

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

In the Matter of)
)
Application of Viasat, Inc. for a License to) IBFS File Nos. SAT-LOA-_____
Operate VIASAT-89US in the 19.7-20.2)
GHz and 29.5-30 GHz Frequency Bands at)
88.9° W.L.)
)

APPLICATION FOR SPACE STATION LICENSE

Viasat, Inc. (“Viasat”) seeks to modify its existing U.S. market access to operate the VIASAT-3 satellite at 88.9° W.L. under authority of the United Kingdom so that Viasat instead may be licensed by the Commission to operate in a portion of frequencies on that satellite. Specifically, Viasat seeks a U.S. space station license to operate in the 29.5-30 GHz and 19.7-20.2 GHz band segments at 88.9° W.L. of a spacecraft that also would operate under authority of the United Kingdom. A companion application seeks a corresponding modification of Viasat’s existing market access at 88.9° W.L., as well as certain changes to other terms of that market access to add additional frequencies, change the specific spacecraft design to be employed, and extend or waive the commencement of operations milestone.¹ The proposed U.S.-licensed payload in the 29.5-30 GHz and 19.7-20.2 GHz band segments is referred to as VIASAT-89US.

¹ See Viasat, Inc., Call Sign S2917; File Nos. SAT-LOI-20140204-00013; SAT-AMD-20140218-00023 (granted June 18, 2014), as modified by File No. SAT-MOD-20150618-00037 (granted Oct. 21, 2015), as reissued on Mar. 23, 2017 (“89° W.L. Grant”). In the above-referenced market access modification application, Viasat refers to the ViaSat-3-class satellite granted U.S. market access at 88.9° W.L., modified as requested, as “VIASAT-3 (89W).”

I. BACKGROUND

Viasat is the owner and operator of the payload on the U.S.-licensed Galaxy-28 satellite² that operates in the 19.7-20.2 GHz and 29.5-30 GHz band segments under the ITU registration of the USASAT-31S satellite network. Viasat also holds market access to replace that payload on Galaxy-28 with a new satellite to be operated under U.K. authority that would use those band segments as well as the 18.3-19.3 GHz and 28.1-29.1 GHz band segments. Viasat's market access grant is conditioned upon the new satellite being subject to direct and effective regulation by the United Kingdom concerning orbital debris mitigation, and to the extent that launch and space operations are authorized by the United Kingdom Space Agency under the United Kingdom Outer Space Act.³

The terms of that market access provide for the new satellite to be launched and operated by June 18, 2019, and Viasat has posted an escalating \$3 million bond with respect to that market access grant. Viasat is filing contemporaneously with this application a request to modify that market access grant to extend, or in the alternative to waive, that milestone date until December 31, 2021. In addition, that modification application seeks expanded market access in the 17.7-18.3 GHz, 19.3-19.7 GHz, 27.5-28.1 GHz and 29.1-29.5 GHz band segments, as well as changes with respect to the 19.7-20.2 GHz and 29.5-30 GHz band segments to reflect the proposed grant of this application.

The U.K. Administration would retain (i) authority over space activities and responsibility for safe flight through control over telemetry, tracking and command ("TT&C") operations conducted from outside of the United States, and (ii) authority over all of the radio

² See IBFS File No. SAT-ASG-20130515-00070, Call Sign S2160 (granted Apr. 8, 2014).

³ See 89° W.L. Grant at ¶ 9.

frequency operations on the satellite, other than the portion in the 19.7-20.2 GHz and 29.5-30 GHz band segments, for which the Commission would be responsible.

The attached Schedule S includes the relevant information for the VIASAT-89US operations in the 19.7-20.2 GHz and 29.5-30 GHz bands. The accompanying Technical Information to Supplement Schedule S (“Supplemental Technical Annex”) includes the information required by Section 25.114(d) of the Commission’s rules for the 19.7-20.2 GHz and 29.5-30 GHz portions of the satellite that will be operated under a U.S. license as VIASAT-89US, and also contains relevant information with respect to the companion request for modified market access described above.

II. GRANT OF THE REQUESTED U.S. LICENSE IS IN THE PUBLIC INTEREST

Grant of this application would serve the public interest by providing U.S. licensing responsibility for the 19.7-20.2 GHz and 29.5-30 GHz frequencies and continued operations of a satellite payload under the ITU registration of the USASAT-31S satellite network.

The Commission has approved similar arrangements for U.S.-licensed payloads operating a portion of the frequencies otherwise employed on a non-U.S. satellite.⁴ In those cases, the Commission granted the U.S. license based on commitments by the U.S. licensee to maintain control over the U.S.-licensed portion of the satellite and the ability to ensure compliance with U.S. laws and regulations, while another administration was responsible for the operations of the space object, TT&C, and other communications payloads on the satellite. Thus, Viasat’s request

⁴ See, e.g., Intelsat License LLC, Call Sign S2854, File No. SAT-RPL-20120216-00018 (granted May 25, 2012) (issuing a license to Intelsat to operate a portion of the Ku band payload on a satellite operated by New Skies under the authority of the Netherlands); Intelsat North America LLC, Call Sign S2801, File No. SAT-A/O-20091208-00141 (granted June 4, 2010) (issuing a license to Intelsat for the Ku-band payload on a satellite operated by New Skies under the authority of Luxembourg).

to operate the VIASAT-89US payload pursuant to U.S. authority is consistent with Commission precedent.

