

EXHIBIT A

LETTER OF INTENT

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)
)
ViaSat, Inc.)
) File No. _____
Letter of Intent for Authority to)
Access the U.S. Market Using a Non-U.S.)
Licensed Ka-Band Geostationary Fixed)
Satellite Service Satellite at the Nominal 70°)
W.L. Orbital Location)

LETTER OF INTENT

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LETTER OF INTENT

ViaSat, Inc. (“ViaSat”), pursuant to Section 25.137 of the Commission’s rules and the Commission’s *Space Station Licensing Reform Order*,¹ hereby files this Letter of Intent seeking to use a geostationary (“GSO”) satellite under authority of the government of the United Kingdom (the “VIASAT-2” satellite) to access the United States market using portions of the Ka band at the nominal 70° W.L. orbital location to provide fixed satellite service (“FSS”). ViaSat provides in this Letter of Intent information required by 47 C.F.R. § 25.137 for applicants seeking U.S. market access from non-U.S.-licensed spacecraft. Technical information relating to the proposed spacecraft is provided on Schedule S and in narrative form in the associated Attachment A, Technical Information to Supplement Schedule S (the “Technical Annex”).

I. GRANT OF VIASAT’S LETTER OF INTENT WILL SERVE THE PUBLIC INTEREST

ViaSat has previously demonstrated its qualifications as a Commission licensee of spacecraft and earth station networks. ViaSat has a long history and extensive expertise in providing and developing satellite communications technologies for both military and

¹ See *Amendment of the Commission’s Space Station Licensing Rules and Policies*, 18 FCC Rcd 10760, at ¶ 294 (2003) (“*Space Station Licensing Reform Order*”).

commercial uses. ViaSat is a major producer of VSAT communications systems and has proven itself to be an innovator in satellite communications by improving the performance and bandwidth efficiency of satellite networks while reducing their costs. In addition, ViaSat is currently a leading provider of satellite-based broadband services to consumer, enterprise, and government users. ViaSat's broadband satellite network provides service throughout the United States.

Grant of this request will serve the public interest in several important respects. ViaSat seeks to expand the capacity of its broadband communications network in the United States using Ka-band spectrum resources at an additional orbital location. The launch of ViaSat-1 in 2011 has enabled ViaSat to deliver fast and reliable satellite broadband service to residential and business consumers, particularly those in unserved and underserved areas, and also to provide a competitive alternative to less robust and less efficient broadband technologies. More specifically, ViaSat's new Exede® service has revolutionized the broadband industry by offering speeds of up to 12/3 Mbit/s, and is winning customers from terrestrial competitors.²

The deployment of this spacecraft would further the Commission's goals of enhancing competition and promoting the growth and development of cost-effective broadband services throughout the United States. The proposed spacecraft will expand the capacity of the ViaSat network that provides Exede® service, and thus facilitate the continued growth and development of competitive broadband services, while also promoting job opportunities and economic recovery.³

² See Letter to FCC from ViaSat, Inc. WC Docket No. 10-90, Att. at 6-8 (Sep. 19, 2012).

³ See Comments of ViaSat, Inc., Connect America Fund, WC Docket No. 10-90 at 12 (Apr. 18, 2011), including Exhibit A, Dr. Charles L. Jackson, *Satellite Service Can Help to Effectively Close the Broadband Gap* (Apr. 18, 2011) ("Jackson Paper").

