

File # SAT-LOA-20190617-00048

Call Sign 53050 Grant Date May 23, 2020

(or other identifier)

Approved by OMB
3060-0678

Term Dates

From See Conditions To: See Conditions

Approved:

[Signature]

*John W. [unclear]
Federal Communications
Satellite Policy Branch*

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File Number: SAT-LOA-20190617-00048

Call sign/Satellite ID: S3050

APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS

FCC 312 MAIN FORM

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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:

VIASAT-89US New License Application

1-8. Legal Name of Applicant

Name: ViaSat, Inc.

DBA Name:

Street:

6155 El Camino Real

City:

Carlsbad

Country:

USA

Attention:

Mr Daryl T Hunter

Phone Number:

760-476-2583

Fax Number:

E-Mail:

daryl.hunter@viasat.com

State:

CA

Zipcode:

92009

ATTACHMENT TO GRANT
ViaSat, Inc.
IBFS File No. SAT- LOA-20190617-00048

IBFS File No(s):	SAT-LOA-20190617-00048	GRANTED – With Conditions  International Bureau Satellite Division
Licensee/Grantee:	ViaSat, Inc. (ViaSat)	
Call Sign:	S3050	
Satellite Name:	VIASAT-89US	
Orbital Location: (required station-keeping tolerance)	88.9° W.L. (+/- 0.05° east-west station keeping)	
Administration:	United States of America ¹	
Nature of Service:	Fixed-Satellite Service (FSS)	
Scope of Grant:	Authority to construct, deploy, and operate a space station in geostationary orbit (GSO) ² using frequency bands that were previously included in the grant of U.S. market access for the VIASAT-3 space station (Call Sign S2917) at 88.9° W.L.	
Previous Grant(s):	See Scope of Grant	
Service Area(s):	See Attachment VIASAT-89US GIMS Data	
Frequencies:	19.7-20.2 GHz (space-to-Earth) 29.5-30.0 GHz (Earth-to-space)	

Unless otherwise specified herein, operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission's rules not waived herein. This grant is also subject to the following conditions:

1. ViaSat must prepare the necessary information, as may be required, for submission to the International Telecommunication Union (ITU) to initiate and complete the advance publication, coordination, due diligence, and notification process of this space station, in accordance with the ITU Radio Regulations. ViaSat will be held responsible for all cost-recovery fees associated with ITU filings. No protection from interference caused by radio stations authorized by other administrations is guaranteed unless coordination and notification procedures are timely completed or, with respect to individual administrations, coordination agreements are successfully completed. Any radio station authorization for which coordination has not been completed may be subject to additional terms and conditions as required to effect coordination of the frequency assignments of other administrations. *See* 47 CFR § 25.111.
2. VIASAT-89US must be maintained with an east/west and north/south station-keeping tolerance of ± 0.05 degrees of the 88.9° W.L. orbital location.
3. Space-to-Earth operations must be coordinated with U.S. Federal systems in accordance with footnote US334 to the United States Table of Frequency Allocations, 47 CFR § 2.106, prior to being used. Space-to-Earth operations must be in accordance with any signed coordination agreement reached with U.S. Federal operators. Two weeks prior to the start of any operations, contact information must be provided for a 24/7 point of contact for the resolution of any harmful interference to Jimmy Nguyen, Email: Jimmy.Nguyen@us.af.mil.
4. The power flux-density at the Earth's surface produced by the emissions from the VIASAT-89US space station for all atmospheric conditions, and for all methods of modulation, in the 19.7-20.2 GHz frequency band (space-to-Earth) must not exceed a level of -118 dBW/m²/MHz at any angle of arrival, unless the non-

¹ ViaSat states that it will operate in the 19.7-20.2 GHz and 29.5-30.0 GHz frequency bands under the ITU registration of the USASAT-31S satellite network. Narrative at 2.

