

**CONCURRING STATEMENT OF
COMMISSIONER JONATHAN ADELSTEIN**

Re: COMSAT Corporation; Request for Reduction of Regulatory Fees For Fiscal Years 1998, 2000, and 2001; Fee Control Nos. 0109268835483010, et al.

I recognize the Commission's authority to revisit certain regulatory fees paid by COMSAT consistent with the language of the D.C. Circuit in the COMSAT II ruling. However, I am only able to concur in this Order because the analysis is not consistent with the regulatory fee approach that we have used in our previous regulatory fee orders, and strays quite far from these earlier Commission determinations.

Ironically, I have long advocated that the Commission adhere more closely to Section 9 of the Communications Act by assessing regulatory fees that are derived by determining the full-time equivalent number of employees (FTEs) performing the relevant enforcement activities, policy and rulemaking activities, user information services and international activities.¹ But the Commission has not chosen to take such an approach, instead relying on repeated proportionate increases of the regulatory fee schedule from the previous year, adjusted to reflect increases or decreases in payment units.

Consequently, I am troubled by our decision here to apply Section 1.1163 of our rules for the benefit of a single company. If the Commission is to begin applying Section 1.1163 on a more rigorous basis, it should do so equitably for all regulatees, and not reserve such an analysis for the simple benefit of refunding one licensee \$1.5 million.

¹ See CONCURRING STATEMENT OF COMMISSIONER JONATHAN ADELSTEIN, *Assessment and Collection of Regulatory Fees for Fiscal Year 2003*, MD Docket No. 03-83, FCC 03-184 (2003).