A. Services to be Supported

The proposed spacecraft is intended to provide a wide array of communications services to meet the two-way communications needs of individual and commercial users in the United States. Specifically, the proposed spacecraft will help satisfy the continuing demand for high-speed, high-capacity broadband access, particularly in areas that are difficult to reach, or cannot be efficiently served, using terrestrial technologies. ViaSat's deployment of this additional broadband satellite would allow ViaSat to increase the overall capacity of its satellite broadband network, thereby supporting the expected increase in broadband usage by end-users, the demand for faster broadband speeds, and the ability to support additional broadband subscribers.⁴ All of the capacity on the proposed satellite will be provided on a non-common carrier basis.⁵

ViaSat has demonstrated its commitment to developing technologies that make the most efficient use of spectrum, responding to customers' expanding needs for greater broadband bandwidth and capacity. ViaSat's proposed system will play a vital role in providing affordable high-data rate communications services and will efficiently employ underutilized Ka-band spectrum. As an innovative leader in the satellite communications market, ViaSat will continue to advance satellite technology and design to satisfy the ever-growing demand for broadband services.

⁴ See, e.g., Jackson Paper.

⁵ See *Amendment to the Commission's Regulatory Policies Governing Domestic Fixed Satellites and Separate International Satellite Systems*, 11 FCC Rcd 2429, at ¶¶ 46-50 (1996) (no longer a need to require domestic satellite licensees to provide capacity on a common carrier basis) (“*DISCO P*”).

II. *DISCO II* SHOWING – SECTION 25.137(A)

Because this spacecraft will operate under the authority of the government of the United Kingdom, the Commission’s *DISCO II* framework applies to this Letter of Intent.⁶ The *DISCO II* analysis includes consideration of a number of factors, such as the effect on competition in the United States, spectrum availability, eligibility requirements, technical requirements, national security, law enforcement, foreign policy and trade concerns.⁷ Each of these factors weighs in favor of granting this Letter of Intent.

A. Effect on Competition in the United States

In *DISCO II*, the Commission established a rebuttable presumption that it will further competition in the United States to allow non-U.S. satellites authorized by WTO Members to provide services covered by the U.S. commitments under the WTO Basic Telecommunications Agreement.⁸ The United Kingdom is a member of the WTO. Further, ViaSat seeks to use the requested spectrum to provide satellite services that are covered by the WTO Basic Telecommunications Agreement.⁹ Accordingly, the presumption in favor of entry applies to this request.

Allowing ViaSat to serve the United States with this spacecraft will help fulfill the promise of the WTO Basic Telecommunications Agreement with respect to satellite communications services. Grant of this Letter of Intent will enhance competition in the United States for satellite service by permitting ViaSat to expand the available capacity of its satellite

⁶ See *Amendment of the Commission’s Regulatory Policies to Allow Non-U.S. Licensed Satellites Providing Domestic and International Service in the United States*, 12 FCC Rcd 24094, at ¶¶ 30-49 (1997) (“*DISCO II*”).

⁷ See, e.g., *Telesat Canada, Petition for Declaratory Ruling for Inclusion of Anik F2 on the Permitted Space Station List, Petition for Declaratory Ruling to Serve the U.S. Market Using Ka-band Capacity on Anik F2*, 17 FCC Rcd 25287, at ¶ 6 (2002).

⁸ *DISCO II*, at ¶ 39; see also 47 C.F.R. § 25.137(a)(2).

⁹ ViaSat does not seek authority to provide direct-to-home (“DTH”), direct broadcast satellite (“DBS”), or digital audio radio service (“DARS”) in the United States.

broadband network. Grant of this Letter of Intent thus would improve service quality, increase broadband service options, and foster technological innovation. The Commission consistently has relied on these same public interest benefits in granting similar requests.¹⁰

B. Spectrum Availability

This Letter of Intent proposes to access the U.S. market using the 18.3-19.3 GHz, 19.7-20.2 GHz, 28.1-29.1 GHz and 29.5-30.0 GHz segments of the Ka band (the “Covered Frequencies”). As discussed in the attached Technical Annex, no other satellite operates in the Covered Frequencies less than two degrees from the proposed orbital location.

