

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

In the Matter of)	
)	
Lockheed Martin Global Telecommunications, Comsat Corporation, and Comsat General Corporation, Assignor)	File Nos.SES-ASG-20010504 00896
)	ITC-ASG-20010504-00302
)	ISP-PDR-20010510-00025
and)	ULS-0000449956
)	41-EX-AL-2001
Telenor Satellite Mobile Services, Inc. and and Telenor Satellite, Inc., Assignee)	42-EX-AL-2001
)	43-EX-AL-2001
)	44-EX-AL-2001
Applications for Assignment of Section 214 Authorizations, Private Land Mobile Radio Licenses, Experimental Licenses, and Earth Station Licenses)	
)	
and)	
)	
Petition for Declaratory Ruling Pursuant to Section 310(b)(4) of the Communications Act)	

MOTION FOR STAY

Litigation Recovery Trust ("LRT") hereby submits this MOTION FOR STAY of the Commission's Order and Authorization ("Order") (FCC Mimeo 01-369) adopted on December 14, 2001 and released on December 18, 2001¹, which Order included a dissenting statement issued by Commissioner Michael J. Copps. Pursuant to the Commission's rules, LRT respectfully moves for a stay of the Order pending reconsideration of the said ruling based on newly discovered evidence which is referenced herein and any court appeals of the said ruling.

For the reasons stated below, the Commission should immediately stay the effectiveness of the Order which is (i) arbitrary, capricious and fails to offer proper rationale to justify the wholesale expansion and change in Commission policy that it implements; (ii) permits for the first time since the adoption of the Communications Act of 1934 (47 USC § 151 et seq), the assignment of US licenses to a company in which a majority of the issued and outstanding stock is owned by a foreign country in violation of prior representations made by the Commission to Congress ; (iii)

¹ Although the said Order carries the date of December 18, 2001, it was not posted on the FCC website until December 19, 2001.

improperly employs regulatory authority far beyond the Commission's statutory jurisdiction; (iv) fails to resolve the myriad of issues raised by LRT; and (v) would cause irreparable harm by, in essence, eliminating the prohibitions on ownership caps imposed by 47 USC § 310(b).

I. FACTS

In the Order, the Commission has granted the applications filed by Lockheed Martin Global Telecommunications (LMGT), Comsat Corporation, and Comsat General Corporation (Comsat General) (collectively, Assignor or Comsat), together with Telenor Satellite Services Holdings, Inc. (TSSH),² Telenor Satellite Inc. (Telenor Satellite), and Telenor Broadband Services AS (Telenor Broadband) (collectively, Assignee)³ (herein Assignor and Assignee are collectively referred to as Applicants) to assign certain Title II common carrier authorizations and Title III radio licenses held by Comsat to Telenor Satellite.⁴

The proposed assignment is sought in connection with TSSH's proposed acquisition of Comsat Mobile Communications (CMC), a business unit of Comsat Corporation. The CMC acquisition involves the assignment of various satellite earth station licenses, private land mobile radio licenses, experimental licenses, and Section 214 authorizations held by Comsat Corporation, through its business unit CMC,⁵ to Telenor Satellite (CMC-related FCC licenses and authorizations).⁶

² Telenor Satellite Mobile Services, Inc. was the original party filing in this proceeding. Effective October 17, 2001, the company changed its name to Telenor Satellite Services Holdings, Inc. See Letter from George Klienfeld, Counsel for Telenor, to Magalie Roman Salas, Secretary, Federal Communications Commission, October 30, 2001 (*October 30, 2001 Supplemental Filing*). As explained in the letter, the corporate name change was made for marketing reasons and does not affect the structure of the proposed transaction.

³ The ultimate corporate parent of the Telenor companies named as the Assignee in this proceeding is Telenor ASA.

⁴ See *Application for Approval of Assignments and Petition for Declaratory Ruling*, Lockheed Martin Global Telecommunications, Comsat Corporation, and Comsat General Corporation (Assignor) and Telenor Satellite Services Holdings, Inc., and Telenor Satellite, Inc. (Assignee), May 4, 2001 (*Assignment Application*).

⁵ As noted in the *Assignment Application*, one of the licenses that Comsat proposes to assign to Telenor Satellite is held by Comsat General, a subsidiary of Comsat Corporation. See *Assignment Application* at 2, n. 2.