As detailed in the companion application seeking modifications to Viasat's market access grant for 88.9 W.L., the state-of-the-art satellite to be deployed at that location will have unprecedented capacity and capabilities that will provide far greater bandwidth economics than any other satellite in operation today. It will have over 1 terabit per second of capacity and cover approximately one-third of the Earth's service, making 100 Mbit/s (and up to 1 Gbit/s) service available to users throughout the coverage area of the satellite. Substituting a U.S. license in the 19.7-20.2 GHz and 29.5-30 GHz band segments for the current market access grant for the currently authorized VIASAT-3 satellite would allow these benefits to be realized under a satellite operated in part under authority of the United States, and thus would serve the public interest.

III. LEGAL AND TECHNICAL QUALIFICATIONS

Viasat is legally and technically qualified to hold a space station license and to operate VIASAT-89US. Viasat's legal qualifications are set forth in the attached Form 312 and as otherwise provided in this application. Moreover, Viasat holds several Commission licenses and has previously demonstrated its qualifications as a Commission licensee of spacecraft and earth station networks, and thus its legal qualifications are a matter of record before the Commission.

Viasat's technical qualifications to implement VIASAT-89US are also a matter of record. All relevant information and showings relating to the 19.7-20.2 GHz and 29.5-30 GHz and the spacecraft are included in the attached Schedule S and Supplemental Technical Annex. As discussed in the context of the 89° W.L. Grant, Viasat requested, and the Commission has authorized, operations of the spacecraft at a 0.1° offset from 89° W.L. to eliminate any station-keeping volume overlap with other satellites.

IV. OTHER REGULATORY REQUIREMENTS

A. Implementation Milestones and Performance Bond

Viasat's existing market access grant at 88.9° W.L., including in the 19.7-20.2 and 29.5-30 GHz band segments, is subject to a milestone requirement and a \$3 million performance bond. As discussed above, Viasat has filed a request to modify that milestone to extend until December 31, 2021 the deadline to launch and begin operations. No separate bond or additional milestones are required for the U.S. space station license sought in this application, because that license would merely substitute for a portion of the market access grant that Viasat already holds.

B. ITU Cost Recovery

Viasat unconditionally accepts the responsibility to pay any ITU cost recovery fees associated with the ITU filings that the Commission may make on Viasat's behalf in connection with this application.

C. Waiver Pursuant to Section 304 of the Communications Act

In accordance with Section 304 of the Communications Act of 1934, as amended, Viasat hereby waives any claim to the use of any particular frequencies or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise.

D. Ownership Information

Viasat is a Delaware corporation and a publicly traded company headquartered at 6155 El Camino Real, Carlsbad, California 92009. As a publicly traded company, the stock of Viasat is widely held. Based on publicly available SEC filings, the following entities and their affiliates beneficially owned 10 percent or more of Viasat's voting stock as of March 31, 2019:

Beneficial Owner	Citizenship	Voting Percentage
The Baupost Group, L.L.C. 10 St. James Avenue Suite 1700 Boston, MA 02116	Massachusetts	23.06%
Blackrock Inc. 55 East 52 nd Street New York, NY 10055	Delaware	10.92%

No other stockholders are known by Viasat to hold 10 percent or more of Viasat's voting stock.

The following are the officers and directors of Viasat, all of whom can be reached c/o Viasat, Inc., 6155 El Camino Real, Carlsbad, CA 92009:

Directors

Mark D. Dankberg, Chairman, CEO
Richard A. Baldrige, President, COO
Frank J. Biondi Jr.
Dr. Robert W. Johnson
B. Allen Lay
Dr. Jeffrey M. Nash
Sean Pak
Varsha Rao
John P. Stenbit
Harvey P. White

Officers/Senior Management

Mark D. Dankberg, Chairman, CEO
Richard A. Baldrige, President, COO
Melinda Del Toro, Senior VP, People & Culture
Bruce Dirks, Senior VP, Treasury & Corporate Development
Shawn Duffy, Senior VP, CFO
Kevin Harkenrider, President, Broadband Services
Keven K. Lippert, Chief Commercial Officer & EVP of Strategic Initiatives
Mark J. Miller, Executive VP, Chief Technical Officer
Ken Peterman, President, Government Systems
Douglas Abts, VP Strategy Development, Broadband Services
Robert Blair, VP, General Counsel and Secretary
Girish Chandran, Vice President and Chief Technical Officer
Marc Agnew, Vice President, Commercial Networks
Dave Ryan, Vice President, and President of Space Systems

V. CONCLUSION

For these reasons, Viasat respectfully requests that the Commission grant a U.S. space station license for VIASAT-89US in the 19.7-20.2 GHz and 29.5-30 GHz frequency bands at 88.9° W.L. and accordingly modify its existing market access for those frequencies to reflect the substitution of that U.S. space station license for the authority Viasat currently holds to operate in those frequencies at 88.9° W.L

Respectfully submitted,

/s/

Christopher J. Murphy
Associate General Counsel, Regulatory
Affairs
Daryl T. Hunter
Chief Technical Officer, Regulatory Affairs
VIASAT, INC.
6155 El Camino Real
Carlsbad, CA 92009

John P. Janka
Matthew T. Murchison
Elizabeth R. Park
LATHAM & WATKINS LLP
555 Eleventh Street, N.W.
Suite 1000
Washington, DC 20004

Counsel for Viasat, Inc.