

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)	
)	
Application of Viasat, Inc. for a License to)	IBFS File No. SAT-LOA-20190617-
Operate VIASAT-89US in the 19.7-20.2)	00048
GHz and 29.5-30 GHz Frequency Bands at)	Call Sign S3050
88.9° W.L.)	

RESPONSE OF VIASAT, INC.

Viasat, Inc. (“Viasat”) responds to the comments of Inmarsat, Inc. (“Inmarsat”) on Viasat’s application for a U.S. space station license for the VIASAT-89US spacecraft, operating in the 19.7-20.2 GHz and 29.5-30 GHz band segments at 88.9° W.L. (the “Application”).¹ VIASAT-89US will be a follow-on satellite to Galaxy-28, which operates under the ITU notification for the USASAT-31S satellite network.

Inmarsat, the only party to comment on the Application, does not object to the Commission granting a license for VIASAT-89US. Rather, Inmarsat requests license conditions “to ensure that Viasat-3 does not change the existing interference environment in a way that would afford Viasat greater flexibility than is justified under the existing filing while also placing an undue anticompetitive burden on other Ka-band satellite systems.”² There is no basis for Inmarsat’s request.

¹ Inmarsat also comments on Viasat’s application seeking an extension or waiver of the milestone condition on its market access grant for a ViaSat-3 satellite at 88.9° W.L. Viasat is separately submitting a response in the application proceeding relating to that market access grant addressing that portion of Inmarsat’s comments. *See* IBFS File No. SAT-MOD-20190617-00047, Call Sign S2917.

² Comments of Inmarsat, Inc., File No. SAT-LOA-20190617-00048, Call Sign S3050, at 2 (filed Sept. 9, 2019) (“Inmarsat Comments”).

I. VIASAT-89US IS FULLY COMPLIANT WITH THE COMMISSION’S TWO-DEGREE SPACING POLICIES

In seeking a U.S. license for VIASAT-89US, Viasat provided the required information for the technical operations of the satellite in the 19.7-20.2 GHz and 29.5-30 GHz band segments. Among other things, Viasat certified that uplink transmissions from earth stations within the network would be consistent with the Commission’s off-axis EIRP density envelope in Section 25.138, ensuring compatibility with satellites operating in the Ka band in a two-degree-spaced environment. Along the same lines, VIASAT-89US has been designed to operate within a two-degree operating environment, including one in which other Ka band satellite networks may operate at adjacent orbital locations with earth station transmissions consistent with the off-axis EIRP density limits of Section 25.138.

Citing its comparison of the G/T values for Galaxy-28 and VIASAT-89US, Inmarsat notes that the satellite receivers on VIASAT-89US will be more sensitive than those on Galaxy-28, and hypothesizes that Viasat may seek what Inmarsat claims would be an inappropriate level of protection for its satellite receivers on VIASAT-89US, with respect to a possible future adjacent satellite network. Inmarsat also notes that the coverage area of Galaxy-28 is limited to CONUS, implies that Viasat cannot rely on the visible earth coverage notified under the USASAT-31S filing, and thus claims that any operations under that filing should be limited to CONUS. Inmarsat requests that the Commission condition any license for VIASAT-89US to ensure that Viasat would be restricted from “operat[ing] its system in a manner inconsistent with, or insist on protections of its system that are inconsistent with, its ITU network filing or the two-

degree spacing regime”³ and that Viasat’s “operations outside CONUS . . . be conducted under the auspices of another ITU network filing.”⁴

As a threshold matter, Inmarsat does not have a Commission license or market access grant within two degrees of 89° W.L. that could provide any valid basis for its comments. Nor does Inmarsat present a concrete proposal for any system that it actually intends to implement within two degrees. While Inmarsat claims to have a Ka band ITU filing at 87° W.L., it does not disclose the filing administration, or the relative priority of that filing. Nor does Inmarsat even suggest when it might seek to implement that filing. Moreover, it bears note that the 29.5-30 GHz and 19.7-20.2 GHz frequencies at 87° W.L. have been lying fallow in the United States since 2006,⁵ and Inmarsat has not sought market access or a Commission authorization in those band segments at that orbital location.

At bottom, any interest that Inmarsat may claim regarding the use of Ka band spectrum at 87° W.L. over the United States is speculative at best and provides no basis for the conditions that Inmarsat seeks. Indeed, particularly in the absence of any tangible proposal from Inmarsat, the conditions that it seeks appear nothing more than an attempt to throttle a competitor from implementing the most advanced Ka band broadband system ever deployed.