⁶ The *Assignment Application* included the requisite FCC forms and supporting exhibits and have been assigned the following file numbers: SES-ASG-20010504-00896 (Form 312, Earth Station Licenses) ULS-0000449956 (Form 603, Private Land Mobile Radio), File Nos. 41-EX-AL-2001, 42-EX-AL-2001, 43-EX-AL-2001, 44-EX-AL-2001, and Call Sign WA9XBL (Form 702/Form 442, Experimental Licenses), ITC-ASG-20010504-00302 (Section 214 Authority); and ISP-PDR-20010510-00025 (Section 310(b)(4) Petition for Declaratory Ruling). See Public Notice, Report No. SPB-169, May 25, 2001. The Applicants filed an Amended Description of Transaction for File No. ULS-0000449956 (Private Land Mobile Radio) on May 15, 2001 and filed additional information to update and supplement the *Assignment Application* on June 20, 2001, September 12, 2001, and October 30, 2001 (respectively, *June 20, 2001 Supplemental Filing*, *September 12, 2001 Supplemental Filing*, and *October 30, 2001 Supplemental Filing*).

In the Order, the Commission states that it has found that the proposed assignment of the CMC-related FCC licenses and authorizations to Telenor Satellite and the operation of CMC's business by TSSH's subsidiary, Telenor Satellite Services Inc., is in the public interest pursuant to its review under Sections 214(a) and 310(d) of the Communications Act of 1934, as amended (the Act).⁷ In its Order, the Commission finds that the business combination of CMC with Telenor ASA's,⁸ will enhance competition and consumer choice in the global satellite telecommunications markets and thereby promote wider and more varied service offerings at competitive prices for consumers in the United States and abroad.

In addition, the Commission Order states that pursuant to its review under Section 310(b)(4),⁹ it has concluded that it will not serve the public interest to prohibit the proposed indirect foreign ownership of the CMC-related FCC licenses by Telenor Satellite in excess of the statutory 25 percent foreign ownership benchmark established by Congress.

By adopting the Order, the Commission has essentially vitiated the statutory protections embodied in 47 USC § 310(b) with respect to de jure ownership of U.S. licenses by corporations controlled by foreign governments. The Commission has enacted this significant change in policy which, until issuance of the Order, assured that foreign governments could not exercise control over U.S. licensees. It did this in the absence of any evidence and without developing a record demonstrating that there is a public interest or any other for adopting such a radical change of policy, let alone an immediate need.

As Commissioner Copps observed in his strong dissent to this ruling:

The transaction proposed by this application will result in 79% indirect foreign government ownership of U.S. licenses. This represents the highest level of government control of a U.S. license allowed by the Commission in its history, insofar as I have been able to determine. It is a full 34% more indirect foreign government ownership than our previous high of 45%.

By abandoning its policy of enforcing ownership limits on the indirect control of U.S. licenses by foreign governments, the Commission ignores seven decades of evolving communications laws, regulations and policies and its own previous orders. The Commission has unfortunately chosen simply to ignore the very substantial risk it creates by rushing to eliminate the policy which places all U.S. licenses in the absolute control of U.S. owners, whether individuals or entities. In the end, the Commission offers no rationale – none – for

⁷ 47 U.S.C. §§ 214(a) and 310(d).

⁸ See *supra* note 2. Telenor ASA is the ultimate corporate parent of the proposed Assignee in this proceeding. See also *infra* paras. 5-8.

⁹ 47 U.S.C. § 310(b)(4).

adopting this radical change in policy, a change which must be of immediate concern to the Congress, which currently finds itself struggling daily with security issues of the most serious nature.

Without establishing appropriate parameters and operating rules prior to allowing the transfer of control of U.S. licenses to a company owned and controlled by a foreign government (however), the Commission must certainly adopt adequate safeguards to protect the public interest. Indeed, in this case, the licenses involved are those necessary to operate CMC, the country's first and leading Inmarsat reseller/operator. To the extent that the CMC Inmarsat telecom facilities are used by the U.S. Armed Services, they are critical to the nation's defense. Further, recent evidence has revealed that ready access to these mobile links by U.S. Armed Services and law enforcement and intelligence gathering agencies is necessary, given their increasing use by parties whose motivation may include harm to the United States and its citizens¹⁰. Such ready access to Inmarsat facilities must become a problem where control over a company such as CMC passes to a foreign government

Based on the evidence developed in this proceeding to date and new evidence outlined herein, LRT respectfully requests that the Commission stay its ruling pending its reconsideration of this unprecedented action and the completion of any court reviews of its ultimate order. The Commission must reconsider abandoning its previous policy, which strictly prohibited the transfer or assignment of licenses to companies controlled by foreign governments. Telenor should not be allowed to acquire the CMC licenses so long as it continues to be controlled by the Kingdom of Norway.