ViaSat proposes to access the U.S. market using spectrum (i) on a primary basis in the 18.3-18.8 GHz (downlink), 19.7-20.2 GHz (downlink), 28.35-28.6 GHz (uplink), and 29.5-30.0 GHz (uplink) bands; (ii) on a secondary basis in the 28.1-28.35 GHz (uplink) and 28.6-29.1 GHz (uplink) bands; and (iii) on non-conforming basis in the 18.8-19.3 GHz (downlink) band. ViaSat requests a waiver of the U.S. Table of Frequency Allocations in Section 2.106 of the Commission’s rules in connection with the proposed operations in the 18.8-19.3 GHz band, which is designated for non-geostationary (“NGSO”) FSS operations.¹¹

ViaSat’s market access request is based on a United Kingdom filing at the International Telecommunication Union (“ITU”) for the proposed orbital location that includes the Covered Frequencies and that has an earlier priority date than any U.S. ITU filing within two degrees that includes the Covered Frequencies. Indeed, as of the date of this request, no U.S. ITU filing exists that both (i) includes the Covered Frequencies and (ii) is less than two degrees from the proposed orbital location. In fact, no such U.S. filing has existed for some time.

¹⁰ See, e.g., *Digital Broadband Applications Corp.*, 18 FCC Rcd 9455 (2003); *Pegasus Development Corp.*, 19 FCC Rcd 6080 (2004); *DIRECTV Enterprises, LLC, Request for Special Temporary Authority for the DIRECTV 5 Satellite*, 19 FCC Rcd 15529 (2004).

¹¹ See 47 C.F.R. § 2.106, n.NG165.

Thus, both the filing and processing of this market access request are fully consistent with decade-old Commission policies regarding consideration of market access requests for non-U.S.-licensed systems. At one time, the existence of a license for a U.S. satellite system at a given orbital location and frequency band ultimately may have been a barrier to the grant of a subsequent market access request for those same orbital resources.¹² But even then, the existence of the U.S. license *did not preclude the filing and processing of a market access request for the same orbital resources.*¹³ By 2002, Commission policy was clear that the existence of such a U.S. license *did not preclude the grant of market access using the same orbital resources.* Specifically, based on a number of considerations, including ITU priority and U.S. obligations under the WTO Basic Telecom Agreement, the Commission granted Telesat Canada market access in the Ka band at 111.1° W.L., even though (i) the Commission previously had granted a U.S. Ka band satellite license to another entity within 0.1°, and (ii) Telesat had not participated in the filing window that led to that prior U.S. satellite license grant.¹⁴ In doing so, the Commission explained: “In light of the fact that Canada has ITU priority at this location, we find that granting Telesat market access in the Ka-band from the 111° W.L. location is consistent with the Commission’s spectrum management policies.”¹⁵

¹² See *Second Round Assignment of Geostationary Satellite Orbit Locations to Fixed Satellite Service Space Stations in the Ka-Band*, 16 FCC Rcd 14389 ¶¶ 26-27 (considering requests for market access at locations previously assigned in the first Ka band processing round, but ultimately providing market access at different locations) (“*Second Round Order*”); see also *Pacific Century Group*, 16 FCC Rcd 14356 ¶ 17 (2001) (same) (“*PCG Order*”).

¹³ See *Second Round Order* at ¶ 28; *PCG Order* at ¶ 31.

¹⁴ *Telesat Canada*, 17 FCC Rcd 25287 ¶¶ 2, 4 n.14 (2002) (even though Telesat did not participate in the second Ka-band processing round (as contemplated under *DISCO II* procedures for unlaunched satellites), the Commission granted market access pursuant to a petition for declaratory ruling and notwithstanding the existence of a U.S. license for the same orbital resources that was issued in the second Ka-band processing round) (“*Telesat*”).

¹⁵ *Id.* at ¶ 26.

