



Federal Communications Commission  
Washington, DC 20554

International Bureau

May 1, 2009

John P. Janka  
Latham & Watkins LLP  
555 Eleventh Street, NW  
Suite 1000  
Washington, DC 2004-1304

Re: ViaSat, Inc., Call Sign: S2737  
IBFS File Nos. SAT-LOA-20070314-00051,  
SAT-MOD-20080718-00144, and  
SAT-AMD-20081203-00220

Dear Mr. Janka:

This letter refers to ViaSat, Inc.'s (ViaSat's) March 17, 2008 filing to demonstrate compliance with its critical design review (CDR) milestone for the above referenced space station authorization. We find that the submission fails to show that ViaSat has satisfied this milestone and request additional information.

Pursuant to its space station authorization, ViaSat was required to provide evidence that it had completed the CDR milestone for its VIASAT-KA1 satellite by July 18, 2009.<sup>1</sup> In a letter dated March 17, 2009, ViaSat represented that it has satisfied this milestone. ViaSat's supporting documentation included a certification from ViaSat's Director of Regulatory Affairs, and a summary of meeting minutes from a CDR meeting between representatives of ViaSat and its satellite manufacturer.

In the Space Station Licensing Reform Order, the Commission adopted the CDR milestone to assist in determining whether licensees were taking timely, concrete steps toward system implementation.<sup>2</sup> The Commission emphasized that the burden of proof for this showing is on the licensee.<sup>3</sup> In the Order, the Commission stated that evidence demonstrating compliance with this milestone may include: (1) evidence of a large payment made concurrent with the CDR; (2) affidavits from an independent manufacturer certifying completion; and (3) evidence that the licensee has ordered all the long lead items needed to begin physical construction of the spacecraft.<sup>4</sup> Subsequently, the International Bureau stated that, upon request, authorized entities should be prepared to submit: (1) the documentation package prepared for the payload subsystem CDR and the resulting CDR report and Action Items list; (2) evidence of payments made; and (3)

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<sup>1</sup> ViaSat, Inc. IBFS File No. SAT-LOA-20070314-00051 (granted with conditions on July 18, 2007).

<sup>2</sup> Amendment of the Commission's Space Station Licensing Rules and Policies, *First Report and Order and Further Notice of Proposed Rulemaking in IB Docket No. 02-34, and First Report and Order in IB Docket No. 02-54*, 18 FCC Rcd 10760, 10833 (2003) (*First Space Station Licensing Reform Order*).

<sup>3</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10834.

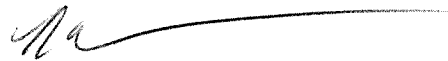
<sup>4</sup> *First Space Station Licensing Reform Order*, 18 FCC Rcd at 10833.

amendments to the manufacturing contract, if any, since the contract was submitted to the Commission.<sup>5</sup>

The certification from ViaSat's Director of Regulatory Affairs and the copy of meeting minutes do not demonstrate compliance with the CDR milestone requirement. Accordingly, please submit the following: the documentation package prepared for the spacecraft CDR including, but not limited to, the communications payload subsystem CDR and resulting CDR report and Action items list (on CD-ROM, if possible); evidence of payments made up to the date of CDR, either through copies of cancelled checks or a letter signed by an authorized individual certifying the amount and date of each payment; and any revisions or amendments to the satellite manufacturing contract entered into on July 14, 2008.

Please submit your response to the Commission's Secretary on or before the July 18, 2009 CDR milestone date set forth in ViaSat's space station authorization, with a courtesy copy to Alyssa Roberts of my staff: [Alyssa.Roberts@fcc.gov](mailto:Alyssa.Roberts@fcc.gov).

Sincerely,



Robert G. Nelson  
Chief, Satellite Division  
International Bureau

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<sup>5</sup> *Public Notice*, International Bureau Provides Guidance Concerning the Critical Design Review Milestone Requirement, 19 FCC Rcd 5362 (March 25, 2004).