

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

**FILED/ACCEPTED**  
**MAY 27 2008**  
Federal Communications Commission  
Office of the Secretary

In the matter of	)	
	)	
<b>ATCONTACT COMMUNICATIONS, LLC</b>	)	File No. SAT-MOD-20080226-00052
	)	File No. SAT-AMD-20080505-00098
	)	
For Modification of License to Relocate a GSO Satellite from 121° W.L. to 115° W.L.	)	Call Sign: S2681
	)	
	)	

**COMMENTS OF VIASAT, INC.**

ViaSat, Inc. (“ViaSat”) submits the following comments in response to the above-referenced modification application of AtContact Communications, LLC (“AtContact”) (the “Application”).

AtContact is the licensee of a geostationary orbit (“GSO”) satellite system and a non-geostationary orbit (“NGSO”) satellite system in the fixed-satellite service (“FSS”) and operating in the 28.6-29.1 GHz and 18.8-19.3 GHz bands. The authorized AtContact system consists of three NGSO satellites, and four GSO satellites each at different orbital locations. AtContact seeks authority to relocate one of its authorized GSO satellites from 121° W.L. to the nominal 115° W.L. orbital location.

ViaSat is currently seeking to serve the United States using a satellite under the authority of the Isle of Man Government using portions of the Ka-band at the nominal 115° W.L. orbital location.<sup>1</sup> While ViaSat’s pending Letter of Intent currently includes the 18.3-18.8 GHz,

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<sup>1</sup> *Letter of Intent of ViaSat, Inc. for Authority to Access the U.S. Market Using Ka-Band Spectrum*, File No. SAT-LOI-20080107-00006 (filed January 7, 2008) (“Letter of Intent”).

19.7-20.2 GHz, 28.1-28.6 GHz, 29.5-30.0 GHz bands, the satellite will operate under ITU filings made by the United Kingdom on behalf of the Isle of Man Government, IOMSAT-11 and/or IOMSAT 11-A, which cover a wider range of the Ka-band, including spectrum in the 28.6-29.1 GHz and 18.8-19.3 GHz bands. The IOMSAT-11 and IOMSAT 11-A ITU filings have ITU priority over any subsequently-filed U.S. Ka-band ITU filings at the 115° W.L. nominal location. In fact, to ViaSat's knowledge, there is not even a U.S. ITU coordination request for a GSO satellite at the 115° W.L. location using the 28.6-29.1 GHz and 18.8-19.3 GHz frequencies.

The Commission historically has made U.S. satellite licenses subject to the outcome of international coordination, and the priority scheme embodied in the ITU Radio Regulations.<sup>2</sup> For example, the 2003 *Space Station Licensing Reform Order* affirms the continuation of longstanding policy regarding the impact of ITU priority. "As is the case now in processing rounds, U.S. licensees assigned to a particular orbit location in a first-come, first-served approach take their licenses subject to the outcome of the international coordination process" and "[t]his may mean that the U.S.-licensee may not be able to operate its system if the coordination cannot be appropriately completed."<sup>3</sup>

Regardless of how the Commission may resolve competing claims from ViaSat and AtContact to use the 28.6-29.1 GHz and 18.8-19.3 GHz bands at the nominal 115° W.L. location should that occur in the future, ViaSat urges the Commission to apply its existing rules

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<sup>2</sup> See e.g., *TRW Inc., Application for Authority to Construct, Launch and Operate a Ka-Band Satellite System in the Fixed-Satellite Service*, Order and Authorization, 16 FCC Rcd 14407 ¶ 35 (2001); see also 47 C.F.R. § 25.111(b) ("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").

<sup>3</sup> *Amendment of the Commission's Space Station Licensing Rules and Policies; Mitigation of Orbital Debris*, First Report and Order, 18 FCC Rcd 10760, at ¶ 96 (2003) ("*Space Station Licensing Reform Order*").

and precedent in evaluating AtContact's Application. To the extent that the AtContact Application is complete and grantable, and not subject to a competing claim to the 28.6-29.1 GHz and 18.8-19.3 GHz bands, ViaSat urges the Commission to condition the authorization as follows: the authorization should be subject to the outcome of international coordination, including coordination with the IOMSAT-11 and IOMSAT-11A networks which have ITU priority and which ViaSat is implementing at the 115° W.L. nominal location.

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ViaSat respectfully requests that the Commission evaluate the foregoing comments in considering whether grant of the Application would serve the public interest, convenience and necessity, and condition any grant of the Application as specified above.

Respectfully submitted,



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May 27, 2008

## CERTIFICATE OF SERVICE

I, Jarrett S. Taubman, hereby certify that on this 27<sup>th</sup> day of May, 2008, I served true copies of the foregoing Comments of ViaSat, Inc. by first class mail, postage pre-paid upon the following:

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