The Commission maintained this spectrum management policy for processing market access requests when it moved from using “processing round” to “first come” licensing procedures in the *Space Station Licensing Reform Order*. In doing so, the Commission expanded the policy articulated in *Telesat* to “conflicting” market access requests for the same orbital resource by “two or more non-U.S.-licensed satellite operators licensed by different Administrations.”¹⁶ In such a case, the Commission explained that it would not allow the grant of market access to one non-U.S. system to bar consideration of a market access request by the other system. Rather, in such a case, the Commission would grant U.S. market access to the network with lower priority if the higher priority satellite has not been launched and subject to coordination with the higher priority network.¹⁷

This is not to say that the existence of ITU priority precludes imposing conditions on the ultimate grant of market access that are based on legitimate national spectrum management policies.¹⁸ As the *Telesat* decision and the Commission’s own rules¹⁹ reflect, however, the treaty obligations of the United States under the ITU convention comprise a significant part of those existing spectrum management policies, and must be taken into account. Thus, the Commission cannot, consistent with its treaty obligations, existing policies, and basic principles of due process, simply fail to consider a market access request based on the existence

¹⁶ *Space Station Licensing Reform Order* at ¶ 296.

¹⁷ *Id.*

¹⁸ For example, footnote US 334 to the U.S. Table of Frequency Allocations contemplates coordination between (i) federal FSS systems operating outside the 70° W.L. to the 120° arc, and (ii) non-federal satellite systems. 47 C.F.R. § 2.106 n.US334.

¹⁹ See 47 C.F.R. § 25.111(b) (“No protection from interference caused by radio stations authorized by other Administrations is guaranteed unless coordination procedures are timely completed or, with respect to individual administrations, by successfully completing coordination agreements. 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 with other Administrations.”).

of an authorization for another satellite system, particularly in a case such as this, where no U.S. ITU filing for the same frequency bands exists less than two degrees away, and no such filing has existed for some time. Indeed, declining to even consider such a market access request would violate the most favored nations and national treatment obligations of the United States under the WTO Basic Telecom Agreement.²⁰

Moreover, neither the Commission's 2004 public notice regarding the "unavailability" of certain Ka band orbital locations for Commission licensing²¹ nor the subsequent 2013 public notice²² precludes the filing of this market access request. In fact, the plain language of the 2004 public notice distinguishes between three different circumstances: (i) requests for "market access" for non-U.S.-licensed satellite systems, (ii) "authorizations" for federal government satellite systems, and (iii) applications for "licenses" for commercial satellite systems. Significantly, only the last category---applications for FCC licenses---were subject to the restrictions of that public notice. In this respect, it bears emphasis that the Commission's own precedent expressly recognizes that requests for market access are not equivalent to an

²⁰ In this case, doing so would treat a U.K.-authorized system (i) less favorably than Telesat's Canadian licensed system was treated vis-à-vis a U.S. licensed system, and (ii) less favorably than the Commission has indicated it would treat a market access proposal for one non-U.S.-licensed system when it had already granted market access to another such system within two degrees and in the same frequencies. *See DISCO II* at ¶ 22 n.18 (the national treatment obligations in Article XVII of the General Agreement on Trade in Services ("GATS") provide that "each Member shall accord to services and service suppliers of any other Member . . . treatment no less favorable than that it accords to its own like services and service suppliers"; Article II of the GATS requires all WTO members to provide most-favored-nation treatment to like services and service suppliers of all other WTO members); *see also Space Station Licensing Reform Order* at ¶ 296; *Telesat* at ¶ 26.

²¹ *Public Notice, Ka-Band Licenses Surrendered: Current List of Orbital Locations Not Available for Licensing in Portions of the Ka-Band*, Report No. SPB-208 (rel. Jul. 23, 2004).

²² *Public Notice, Policy Branch Information Actions Taken*, DA 13-443 (rel. Mar. 15, 2013).

application for a U.S. satellite license.²³ Moreover, although both the 2004 public notice and the 2013 public notice provide that “applications” for space station licenses within two degrees of the identified orbital locations will not be considered at this time, neither notice imposes any such restriction on the filing of market access requests.