II. New Evidence

In its Motion for Reconsideration submitted separately, LRT references the following new evidence, addressing the issue of cross subsidization of Telenor's operations. This issue is central to finding that the Kingdom of Norway's ownership and control of Telenor is not in the public interest.

On December 13, 2001, LRT received a disturbing report concerning a contract recently secured by Telenor to provide communications services to the North Atlantic Treaty Organization (NATO). According to information provided to LRT, Telenor secured the said contract by underbidding the incumbent carrier by some \$8 million. Assuming the incumbent carrier, based on its past experience in providing communications services to NATO, bid at or close to the market price for the services and facilities offered, the underbid raises

¹⁰ In recent weeks, evidence has been generally cited in the press revealing use of Inmarsat facilities by terrorists.

immediate questions concerning the subsidization of Telenor's business operations by the Kingdom of Norway¹¹.

Following receipt of the above information, LRT contacted counsel for Comsat and Telenor via telefax on December 14, 2001, and outlined the above information and its implications. Telenor counsel did not respond to the LRT letter.

In prior filings in this proceeding, LRT has referenced issues concerning the dangers inherent in Telenor's access to capital supplied by the treasury of Norway. In its Petition to Deny, LRT observed as follows:

The Government of Norway is unlike a private sector control party. A government, any government, has unique powers to raise and spend monies, far different from capabilities of private sector entities.

These capital raising and spending decisions of a government can derive from many considerations, which are not market driven and can disrupt normal market forces. For example, it is possible for the Kingdom of Norway to increase its spending for communications services and facilities ordered and received from Telenor at price levels that can, in effect, operate as a type of subsidy to Telenor.

Again, the Kingdom of Norway could undertake such actions for various reasons, which may not be marketplace related. However, the end result of such actions could artificially increase cash flow and operating margins, and thereby permit Telenor to reduce its prices for MSS facilities, leading to an increase in its share of market and adversely impacting other competitors in the US and other countries. LRT Petition to Deny at p. 11,12.

When previously raised in LRT pleadings in this proceeding, the above concerns were theoretical. However, based on the information contained in the referenced report, LRT notified Telenor, through its counsel, that it believes that the NATO transaction constitutes proof that Telenor has submitted uneconomic bids as a way to secure new contracts and increase its market share. LRT also included the observation that Telenor's ability to undertake such money losing transactions can stem from its ready access to capital as provided through Norwegian Government sources.

It its letter to Telenor and Comsat, LRT was careful to point out that the issue of government funded cross subsidization is a matter of immediate concern to the Congress.¹²

¹¹ LRT also understands that Telenor after securing the contract requested a six month extension to provide the service to NATO, presenting the treaty organization with operational problems due to lack of available facilities (a matter of concern to all member countries, including the US). This report necessarily raises questions concerning Telenor's overall capabilities to properly provide telecom services.

¹² See recorded transcription of hearings before the 106th Congress held on September 7, 2000 by the Subcommittee on Telecommunications Trade and Consumer Protection of the House Commerce Committee on the subject of Foreign Government Ownership of American Telecommunications Companies Audio Archive on

It was noted that with respect to the proposed Telenor transaction, in the past, Senator Ernest Hollings (D-SC), Representative Billy Tauzin (R-LA) and others have taken the position that the 25% cap on the ownership of U.S. licensee entities by foreign companies, which are in turn controlled by foreign governments¹³, must be enforced. It remains LRT's position that some type of regulatory safeguard be employed to assure that foreign owned carriers such as Telenor, which is a publicly traded company on NASDAQ, are not permitted to access governmental funding sources that can be used improperly to subsidize the providing of international telecommunications services.

In its letter to counsel, LRT also referenced a second matter of immediate concern affecting Comsat's qualifications to assign the subject licenses, i.e. Lockheed Martin's decision announced late Friday, December 7, 2001 to exit the telecommunications industry. LRT noted that such an action is directly contrary to Lockheed's representations to Congress made in connection with its consideration of the ORBIT Act¹⁴, which detailed the company's commitment to infuse new capital, both in terms of finances and executive management, intended to return Comsat to its former leadership position in the telecom industry.¹⁵

LRT once again observed that it has sought reconsideration of the Lockheed-Comsat merger¹⁶, an action, which has rendered the grant order "non final."¹⁷ Therefore, Lockheed's announced plan to liquidate its ownership of Comsat – including its CMC division- has come before its authority to acquire the company has even become final.

