermuda), Ltd., Intelsat LLC, and Intelsat USA License Corp. (collectively, “Intelsat” or “Assignees” and, together with Assignors, “Applicants”) to assign common carrier and non-common carrier earth station licenses, private land mobile radio (“PLMR”) licenses, and international section 214 authorizations from Assignors to Intelsat.

In the Intelsat Order, the Commission concluded that, pursuant to its review under sections 214(a) and 310(d) of the Communications Act of 1934, as amended (the “Communications Act” or “Act”),² approval of the Applications will serve the public interest, convenience, and necessity. In addition, subject to the limitations specified in the said Order, the Commission found that the public interest would not be served by prohibiting the proposed indirect foreign ownership of Intelsat LLC in excess of the twenty-five percent benchmark set by section 310(b)(4) of the Act.³

On August 18, 2002, the Commission released its Order on Reconsideration (FCC 03-2684) (“Reconsideration Order”) in which it dismissed LRT’s Petition.

LRT has undertaken to file this Motion for the reasons stated below before the Reconsideration Order has become a final order.

LRT-Intelsat General Release and Settlement Agreement

On July 30, 2003, LRT entered into a General Release and Settlement Agreement with Intelsat (“Settlement Agreement”). Pursuant to the said Settlement Agreement, LRT agreed to withdraw LRT’s Petition for Reconsideration in IB Docket No. 02-87.⁴

In addition, under the terms of the Settlement Agreement, LRT specifically reserved “the right to continue to prosecute actions before the FCC and courts related to the FCC’s

² Communications Act, 47 U.S.C. §§ 151 *et seq.* . .

³ Communications Act , 47 U.S.C. § 310(b)(4).

⁴ .Settlement Agreement ¶ 5 (a)

grant of authority to Lockheed to purchase the assets of Comsat World Systems and assignment of its related licenses” and other proceedings pending before the Commission (“LRT Proceedings”)⁵.

In addition, in executing the Settlement Agreement, Intelsat provided the following statement of clarification of its position with respect to the joint filings submitted by the Applicants in this proceeding (“Clarification Statement”):

[W]e hereby disassociate INTELSAT from all statements, viewed by the Trust [LRT] and its principals to be disparaging in nature contained in pleadings before FCC proceedings, which were filed jointly by INTELSAT with Comsat Corporation (Comsat) and/or Lockheed Martin Corporation. INTELSAT at no time sought or intended to cast aspersions on the good name and reputation of the Trust and its principals. Settlement Agreement Exhibit B.

The instant Motion is submitted in compliance with the Settlement Agreement.

Dismissal Request

Having determined that its actions herein are based upon good and reasonable cause, LRT respectfully requests that the Commission, pursuant to its delegated authority, dismiss forthwith LRT’s Petition For Reconsideration as against Intelsat.

LRT fully and without reservation supports the immediate grant by the Commission of a final order authorizing Intelsat to acquire the Comsat World System assets and receive the assignment of its licenses.

Clarification of Action

In submitting this Motion, LRT specifically reserves all of its rights and claims over and against Lockheed, Comsat and the Commission for actions undertaken by the said parties in the context of, and in connection with, the instant proceeding and the LRT Proceedings. Furthermore, nothing in this Motion should be deemed to in any way limit,

⁵ Settlement Agreement ¶ 5 (b)

amend, revoke or annul the allegations raised in the Petition For Reconsideration and related filings which LRT has previously placed on the record against the Assignors in this proceeding, or to excuse, condone or accept the actions undertaken by the Commission against LRT in the Intelsat Order and Reconsideration Order (collectively "Record Decisions") in which it confirmed its grant of the said Applications as submitted by the Applicants.

Related Request to Correct Record and Decisions

Based on the information set forth in this Motion, LRT respectfully requests that the Commission undertake those additional and related actions it deems appropriate, practical and necessary so as to amend the record, as well as the Record Decisions in this proceeding, by properly and fully referencing Intelsat's Clarification Statement in its entirety. In an additional, related and necessary action, LRT respectfully requests the Commission to correct the Record Decisions in this proceeding as a result of the information provided by Intelsat as included in the said Clarification Statement.

Specifically, consistent with the information contained in the Clarification Statement submitted herein, it is requested that all references, findings and rulings included in the Record Decisions, which in any way disparage or cast aspersions on the good name and reputation of LRT and its principals, be eliminated, annulled and/or revoked forthwith.

Respectfully submitted,

/s/ William L. Whitely

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September 12, 2002

CERTIFICATE OF SERVICE

I, William L. Whitely, hereby certify that I have this 12th day of September, 2003 directed that the foregoing MOTION TO DISMISS PETITION FOR RECONSIDERATION AS AGAINST INTELSAT, LTD. be transmitted and forwarded via Email, Federal Express or US Mail, postage prepaid, to the following:

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