1. Primary GSO FSS Allocations

In the 18.3-18.8 GHz (downlink), 19.7-20.2 GHz (downlink), 28.35-28.6 GHz (uplink), and 29.5-30.0 GHz (uplink) band segments designated for the GSO FSS on a primary basis, the spacecraft will comply with the uplink off-axis EIRP density and downlink PFD levels specified in Section 25.138 of the Commission’s rules. Therefore, the use of these frequencies will be compatible with adjacent satellite systems.

2. Secondary GSO FSS Allocations

(i) 28.6-29.1 GHz

The 28.6-29.1 GHz band is allocated to the NGSO FSS on a primary basis and GSO FSS on a secondary basis. As demonstrated by the Technical Annex, ViaSat’s proposed operations in the United States are compatible with NGSO use of this band segment, including the NGSO system to be operated by O3b Limited.²⁴ ViaSat will operate in this band segment in the United States consistent with its obligations of a secondary user of spectrum to avoid harmful interference into, and to accept any interference received from, primary users. Accordingly, ViaSat’s use of spectrum at 28.6-29.1 GHz is consistent with the Commission’s intended use of

²³ See, e.g., *DISCO II* at ¶ 190 (1997) (market access information requirements do not constitute “re-licensing” of non-U.S. satellites by the Commission); see also *Space Station Licensing Reform Order* at ¶ 301.

²⁴ See FCC File No. SES-LIC-20100723-00952 (granted Sept. 25, 2012).

the secondary allocation for FSS in this band and with Commission precedent regarding use of these frequencies by GSO FSS systems.²⁵

(ii) 28.1-28.35 GHz

The 28.1-28.35 GHz band is allocated for LMDS operations on a primary basis and FSS operations on a secondary basis. ViaSat intends to use spectrum in the 28.1-28.35 GHz band to support gateway-type uplink operations, which are consistent with the Commission's intended use of the secondary allocation for FSS in this band.²⁶ The terminals operating on a secondary basis will employ interference mitigation techniques, such as shielding, to avoid interference into LMDS stations. The applications for those earth stations will include a technical analysis demonstrating that the proposed operations will not cause harmful interference into any licensed LMDS spectrum user.²⁷ The Commission has previously authorized secondary FSS operations in this band, thus recognizing that such operations successfully may coexist with LMDS operations.²⁸ ViaSat's proposed operations in the U.S. are consistent with the obligations

²⁵ See, e.g., *Hughes Network Systems, LLC*, 26 FCC Rcd 8521, 8524-25 (2011) (authorizing GSO use of Ka-band NGSO spectrum); *Northrop Grumman Space & Mission Systems Corporation*, 24 FCC Rcd 2330, 2357-2360 (2006) (same).

²⁶ See *Rulemaking to Amend Parts 1, 2, 21, and 25 of the Commission's Rules to Redesignate the 27.5-29.5 GHz Frequency Band, To Reallocate the 29.5-30.0 GHz Frequency Band, To Establish Rules and Policies for Local Multipoint Distribution Service and for Fixed Satellite Services*, 12 FCC Rcd 12545, at ¶ 45 (1998) ("At 27.5 – 28.35 GHz we designate 850 MHz for LMDS on a primary basis. GSO/FSS ... will be permitted on a non-interference basis ... for the purpose of providing limited gateway-type services.").

²⁷ See *Teledesic Corporation*, 14 FCC Rcd 2261, at ¶ 19 (1999) (recognizing that in granting space station authority in the LMDS band, issues regarding how earth stations would successfully operate on a secondary, non-interference basis should be resolved as part of future earth station applications).