In LRT's view, Lockheed's proposed radical change of direction is a serious matter which all members of the Congress, including the leadership, who voted in favor of the

WWW at <http://www.notes.house.gov/ccnear/hearings106.nsf/a317d879d32c08c2852567d300539946/6c4fbc39cae97c9c8525694d006f91c97OpenDocument.>

¹³ See 47 USC § 310

¹⁴ Open-Market for the Betterment of International Telecommunications (ORBIT) Act, P.L. 106-180, 114 Stat. 48 (2000)

¹⁵ Because of its inability to swiftly take advantage of new market opportunities, COMSAT, over the years, has experienced a steady decline in market share. This compromise legislation unshackles COMSAT from the antiquated regulatory burdens that have to date hampered its success. This legislation enables Lockheed Martin to complete its acquisition of COMSAT. By fortifying COMSAT, through an infusion of financial and human capital, Lockheed Martin will transform COMSAT into a vibrant commercial company, thereby introducing a new American company in the satellite services marketplace. Cong. Rec.: March 9, 2000 (House)] [Page H902]. emphasis added.

¹⁶ First filed in September 2000, this proceeding remains before the Commission as confirmed by the agency's General Counsel. (See Letter from FCC General Counsel Jane Mago to W L Whitely.)

¹⁷ By letter to LRT by the Chief of the International Bureau dated December 20, it has been confirmed that LRT's Petition for Reconsideration "is under review and recommendations will be made to the Commission in due course."

Comsat-Lockheed merger, must carefully review, as they consider what appropriate actions must be taken in response to the corporation's decision to liquidate its ownership interest in Comsat.

Prior to Lockheed's announced plan to liquidate Comsat, LRT had taken the position, as outlined in its pleadings before the Commission, that Comsat should in fact be dissolved. However, LRT has proposed that all Comsat corporate assets be liquidated, with the proceeds being utilized to assist with the funding of the digital conversion of the small market, low power, minority owned and public television stations and cable systems.¹⁶ LRT stands by this position, and has commenced seeking Congressional and industry support for this plan. To facilitate this activity, LRT has formed the TV/Cable Digital Conversion Organization (DCO).

IV. Dissent of Commissioner Copps

A review of the Order reveals that LRT is not alone in its opposition to the Telenor-Comsat assignment transaction. Commissioner Michael Copps voted against the Order, and in so doing, included a strong statement raising the following points:

- "For me, 79% foreign government control represents a serious potential threat to competition, because of the fundamental difference between companies that operate in a free market and state-run industries that may act counter to free market forces."
- "In order to meet the statutory requirement that transactions be in the public interest, the benefits of a transaction with such high foreign government ownership must be significant enough to overcome the potential harm to competition. In this instance, I do not find such public interest benefits"
- "*De jure* control of U.S. licenses by a foreign government is a threat not only to competition, but also to the public interest. Such control threatens competition because companies controlled by foreign governments have many increased incentives and enhanced abilities to cross-subsidize their American licensee. These include the ability to channel revenues earned from monopoly services in home markets and to shift costs incurred by their US licensee to their customers who pay for monopoly services."
- "Telenor's significant market power can be used to cross-subsidize competitive

¹⁶ In correspondence, the FCC staff has stated its support for the LRT proposal to dedicate the Comsat liquidation proceeds to digital conversion, which it is estimated can provide some \$2.5 billion in loans and grants for the intended recipients. It is assumed that the Congress and the affected industry members will strongly support the LRT plan. Without such a funding mechanism, it is expected that the only available source of funding for small market, low power, minority owned and public TV stations and cable systems will be some type of federal government aid program.

services that their US licensee will provide here. Such cross-subsidization makes a "price squeeze" strategy possible – where the company keeps prices for monopoly inputs well above true economic costs, and at the same time artificially reduces costs in competitive markets in order to drive out competitors. This could undermine competition here in the U.S. and present a direct threat to the public interest."

