

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

In the Matter of	)	
	)	
Audacy Corporation	)	IBFS File No. SAT-LOA-20161115-00117
	)	Call Sign S2982
	)	
Theia Holdings A, Inc.	)	IBFS File No. SAT-AMD-20170301-0029
	)	Call Sign S2986
	)	
WorldVu Satellites Limited	)	IBFS File No. SAT-LOI-20170301-00031
	)	Call Sign S2994
	)	

**CONSOLIDATED REPLY OF VIASAT, INC.**

ViaSat, Inc. hereby replies to the responses filed by Audacy Corporation (“Audacy”), Theia Holdings A, Inc. (“Theia”), and WorldVu Satellites Limited (“OneWeb”) in connection with the above-captioned applications, which were filed in the pending non-geostationary-satellite orbit (“NGSO”) processing round covering frequencies in the V-band (the “Applications”).<sup>1</sup> ViaSat files this reply to correct several misstatements of ViaSat’s position by Audacy, Theia, and OneWeb in their respective responses.

ViaSat’s comments on the Applications urge the Commission to facilitate shared and efficient use of the V-band by NGSO systems and geostationary satellite orbit (“GSO”) networks by conditioning each Application grant to ensure that future deployment of GSO systems is not

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<sup>1</sup> See *Satellite Policy Branch Information, Boeing Application Accepted for Filing in Part, IBFS File No. SAT-LOA-20160622-00058, Cut-Off Established for Additional NGSO-Like Satellite Applications or Petitions for Operations in the 37.5-40.0 GHz, 40.0-42.0 GHz, 47.2-50.2 GHz, and 50.4-51.4 GHz Bands*, Public Notice, DA 16-1244 (rel. Nov. 1, 2016) (“*Public Notice*”).

precluded or impeded, and that multiple NGSO systems can coexist through any sharing mechanisms that may be adopted in the future for V-band NGSO systems.<sup>2</sup>

Specifically, ViaSat proposed that any grants of the Applications for NGSO systems be conditioned upon compliance with Article 22.2 of the ITU's Radio Regulations—which requires NGSO systems to protect GSO networks from unacceptable interference—and that this condition apply *pending the Commission's adoption of formal NGSO-GSO sharing criteria for the V-band*. As ViaSat noted, such sharing could be achieved in the future through appropriate EPFD limits and enforcement provisions, but such limits and provisions have not yet been developed for the V-band, either at the ITU or by the Commission.<sup>3</sup>

Instead of facilitating sharing between NGSO systems and GSO networks through the use of EPFD limits, Article 22.2 imposes a more general obligation that “[n]on-geostationary-satellite systems shall not cause unacceptable interference to and, unless otherwise specified in these Regulations, shall not claim protection from geostationary satellite networks in the fixed-satellite service and the broadcasting-satellite service operating in accordance with these Regulations.”<sup>4</sup> In other words, Article 22.2 is separate and distinct from other provisions in *Article 22.5* that specify EPFD limits for NGSO systems operations in specific frequency bands, including portions of the Ku- and Ka-bands.<sup>5</sup>

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<sup>2</sup> See Consolidated Comments of ViaSat, Inc., File Nos. SAT-LOA-20161115-00117, SAT-AMD-20170301-00029, SAT-LOI-20170301-00031, at 5-7 (July 17, 2017) (“ViaSat Consolidated Comments”).

<sup>3</sup> See *id.* at 2; Consolidated Response of ViaSat, Inc., File No. SAT-PDR-20161115-00120, at 1, 3 (Aug. 1, 2017).

<sup>4</sup> ITU Rad. Reg. Art. 22.2.

<sup>5</sup> See ITU Rad. Reg. Art. 22.5C-I.

In addition, ViaSat urged that grant of the Applications be conditioned upon compliance with any NGSO-GSO sharing criteria, and associated technical rules, that may be adopted in the pending NGSO rulemaking proceeding and any future proceeding that may specifically address V-band NGSO operations—including any rules that establish sharing criteria among multiple NGSO systems in the V-band.

ViaSat’s reasons for proposing these conditions are not contested by Audacy, Theia, or OneWeb in their respective responses. Instead, each misreads ViaSat’s comments and mischaracterizes ViaSat’s proposals.

First, OneWeb incorrectly characterizes ViaSat’s comments as asking the Commission to “initiate a rulemaking proceeding to adopt EPFD limits on NGSO operations in the V-band and, in the meantime, condition grant of NGSO V-band applications on compliance with interim EPFD limits (potentially based on Article 22 of the ITU’s Radio Regulations).”<sup>6</sup> Similarly, Audacy incorrectly asserts that ViaSat “urge[s] the Commission to condition V-band license grants with EPFD limits.”<sup>7</sup> Audacy goes on to conflate Article 22.2, which generally requires NGSO systems (including those in the V-band) to protect GSO systems from unacceptable interference, with Article 22 EPFD limits, which currently do not include V-band frequencies.<sup>8</sup>

Critically, the “interim” condition that ViaSat asks the Commission to impose would *not* involve any EPFD limits, but would be based on the Article 22.2 requirement that NGSO systems protect GSO networks from unacceptable interference. Indeed, the Commission

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<sup>6</sup> See Consolidated Response of WorldVu Satellites Limited, File No. SAT-LOI-20170301-00031, at 3 n.5 (July 27, 2017) (“OneWeb Response”).