²⁸ See, e.g., Amended Letter of Intent of ViaSat, Inc., IBFS File No. SAT-AMD-20080623-00131 (granted Aug. 18, 2009); see also ViaSat Earth Station IBFS File No. SES-LIC-20110211-00150, as amended, Call Sign E110015 (granted Oct. 21, 2011).

of a secondary user of spectrum to avoid harmful interference into, and to accept any interference received from, primary users.²⁹

3. Non-Conforming Spectrum Use

In the United States, the 18.8-19.3 GHz band currently is designated for NGSO downlink operations, without a current secondary allocation for GSO FSS downlinks.³⁰ ViaSat therefore requests a waiver of Section 2.106 of the Commission's rules, and specifically footnote NG165 thereto, to permit ViaSat to operate its GSO FSS downlinks in this band segment on a non-conforming basis. As demonstrated by the Technical Annex, ViaSat's proposed operations in the United States are compatible with NGSO use of this band segment, including the NGSO system to be operated by O3b Limited.³¹ ViaSat will operate in this band segment in the United States consistent with the obligations of a non-conforming user of spectrum to avoid harmful interference into, and to accept any interference received from, both primary and secondary users.

The Commission has granted similar waivers in the past for GSO FSS operations in this frequency band.³² Ample good cause continues to exist for granting such a waiver.³³ As noted above, ViaSat seeks to use the proposed spacecraft to supplement the capacity of its

²⁹ O3b is authorized to operate an earth station in Hawaii on a secondary basis in the 28.1-28.35 GHz band segment. *See* FCC File No. SES-LIC-20100723-00952 (granted Sept. 25, 2012). As explained in the Technical Annex, ViaSat's proposed operations in the 28.1-28.35 GHz band in the U.S. are compatible with NGSO use of this band segment.

³⁰ 47 C.F.R. § 2.106, n.NG165. This is allocated outside of the U.S. to GSO FSS and NGSO FSS on a co-primary basis.

³¹ *See* FCC File No. SES-LIC-20100723-00952 (granted Sept. 25, 2012).

³² *See* note 25, *supra*.

³³ 47 C.F.R. § 1.3. *See also* *WAIT Radio v. FCC*, 418 F.2d 1153, 1157 (D.C. Cir. 1969) (Waiver is appropriate when grant "would better serve the public interest than strict adherence to the general rule."); *Fugro-Chance, Inc.*, 10 FCC Rcd 2860, at ¶ 2 (1995) (Waiver of the U.S. Table of Allocations is appropriate "when there is little potential for interference into any service authorized under the Table of Frequency Allocations and when the non-conforming operator accepts any interference from authorized services.").

existing satellite broadband network. Grant of this waiver thus would allow ViaSat to increase the overall capacity of its satellite broadband network, thereby supporting the expected increase in broadband usage by end-users, the demand for faster broadband speeds, and the ability to support additional broadband subscribers, and thereby facilitating competition as well.³⁴ Moreover, grant of the requested waiver would stimulate the use of spectrum that currently is woefully underutilized.

C. National Security, Law Enforcement, and Public Safety Matters

Grant of this Letter of Intent is consistent with U.S. national security, law enforcement, and public safety considerations. The satellite's authorization from the United Kingdom is held by ViaSat Satellite Holdings Ltd., a direct, wholly owned subsidiary of ViaSat. ViaSat has a long history of providing satellite communication service to U.S. government and military users.

III. LEGAL AND TECHNICAL INFORMATION – SECTION 25.137(B)

A. Legal Qualifications

ViaSat's legal qualifications are set forth in this Letter of Intent and in the attached Form 312. Specifically, the Letter of Intent and attached Form 312 demonstrate ViaSat's satisfaction of the applicable requirements for space station applicants set forth in Section 25.114 of the Commission's rules.³⁵ As noted above, ViaSat holds several Commission licenses, and its legal qualifications are a matter of record before the Commission.

B. Technical Qualifications

Included with this Letter of Intent are the Technical Annex (including an orbital debris mitigation showing) and Schedule S with the required Part 25 technical information. As discussed in further detail in the Technical Annex, in order to reduce the risk of in-orbit

³⁴ See Section I.A, *supra*.