- "It is also worthy of note that this proposed transaction does not promise even to bring a new competitor to the satellite services market. One is left to wonder what pro-competitive benefits such an agreement confers. Given the absence of pro-competitive and public interest benefits to outweigh the potential negative impact of this agreement's massive foreign government ownership"
- "I believe that the public interest is served by continuation of the global trend toward telecommunications industry privatization. Privatization brings choices for consumers, competition for providers, and incentives for technology development. Approval of this particular transaction, at such a high and unprecedented rate of government ownership, flies in the face of the historic transition to privatization that has done so much to transform global business in recent years."

V. Argument

Pursuant to the Act and the Administrative Procedure Act ("APA"), the Commission acts to stay its orders "when justice so requires." The Commission has recognized the requirements for a stay based on the standards set forth in *Virginia Petroleum Jobbers Association v. FPC*, 259 F.2d 921 (D.C. Cir. 1958), as amplified in *Washington Metropolitan Area Transit Commission v. Holiday Tours, Inc.*, 559 F.2d 841 (DC Cir 1977) ("*WMAT*"). Under these standards, in reviewing motions for stay, the Commission considers (1) whether there will be irreparable injury without a stay; (2) whether a stay will substantially harm other parties; (3) whether a stay is in the public interest; and (4) the likelihood of success on rehearing. Application of these considerations to the facts of this case requires that a stay be granted.

A. Likelihood of Success on the Merits

With regard to the likelihood of success on the merits, as noted above, a review of the Order reveals it is arbitrary and capricious, adopted pursuant to unlawful expansion of the Commission's authority as it seeks to adopt a wholesale change policy by allowing the assignment of licenses to a company owned and controlled by a foreign government, and, as such, the ruling is beyond the proper jurisdiction of the Commission. Under *WMAT*, "an order maintaining the status quo is appropriate when a serious legal question is presented" *Id.* at 844.

In evaluating the likelihood of success on reconsideration, it should be noted that petitioners "need not establish an absolute certainty of success." *Population Inst. v.*

McPherson, 797 F.2d 1062, 1078 (DC Cir. 1986). Instead, as the actual terms of the test indicate, the petitioners must show that they are "likely to succeed on the merits."

Here, the LRT primarily alleges that the Commission exceeded its jurisdiction, acted pursuant to unlawful procedure, and acted arbitrarily and capriciously. With regard to the jurisdictional issue, the Commission failed to present any interpretation of the Act that would establish that the Commission has proper authority pursuant to 47 USC § 310(b) to authorize the assignment of licenses to a company that is 79% owned and controlled by a foreign government. The Commission failed to address this fundamental change in policy, despite its acknowledgment of this issue in the Order.

Second, in its Order, the Commission readily admits that 79% of Telenor's stock is owned by the Kingdom of Norway. Despite this reference to the operative facts and with no rationale or analysis, the Commission proceeds to authorize the assignment of the CMC licenses to Telenor. The Commission's failure to present any rationale for its departure from established Commission policy (and representations heretofore made to Congress) is arbitrary and capricious.

Furthermore, the Commission's Order violates the APA. A federal agency cannot modify an existing rule without using the notice and comment procedures set forth in the APA. The Order significantly modified the regulations related to the prohibitions against the ownership and control of US licensees by companies owned and controlled by a foreign country. Because the Commission failed to follow the required APA procedures, the Order as issued is contrary to law.

Since the Commission exceeded its jurisdiction, violated APA requirements and acted arbitrarily and capriciously, a strong argument is presented that is sufficient to satisfy the first prong of the *WMAT* test.

B. Harm to the Movant

In order to demonstrate irreparable harm, a party must show that the harm is certain and great and of such imminence that there is a clear and present need for equitable relief. *Wisconsin Gas Co. v. FERC*, 758 F.2d 669, 673-74 (DC Cir 1985). LRT asserts that the public interest in seeking to maintain the long standing policy prohibiting the assignment and/or transfer of U.S. licenses to companies controlled and owned by a foreign government will be irreparably harmed if the Order is not stayed. This harm is imminent.

Based on *ex parte* presentation to the offices of all Commissioners and the Chief of the International Bureau last week, it has been revealed that the parties stand ready to close the Comsat-Telenor assignment transaction by December 31, 2001. Hence, there is an immediate need to stay the actions of the parties.

It is apparent that Lockheed has embarked on a course to liquidate Comsat. The sale of CMC to Telenor is the first of what promises to be a series of such actions which will result in the complete liquidation of Comsat. Ultimately, damages flowing from the CMC assignment transactions will not be able to be satisfied as Comsat will have ceased to exist. In light of such circumstances, it is critical that the Commission stay the pending transaction. If such an action is not taken, LRT and others will not be able to bring a lawsuit to recover their economic losses when the Commission's Order is ultimately overturned.¹⁹

C. No Immediate Harm to the Third Parties

LRT is unaware of any harm that would be caused to third parties if the effectiveness of the order is stayed.

