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September 14, 2016

VIA ELECTRONIC FILING

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Request to Designate Proceeding as “Permit But Disclose”
ViaSat, Inc., File No. SAT-LOI-20160208-00015, Call Sign S2953

Dear Ms. Dortch:

ViaSat, Inc. (“ViaSat”) respectfully requests that the Commission designate as “permit but disclose” the *ex parte* status of the above-referenced application proceeding in which ViaSat’s requests U.S. market access for a Ka-band satellite at the nominal 109° W.L. orbital location (“Application”). The Commission has discretion to modify the application of its *ex parte* rules in any particular proceeding where, as here, the public interest warrants doing so.¹

On July 5, 2016, Telesat Canada (“Telesat”) filed a Petition for Imposition of Conditions in connection with the Application.² ViaSat filed its opposition to the Petition on July 20, 2016.³ On August 1, 2016, Telesat filed its reply and included a request that this proceeding be classified as permit-but-disclose for purposes of future anticipated *ex parte* communications.⁴

¹ 47 C.F.R. § 1.1200(a).

² Telesat Canada, Petition for Imposition of Conditions, File No. SAT-LOI-20160208-00015 (filed July 5, 2016) (“Petition”).

³ ViaSat, Inc., Opposition of ViaSat, Inc., File No. SAT-LOI-20160208-00015 (filed July 20, 2016) (“Opposition”).

⁴ Telesat Canada, Reply of Telesat Canada and Request for Permit But Disclose Treatment, File No. SAT-LOI-20160208-00015 (filed Aug. 1, 2016) (“Reply”).

Telesat summarily sought to withdraw its request to designate this proceeding as permit but disclose on August 17, 2016.⁵

The public interest benefits that Telesat cited in its request to derestrict this proceeding remain valid and unaltered by Telesat's recent filing. ViaSat therefore requests that this proceeding be designated as permit but disclose because, as Telesat recognizes, "permit but disclose classification will facilitate a complete airing of the considerations at play" in this proceeding, and "[e]stablishing a better record on which the Commission can base its decision is unquestionably in the public interest."⁶ Allowing informal *ex parte* discussions will simplify and expedite the resolution of issues addressed in Telesat's Petition, as well as the applicability of the recently released order on reconsideration regarding certain rules adopted in its *2003 Space Station Licensing Reform Order*,⁷ which order supports ViaSat's arguments in its Opposition.⁸

Moreover, grant of this request would be consistent with the Commission's precedent involving similar application proceedings in which the Commission concluded that the public interest required designation of the underlying proceeding as "permit-but-disclose."⁹

In order to facilitate continuing dialogue in the Application proceeding, ViaSat therefore respectfully requests that the Commission act on the instant request on an expedited basis and promptly designate this proceeding as "permit-but-disclose" under Section 1.1206 of the Commission's rules.

Respectfully submitted,

/s/

John P. Janka
Elizabeth R. Park

⁵ Telesat Canada, Withdrawal of Request for Permit But Disclose Treatment, File No. SAT-LOI-20160208-00015 (filed Aug. 17, 2016).

⁶ Reply at 10.

⁷ See *Amendment of the Commission's Space Station Licensing Rules and Policies*, IB Docket No. 02-34, Second Order on Reconsideration, FCC 16-108 (Aug. 16, 2016) ("*Second Reconsideration Order*").

⁸ See *id.* at ¶ 32; Opposition at 3-5.

⁹ See, e.g., *Satellite Communications Services Information re: Actions Taken*, Public Notice, Rept. No. SES-01466 at 4 (rel. July 11, 2012) (informative release designating HNS License Sub, LLC earth station application proceedings as "permit-but-disclose" after Iridium filed a petition against the applications, in order to facilitate communications with the parties).

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cc: Jose Albuquerque
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