

LOCKHEED MARTIN
GLOBAL TELECOMMUNICATIONS



Keith H. Fagan
Associate General Counsel

July 29, 2002

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

To: International Bureau
Re: IB Docket No. 02-87

RECEIVED

JUL 29 2002

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Ms. Dortch:

Lockheed Martin Corporation, COMSAT Corporation, and COMSAT Digital Teleport, Inc. (collectively, "COMSAT") hereby submit this response to the "Motion to Strike" filed by the so-called Litigation Recovery Trust ("LRT") on or about July 20, 2002. As a threshold matter, COMSAT notes that, to date, it has not been served with a copy of LRT's motion; rather, the motion was discovered by one of Lockheed Martin's counsel on the Commission's website. This is particularly ironic in view of the motion's contents.

In its motion, LRT alleges that COMSAT did not serve on LRT a letter that it filed in this proceeding on June 27, 2002. In fact, that letter was mailed on June 27 to LRT at the address used throughout this proceeding: 515 Madison Avenue, New York, NY 10022. Several days later, the letter was returned to COMSAT bearing a typed sticker reading "WRONG ADDRESS RETURN TO SENDER." See attachment hereto. While COMSAT does not know the origin of that sticker, it does not appear to have been affixed by the Post Office.

LRT also claims in its motion that when it discovered the existence of COMSAT's June 27 letter, it sent a series of e-mails to COMSAT's outside counsel asking for a copy of the letter. LRT does not identify the firm or individual to which these e-mails were allegedly sent, but both Wiley Rein & Fielding (COMSAT's counsel of record in this proceeding) and Dow Lohnes & Albertson (COMSAT's counsel of record in various other proceedings involving LRT) have confirmed that they did not receive any such e-mails.

In sum, COMSAT made timely, good faith efforts to serve its June 27 letter on LRT. Accordingly, there is no basis for LRT's claim that COMSAT (and in particular the undersigned attorney) violated the Commission's *ex parte* rules. On the other hand, LRT apparently *has* violated those rules by not serving a copy of its motion to strike on COMSAT - and, far more seriously, there may well be a basis for concluding that the members of LRT have deliberately misrepresented facts to the Commission in connection with that motion. Finally, the mere filing


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of the motion, given the Commission's stern warning to LRT in the series of orders issued on July 5 and 12, 2002, is further evidence of LRT's intent to continue using the Commission's processes as a means of harassing COMSAT.

For the foregoing reasons, LRT's motion to strike should be denied, and the members of LRT should be sanctioned for their continued abuse of the Commission's processes.

Respectfully submitted,

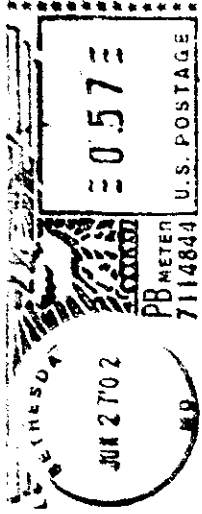
A handwritten signature in black ink, appearing to read "Keith H. Fagan", with a horizontal line extending to the right.

Keith H. Fagan

cc: William L. Whitely, LRT (by fax)
James J. R. Talbot, AT&T
Alfred M. Mamlet, Steptoe & Johnson
Scott H. Lyon, Verestar
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WRONG ADDRESS RETURN TO SENDER

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