² The VIASAT-89US space station will share the same satellite bus as ViaSat's VIASAT-3 space station (Call Sign S2917) that has previously been granted access to the U.S. market at 88.9° W.L in the 19.7-20.2 GHz (space-to-Earth) and 29.5-30.0 GHz (Earth-to-space) frequency bands, as well as other frequency bands. *See* IBFS File Nos. SAT-LOI-20140204-00013 and SAT-AMD-20140218-00023 (granted Jun. 18, 2014) and SAT-MOD-20150618-00037 (granted Oct. 21, 2015).

ATTACHMENT TO GRANT

ViaSat, Inc.

IBFS File No. SAT- LOA-20190617-00048

routine downlink operation is coordinated with operators of authorized co-frequency space stations at assigned locations within six degrees of the orbital location and except as provided in section 25.140(d) of the Commission's rules, 47 CFR § 25.140(d), and 47 CFR § 25.140(a)(3)(iii).

5. Operations in the 19.7-20.2 GHz (space-to-Earth) and 29.5-30.0 GHz (Earth-to-space) frequency bands may not claim any more protection from any current or future NGSO FSS system authorized by the Commission to operate in these bands than that provided by the applicable equivalent power flux-density limits of Article 22 of the International Telecommunication Union (ITU) Radio Regulations.

6. Earth stations transmitting to VIASAT-89US in the 29.5-30 GHz frequency band must not exceed applicable equivalent isotropically radiated power density envelopes in section 25.218(i) of the Commission's rules, 47 CFR § 25.218(i), unless the non-routine uplink operation is coordinated with operators of authorized co-frequency space stations at assigned locations within six degrees of the orbital location and except as provided in section 25.140(d) of the Commission's rules, 47 CFR § 25.140(d),³ and 47 CFR § 25.140(a)(3)(iii).

7. This authorization is subject to the following requirements:

a. ViaSat must post a surety bond in satisfaction of 47 CFR §§ 25.165(a)(2) and (b) no later than **June 27, 2020**, and thereafter maintain on file a surety bond requiring payment in the event of a default in an amount, at minimum, determined according to the formula set forth in 47 CFR § 25.165(a)(2);

b. Viasat must launch the space station, place it in the assigned orbit, and operate it in accordance with the station authorization no later than **May 27, 2025**, 47 CFR § 25.164(a).

c. This authorization will be null and void automatically, without further Commission action, if ViaSat fails to comply with these requirements. Failure to comply with the milestone requirement of 47 CFR § 25.164(a) will also result in forfeiture of ViaSat's surety bond. By **June 11, 2025**, ViaSat must either demonstrate compliance with its milestone requirement or notify the Commission in writing that the requirement was not met. 47 CFR § 25.164(f).

8. The license term for VIASAT-89US is 15 years and will begin on the date that ViaSat certifies to the Commission that VIASAT-89US has been successfully placed into orbit and its operations fully conform to the terms and conditions of this authorization. ViaSat is directed to file its certification of commencement of operation with the Commission within five business days of VIASAT-89US being placed into operation at the 88.9° W.L. orbital location.

9. Prior to commencing operations with VIASAT-89US, ViaSat must file with the Commission the information required by Section 25.172 of the Commission's rules, 47 CFR § 25.172.

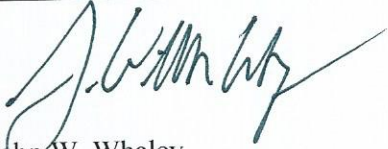
Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.

This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 C.F.R. § 0.261, and is effective upon release.

Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

³ This condition, together with condition 1, addresses the request that we condition any grant such that ViaSat cannot operate or seek protections in a manner inconsistent with the ITU filing for VIASAT-89US or the Commission's two-degree spacing rules. See Inmarsat Comments at 4.