In its ruling, the Commission fails to discuss any immediate need which would require the completion of the Comsat-Telenor transaction as per a contract between the parties.²⁰ Indeed, based on a review the applications submitted by the parties, LRT finds no evidence of an immediate need to complete this transaction by December 31, 2001—save convenience to the accounting requirements of Lockheed.

Therefore, again based on the filings submitted by the parties, it can be concluded that the grant of the stay will not cause any harm to Telenor or Comsat or any other party.

D. A Stay Is In the Public Interest

¹⁹ Courts have recognized that some economic impacts justify a stay particularly if there is no means to recover such losses. *Wisconsin Gas v. FERC*, 758 F.2d 669, 674 (DC Cir. 1985), *Baker Elec. Coop Inc. v. Chaska*, 28 F.3d 1466, 1473 (8th Cir. 1994).

²⁰ To LRT's knowledge, the parties have not made their contract available for public inspection. LRT therefore must assume that there are no provisions in this secret document which require a closing by December 31, 2001. It is LRT's view that the rush to closing is occasioned by Lockheed's need to complete a transaction that will produce a \$116 million income item to be included in its year end accounting. In recent public statements related to its decision to abandon the telecommunications business, Lockheed has referenced its the Comsat-Telenor transaction and stated that it is scheduled to close before the end of the year. Given the serious regulatory problems that have arisen with questionable predictions of economic impacts of future transactions stemming from the actions of Enron Corporation, it is assumed that Lockheed is concerned that its prediction of the Comsat-Telenor closing be proven correct.

Balancing the significant negative impacts if a stay is not granted against the fact that no negative impacts will occur if the stay is granted, the public interest requires that a stay be granted in this proceeding. Absent a stay, U.S. licenses will be assigned to a company owned and controlled by the Kingdom of Norway. Should the Order not be stayed, this will mark the first time in the history of the Commission that U.S. Licenses will come under the control of a foreign sovereign. Such a fundamental change in the regulatory policy of the United States is not in the public interest and should not be allowed to be adopted in the context of an assignment of license proceeding.

The stay also will promote the public interest as it will preserve in the basic policy with prohibits the indirect ownership and control of licensee companies by foreign countries. A stay of the Order will preserve the continuity and stability of this regulatory policy, a system that over seven decades has proved to be quite successful. A failure to institute a Stay will allow a process to unfold which can have most dramatic implications for all U.S. citizens as control over the nations communications frequencies pass to companies such as Telenor controlled by foreign governments.

The potential risks to citizens and business alike by undertaking this ill-conceived process are both numerous and costly. The potentials of loss of security, control, reliability, increased costs, market failure and overall instability created by this revolutionary Order are simply not worth the risk. The Commission can and must draw the line at allowing control over U.S. licenses to pass to companies controlled by foreign powers whose policies and positions can in the future be at variance to those of the United States. The lessons learned from past history of international relations should clearly alert all regulators and policy makers to pitfalls inherent in this unprecedented federal regulatory action.

IV. CONCLUSION

The Commission's Order represents a fundamental and monumental change in the regulation of U.S. licensees. The Order is contrary to law and was adopted pursuant to unlawful procedure. Furthermore, the Commission has authorized a basic change in Communications law without providing any rationale supporting its decision to allow a foreign government to control these vital Inmarsat and related licenses.

This Motion and the Motion for Reconsideration submitted by LRT have established that LRT is likely to succeed on the merits and that the public interest will

be irreparably harmed if the Order is not stayed . Furthermore, since no showing has been made to support the immediate grant of the Order, save the accounting convenience of one of the parties, stay of the Order will not irreparably harm others and is in the public interest.

WHEREFORE, for the reasons set forth above, LRT respectfully requests that Order be stayed pending resolution of the LRT Motion for Reconsideration and any court appeals which may follow issuance of the supplemental order.

Respectfully submitted,

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By  _____

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December 21, 2001

CERTIFICATE OF SERVICE

I, William L. Whitely, hereby certify that I have this 22nd day of December, 2001 directed that the foregoing MOTION FOR STAY via Fax, Federal Express or US Mail, postage prepaid to the following:

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