<sup>7</sup> Response of Audacy Corporation, File No. SAT-LOA-20161115-00117, at 3 (July 27, 2017) (“Audacy Response”).

<sup>8</sup> See *id.*

acknowledges in the NGSO rulemaking proceeding that a default sharing rule, such as the Article 22.2 framework, would enable licensing of NGSO systems and/or GSO networks in the V-band before band-specific service rules are adopted.<sup>9</sup> ViaSat’s comments explicitly note that, as OneWeb acknowledges, V-band technical studies are still underway at the ITU to develop such limits, and that EPFD limits do not currently exist for V-band frequencies.<sup>10</sup>

In its response, Theia seeks to dispense with ViaSat’s proposal for GSO protection by simply asserting that “interference and spectrum sharing issues . . . are more appropriately addressed in rulemaking proceedings” than in the context of the individual Applications.<sup>11</sup> Although Theia states that it would not object to a condition requiring compliance with the technical standards adopted for NGSO systems in a rulemaking proceeding,<sup>12</sup> it ignores the need to impose specific conditions in the instant application proceedings to protect GSO networks.

ViaSat’s comments explicitly ask that the Commission condition any Application grant on compliance with Article 22.2 of the ITU’s Radio Regulations. In this regard, the sharing issues identified by ViaSat can and should be addressed through appropriate conditions imposed in these application proceedings. Notably, ViaSat’s comments observe that appropriate V-band EPFD limits and other technical rules might not be adopted before the Applications are granted, such that a condition that provides an interim solution is critical.<sup>13</sup>

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<sup>9</sup> See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, IB Docket No. 16-408, Notice of Proposed Rulemaking, FCC 16-170, at ¶ 21 (rel. Dec. 14, 2016) (“*NGSO NPRM*”).

<sup>10</sup> ViaSat Consolidated Comments at 5-6; *see also* OneWeb Response at 2-3.

<sup>11</sup> See Consolidated Reply Comments of Theia Holdings A, Inc., File No. SAT-AMD-20170301-00029, at 2 & n.5 (Aug. 1, 2017).

<sup>12</sup> *See id.* at 2.

<sup>13</sup> *See* ViaSat Consolidated Comments at 6.

Audacy claims that ViaSat’s comments “urge the Commission to expand the ongoing NGSO K-band [sic] Rulemaking to the V-band and retroactively apply rules adopted in an expanded rulemaking indiscriminately to all applicants in the instant processing round.”<sup>14</sup> As a preliminary matter, Audacy’s statement incorrectly assumes that the pending NGSO rulemaking proceeding does not already apply to the V-band. As ViaSat noted in its comments, while that proceeding does not address EPFD limits for the V-band (because none exist), other aspects of the *NGSO NPRM* would apply to the V-band.<sup>15</sup> The substance of NGSO-specific licensing rules should be addressed in that pending proceeding, which by its terms was intended to develop specific rules and policies to reflect the new generation of NGSO FSS systems that are expected to be deployed—including those contemplated in this V-band application processing round—and not in individual licensing proceedings.<sup>16</sup> Thus, to the extent that Audacy believes that its system should be exempt from the rules that would apply to everyone else, Audacy is free to make its case in the NGSO rulemaking proceeding. In any event, Audacy’s system authorization should be subject to the outcome of that proceeding—whatever that outcome might be.

Furthermore, Audacy’s suggestion that any rules adopted in an NGSO rulemaking proceeding should not be “retroactively” applied to the applications in the instant processing round is fundamentally at odds with the Commission’s clear notice in the public notice establishing the cut-off for NGSO-like satellite applications in V-band frequencies.<sup>17</sup> Thus, the

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<sup>14</sup> See Audacy Response at 6 & n.16.

<sup>15</sup> See ViaSat Consolidated Comments at 6-7.

<sup>16</sup> See *NGSO NPRM* at ¶ 3.

<sup>17</sup> See *Public Notice* at 3 (“Applicants and petitioners that file by the cut-off date will be afforded an opportunity to amend their requests, if necessary, to conform to any requirements or policies that may be subsequently adopted concerning NGSO-like satellite operation in these bands.”).

notion that Audacy might need to conform its application to the policies or rules that may subsequently be adopted in the NGSO rulemaking proceeding should come as no surprise.

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For these reasons and those set forth in its initial comments, ViaSat urges the Commission to impose conditions on any grant of the Applications to ensure compliance with Article 22.2 of the ITU's Radio Regulations until the Commission adopts a different NGSO-GSO sharing mechanism, and subject to the outcome of the pending NGSO rulemaking proceeding or in any future proceeding addressing V-band NGSO operations.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I, Kayla Ernst, hereby certify that on this 11th day of August, 2017, I served a true copy of the foregoing Consolidated Reply of ViaSat, Inc. via first-class mail upon the following:

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