

Before the
Federal Communications Commission
Washington, D.C. 20554

In the matter of
Application of
Motorola Inc. and Teledesic, LLC
for Consent to Assignment of Authority to Launch
and Operate the Millennium Geostationary Fixed-
Satellite Service System
Request of
Teledesic LLC
for Exemption from the Cut-Off Rule for Pending
Applications for Authority to Launch and Operate
Geostationary and Non-Geostationary Fixed
Satellite Systems
File No. SAT-ASG-20010109-00005

ORDER

Adopted: October 25, 2001

Released: October 26, 2001

By the Chief, Satellite and Radiocommunication Division:

1. On September 28, 2001, counsel for Hughes Communications, Inc. ("HCI") presented a request to counsel for Motorola Inc. and Teledesic LLC that five named individuals be given access to confidential documents pursuant to the Protective Order issued in this proceeding.

2. The Protective Order provides for disclosure, upon proper request, to persons of the following description: outside counsel of record for a party to this proceeding; in-house counsel to a party to this proceeding who is actively engaged in the proceeding and not involved in competitive decision-making; partners and employees of such counsel; Commission officials involved in this proceeding; outside consultants or experts retained to assist counsel in this proceeding who do not participate in business decisions of any competitor of Motorola Inc. or Teledesic LLC or provide analysis underlying such decisions; and "employees of third-party contractors performing one or more of these functions under counsel's supervision."

3. Teledesic contended in its Objection that HCI's request for access did not indicate that Ms. Sans-Ballus is a member of any of those classes of eligible persons. In a response letter dated October 2, HCI explains that HNS is a division of Hughes Electronics Corporation; that Hughes Electronics Corporation is the "ultimate parent company" of HCI, which is a party to this proceeding; and that HNS has been assigned responsibility for implementing the Ka-Band satellite system licensed to HCI.

1 Disclosure Order and Order Adopting Protective Order, DA 01-2231 (Int'l Bur., rel. Sept. 25, 2001), Attachment A.

2 Id., ¶3.

contends that as internal regulatory counsel for HNS Ms. Sans-Ballus qualifies as in-house counsel to a party to this proceeding and is therefore eligible to obtain access under the Protective Order. In reply, Teledesic maintains that HCI's response confirms that Ms. Sans-Ballus is not counsel to a party and fails to establish that she is a member of any eligible class.

4. We agree with Teledesic that HCI has not shown that Ms. Sans-Ballus is counsel to a party to this proceeding. Rather, it has merely shown that she is counsel for a non-party corporation that is closely-affiliated with a corporate party to this proceeding, which is insufficient to establish eligibility under the terms of the Protective Order. As HCI has asserted no other grounds for the claim of eligibility, we sustain the objection.

5. Accordingly, IT IS ORDERED that Teledesic's Objection to HCI's request for access for Monserrat Sans-Ballus IS GRANTED.

6. This order shall be effective upon release.

FEDERAL COMMUNICATIONS COMMISSION

Thomas S. Tycz
Chief
Satellite and Radiocommunication Division