

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

In the Matter of)	
)	
COMSAT CORPORATION,)	
)	
Complainant,)	
)	
v.)	File No. E-99-27
)	
STRATOS MOBILE NETWORKS (USA), LLC,)	
)	
Defendant.)	

ORDER ON REVIEW

Adopted: February 22, 2001

Released: February 26, 2001

By the Commission:

1. The Commission has before it an Application for Review filed by COMSAT Corporation¹ (“COMSAT”) pursuant to section 1.115 of the Commission’s rules.² COMSAT requests review of a November 15, 2000 order by the Enforcement Bureau,³ which dismissed with prejudice a complaint COMSAT filed against Stratos Mobile Networks (USA), LLC (“Stratos”) pursuant to section 208 of the Communications Act of 1934, as amended (“Act”).⁴ The Bureau determined that both the doctrine of *res judicata* and section 207 of the Act⁵ precluded COMSAT from bringing the complaint.

¹ Application for Review of COMSAT Corporation, File No. E-99-27 (filed December 18, 2000) (“Application for Review”).

² 47 C.F.R. § 1.115.

³ *COMSAT Corporation v. Stratos Mobile Networks (USA), LLC*, Memorandum Opinion and Order, DA No. 00-2589 (Enf. Bur. Nov. 15, 2000) (“Bureau Order”).

⁴ 47 U.S.C. § 208.

⁵ 47 U.S.C. § 207.

2. Upon careful review of the Application for Review and the entire record herein, we conclude that COMSAT has failed to demonstrate that the Enforcement Bureau erred. The Enforcement Bureau properly decided the matters raised below, and we uphold its decision for the reasons stated in the Bureau Order.⁶

3. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), 207, and 208 of the Act, 47 U.S.C. §§ 154(i), 154(j), 207, 208, and section 1.115(g) of the Commission's rules, 47 C.F.R. § 1.115(g), that the Application for Review filed by COMSAT Corporation IS DENIED and this proceeding IS TERMINATED WITH PREJUDICE.

FEDERAL COMMUNICATIONS COMMISSION

Magalie Roman Salas
Secretary

⁶ We note that COMSAT does not contest the Enforcement Bureau's conclusion that COMSAT has made contradictory representations to the Commission concerning the nature of its contractual relationship with Stratos. *Bureau Order* at ¶¶ 19, 22-23, and 28 (explaining that COMSAT argues in this case that Stratos was *not* bound by a certain contract between COMSAT and IDB Mobile Communications, Inc. ("IDB"), even though COMSAT represented in prior Commission proceedings that Stratos was "directly, explicitly, and unambiguously" bound by the same contract). To the extent that COMSAT relies on principles of fairness and equity to argue against our application of the *res judicata* doctrine (Application for Review at 10-11, 16-17), this conspicuous omission by COMSAT substantially undermines its argument.