³⁵ See 47 C.F.R. § 25.114.

collisions with other satellites located at the same nominal location, ViaSat proposes to operate at an offset location to eliminate any station-keeping volume overlap with other satellites. No ground spare is currently planned.

IV. ADDITIONAL REQUIREMENTS – SECTION 25.137(D)

A. Milestones and Bond Requirement

ViaSat plans to implement the spacecraft in compliance with the Commission's milestones established in the *Satellite Licensing Reform Order*:³⁶ (i) execute a binding contract for construction of the spacecraft within one year of grant of authority; (ii) complete the Critical Design Review for the spacecraft within two years; (iii) commence physical construction within three years; and (iv) launch the satellite and begin operations within five years. ViaSat acknowledges that it also will be subject to the bond requirement for GSO satellites.

B. Reporting Requirements

ViaSat will comply with all applicable reporting requirements for the spacecraft.

C. Spectrum Usage

This request for market access is consistent with the limits of Section 25.137(d)(5) of the Commission's rules, taking into account ViaSat's pending requests for Ka-band satellites at other orbital locations.

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 respective affiliates beneficially owned 10 percent or more of ViaSat's voting stock as of March 1, 2013:

³⁶ See 47 C.F.R. § 25.137(d)(4). See also *Space Station Licensing Reform Order*, at ¶ 311.

Beneficial Owner	Citizenship	Voting Percentage
The Baupost Group, L.L.C. 10 St. James Avenue Suite 1700 Boston, MA 02116	Massachusetts	24.50%
FPR Partners LLC 199 Fremont Street 25 th Floor San Francisco, CA 94105- 2261	Delaware	13.32%

No other stockholders are known 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
Dr. Robert W. Johnson
B. Allen Lay
Dr. Jeffrey M. Nash
John P. Stenbit
Harvey P. White

Officers/Senior Management

Mark D. Dankberg, Chairman, CEO
Richard A. Baldrige, President, COO
Shawn Duffy, VP Corporate Controller, Chief Accounting Officer, CFO
Kevin Harkenrider, Sr. VP – Broadband Services
H. Stephen Estes, VP Government Systems and Human Resources
Steven R. Hart, VP Chief Technical Officer
Keven Lippert, VP General Counsel, Secretary
Mark J. Miller, VP Chief Technical Officer
John Zlogar – VP Commercial Networks

V. REQUEST FOR WAIVERS

In addition to the waiver of the U.S. Table of Frequency Allocations discussed above, ViaSat requests a technical waiver of the cross-polarization isolation requirement in

Section 25.210(i) of the Commission's rules. More specific information supporting this waiver requests is contained in the Technical Annex at Section A.16.

In addition, ViaSat requests a limited waiver of Section 25.114(c) of the Commission's rules, which requires certain information to be filed in the Schedule S. ViaSat understands that it is currently not feasible to embed in the Schedule S form the large number of GXT files that ViaSat is providing with this request.³⁷ Accordingly, ViaSat is instead: (i) e-mailing these files to IBFSINFO@fcc.gov, pursuant to instructions provided on FCC Form 312; and (ii) filing these GXT files as an attachment to the request, in ZIP format. Therefore, ViaSat requests a waiver of Section 25.114(c) and any other rule waiver necessary to permit the submission of the GXT files in this alternative manner.

VI. 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 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.

³⁷ See Application of SkyTerra Communications, Inc., IBFS File No. SAT-LOA-20050214-00038, Attachment A at 34 (granted Apr. 19, 2005).

VII. CONCLUSION

For the foregoing reasons, granting ViaSat's Letter of Intent seeking to access the United States using the proposed Ka-band satellite under the authority of the United Kingdom will serve the public interest, convenience, and necessity. ViaSat respectfully requests that the Commission promptly grant this Letter of Intent.

Respectfully submitted,

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