NEWS

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COMMISSIONER COPPS STATEMENT ON ALTERATION OF GE-SES MERGER APPROVAL

I am troubled by today's approval of a substantial increase in foreign ownership in the GE/SES merger without public notice and without seeking comment, as I believe we are required to do under the Communications Act. The Agency performed its public interest responsibilities for this merger and explicitly allowed 29% equity indirect foreign ownership. The parties now, after approval, tell us that they mistakenly failed to reveal an additional 22% foreign equity ownership and would like explicit approval of this additional foreign ownership. This means that we are now dealing with a merger that requires us to explicitly approve approximately 50% equity and 63% voting foreign ownership.

Section 309 of the Communications Act requires us to issue a public notice and allow thirty days for public comment for any "substantial amendment" to an application. Today's action seems to be based on the belief that nearly doubling the foreign ownership is "minor," and that the Agency can therefore approve it without notice or the opportunity for public participation. I believe that the statute requires the opportunity for public notice in this instance.

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