As to the law, Inmarsat also ignores well-established Commission precedent regarding international status and ITU priority determinations. As an initial matter, the Commission defines its own requirements as to its two-degree-spacing policies, and those requirements can and do differ from the ITU’s framework. Moreover, the Commission issues satellite

³ Inmarsat Comments at 5.

⁴ *Id.* at 6.

⁵ See *Pegasus Development Corporation*, File No. SAT-LOA-20031119-00336, Call Sign S2603 (surrendered Jan. 30, 2006).

authorizations subject to the outcome of international coordination.⁶ Critically, the Commission does not decide or assess the ability of parties to complete the required international coordination,⁷ and Viasat is not asking the Commission to make any decisions about the international status of any operations of VIASAT-89US. In that same vein, there is no basis for the types of conditions that Inmarsat requests, which would require the Commission to determine the extent of rights with respect to VIASAT-89US in international coordination, and based on the theoretical operations of an adjacent Inmarsat spacecraft that has not even been proposed. It is well established that licensees take their authorizations subject to the completion of international coordination and accordingly bear the risk inherent in that process.⁸ Therefore, in granting Viasat a license for VIASAT-89US, the Commission would not expand any international rights under which VIASAT-89US may operate.

Furthermore, Inmarsat's implications about the validity of USASAT-31S are unsubstantiated. The USASAT-31S filing, which has been brought into use and notified, includes visible earth coverage, and the ITU Radiocommunication Bureau has affirmed that there is no bringing into use coverage requirement. Therefore, validity of the USASAT-31S filing is not limited to CONUS coverage.

⁶ *Space Station Licensing Rules and Policies*, First Report and Order, 18 FCC Rcd 10760 ¶ 295 (2003) (“2003 Satellite Licensing Reform Order”).

⁷ *See, e.g., EchoStar Satellite Operating Company*, 28 FCC Rcd 10412 ¶ 12 (2013) (affirming International Bureau order that “appropriately declined to make determinations concerning the ‘perfecting’ of ITU filings of other Administrations, observing correctly that such determinations are for the ITU”).

⁸ *See Amendment of the Commission’s Space Station Licensing Rules and Policies*, Second Order on Reconsideration, 31 FCC Rcd 9398 ¶ 32 (2016) (“the Commission is not responsible for the success or failure of the required international coordination”).

Moreover, Inmarsat’s speculation about Viasat’s intention to “unilaterally impose undue restrictions” that are inconsistent with the Commission’s policies for efficient spectrum has no basis.⁹ Again, Viasat expects that VIASAT-89US will operate in a fashion consistent with the Commission’s two-degree spacing policies, including the possibility of operating along with adjacent satellite networks whose earth stations operate within the Commission’s off-axis EIRP density mask in Section 25.138.

As to Inmarsat’s comments about the improved G/T of VIASAT-89US, that simply reflects the natural evolution of Ka band broadband systems,¹⁰ and enables more efficient use of the spectrum, and better service to end users. Among other things, earth stations operating within the VIASAT-89US network would be able to operate at lower EIRP densities than with Galaxy-28, and be less interfering to adjacent satellites. To the extent that Inmarsat has concerns regarding the performance of small earth stations operating with VIASAT-89US,¹¹ these can be addressed at the time Viasat seeks earth station authority.¹²

⁹ See Inmarsat Comments at 5.

¹⁰ See, e.g., *2003 Satellite Licensing Reform Order* at ¶ 257 (declining to require replacement satellites to be technically identical to the existing satellite and recognizing “that next-generation satellites will incorporate satellites with technical advancements made since the previous generation satellite was launched”); see also, *Hughes Communications Galaxy, Inc.*, 5 FCC Rcd 1653 (1990) (granting modification of replacement satellite license that included an increase in transponder amplifier power); *AT&T Co.*, 10 FCC Rcd 12132 (1995) (authorizing replacement satellite capable of operating in at non-routine high power levels).

¹¹ See Inmarsat Comments at 5.

¹² See *Teledesic LLC*, Order and Authorization, 14 FCC Rcd 2261 (1999) (declining to assess secondary non-interference operations of earth station transmissions in the context of a satellite application because it did not have the applications for those terminals before it).

II. CONCLUSION

There is no basis for Inmarsat's request for license conditions that restrict the operations of VIASAT-89US. Viasat respectfully requests that the Commission promptly process the Application and grant a license without any such conditions.

Respectfully submitted,

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September 24, 2019

CERTIFICATE OF SERVICE

I, Bradley Bourne, hereby certify that on this 24th day of September 2019, I served a true copy of the foregoing Response of Viasat, Inc. via first-class mail upon the following:

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