ATTACHMENT TO GRANT
ViaSat, Inc.
IBFS File No. SAT- LOA-20190617-00048

Action Date:	May 27, 2020	
Term Dates	From: See Conditions	To: See Conditions
Approved:  John W. Whaley Acting Chief, Satellite Policy Branch		

9-16. Name of Contact Representative		Phone Number:	202-637-2289
Name:	John P. Janka	Fax Number:	
Company:	Latham & Watkins LLP	E-Mail:	john.janka@lw.com
Street:	555 Eleventh Street, NW Suite 1000	State:	DC
City:	Washington	Zipcode:	20004 -
Country:	USA	Relationship:	Legal Counsel
Attention:	John P. Janka		

CLASSIFICATION OF FILING

17. Choose the buttonnext to the classification that applies to thisfiling for both questions a. and b. Choose only one for 17a and only one for 17b. a. (N/A) a1. Earth Station ☒ a2. Space Station	b. ☒ b1. Application for License of New Station (N/A) b2. Application for Registration of New Domestic Receive-Only Station (N/A) b3. Amendment to a Pending Application (N/A) b4. Modification of License or Registration (N/A) b5. Assignment of License or Registration (N/A) b6. Transfer of Control of License or Registration (N/A) b7. Notification of Minor Modification (N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite ☐ b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States ☐ b10. Replacement Satellite Application - no new frequency bands ☐ b11. Replacement Satellite Application - new frequency bands (Not eligible for streamlined processing) ☐ b12. Petition for Declaratory Ruling to be Added to the Permitted List (N/A) b13. Other (Please specify)
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17c. Is a fee submitted with this application? ☒ If Yes, complete and attach FCC Form 159. If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114). ☐ Governmental Entity ☐ Noncommercial educational licensee ☐ Other (please explain):
17c. Fee Classification BNY – Space Station (Geostationary)
18. If this filing is in reference to an existing station, enter: (a) Call sign of station: Not Applicable
19. If this filing is an amendment to a pending application enter: (a) Date pending application was filed: Not Applicable (b) File number of pending application: Not Applicable

TYPE OF SERVICE

20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:

- ☒ a. Fixed Satellite
- ☐ b. Mobile Satellite
- ☐ c. Radiodetermination Satellite
- ☐ d. Earth Exploration Satellite
- ☐ e. Direct to Home Fixed Satellite
- ☐ f. Digital Audio Radio Service
- ☐ g. Other (please specify)

21. STATUS: Choose the button next to the applicable status. Choose only one.

☐ Common Carrier ☒ Non-Common Carrier

22. If earth station applicant, check all that apply.
Not Applicable

23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:

☐ Connected to a Public Switched Network ☐ Not connected to a Public Switched Network ☒ N/A

24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).

☐ a. C-Band (4/6 GHz) ☐ b. Ku-Band (12/14 GHz)

☒ c. Other (Please specify upper and lower frequencies in MHz.)

Frequency Lower: 19700 Frequency Upper: 30000 (Please specify additional frequencies in an attachment)

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

- (N/A) a. Fixed Earth Station
- (N/A) b. Temporary-Fixed Earth Station
- (N/A) c. 12/14 GHz VSAT Network
- (N/A) d. Mobile Earth Station
- ☒ e. Geostationary Space Station.
- ☐ f. Non-Geostationary Space Station
- ☐ g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments.

☐ Yes ☒ No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?	☐ Yes ☒ No
30. Is the applicant an alien or the representative of an alien?	☐ Yes ☒ No ☐ N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	☐ Yes ☒ No ☐ N/A
32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	☐ Yes ☒ No ☐ N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	☐ Yes ☒ No ☐ N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.	

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules? If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.	☐ Yes ☒ No
36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.	☐ Yes ☒ No
37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.	☐ Yes ☒ No
38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances	☐ Yes ☒ No
39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.	☐ Yes ☒ No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.	
41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application"; for these purposes.	Yes ☒ No ☐
42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43.	Yes ☐ No ☒
42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station?	

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

See attached narrative.

Narrative

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

☒ A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

☐ B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

☐ C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency 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, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

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