

**Separate Statement of Commissioner Michael J. Copps,
Concurring in Part and Dissenting in Part**

In the Matter of: Litigation Recovery Trust Petition for a Declaration Whether Comsat Corporation has Violated the Public Interest Standard of the Communications Satellite Act, 47 U.S.C. § 701, Through the Transmission of Indecent Material or Violated 47 U.S.C. § 721 Through Unauthorized Purchases of Stock in Specified Corporations

I fully support the decision to dismiss the complaints of the Litigation Recovery Trust (“LRT”) concerning the stock purchases at issue here. I also wholeheartedly support the Order’s admonition of LRT concerning filings that could be interpreted as abusing the Commission’s processes. The Commission has already decided that Comsat did not need prior authorization for these purchases, and that decision was upheld in court on appeal. LRT has re-raised these arguments concerning alleged unauthorized stock purchases numerous times, and has lost each time. It is now time to move on.

However, I cannot support the statement in this item that the petitioners’ complaints “do not call into play the issue of indecency.” It is true that the services at issue are not broadcast services subject to the language of the indecency statutes. It is also true, however, that these services were being provided by the holder of FCC licenses, who, like all licensees, is subject to the general obligation to serve the public interest. Moreover, I am concerned that the Order’s statements regarding LRT’s “unsupported allegations” of indecency could be read to put too great a responsibility on parties who complain about indecent or obscene programming. In addition, although the Commission may not have previously interpreted the public interest standard to proscribe the transmission of “adult” programming that was not otherwise unlawful pursuant to statute or regulation, I could not support a decision that might preclude the Commission from doing so in the future, should circumstances warrant such an outcome.

Speaking more generally, I would hope that all Commission licensees – whether broadcasters, cable system operator, or DBS providers – would go the extra mile in exercising self-discipline when airing programming that might be inappropriate for children during hours when children are likely to be in the audience.