



June 24, 2020

**BY ELECTRONIC FILING**

Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 Twelfth Street, S.W.  
Washington, DC 20554

Re: *Viasat, Inc., IBFS File No. SAT-MPL-20200526-00056*  
*Space Exploration Holdings, LLC, IBFS File No. SAT-MOD-20200417-00037*

Dear Ms. Dortch:

Viasat files this letter in response to the SpaceX *ex parte* letter of June 18, 2020<sup>1</sup> in Viasat's NGSO above-referenced modification application.

While Viasat is pleased to provide Commission staff with information that it requires, the irony of SpaceX's asking for more information should not be lost. Indeed, this is the same company that:

- Argued to its own success that the absence of an ITU filing is not an impediment to the Commission's processing of a modification application for an NGSO system;<sup>2</sup>
- Uses proprietary software and does not provide the relevant inputs on the record, leaving others unable to replicate its asserted results as to critical public interest issues;<sup>3</sup>
- Did not provide the corresponding information in its own recent modification application<sup>4</sup> that it now claims is a threshold requirement for the Commission to process Viasat's modification application.

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<sup>1</sup> See Letter from William M. Wiltshire, Counsel for SpaceX to Marlene H. Dortch, Secretary, FCC (dated June 18, 2020) ("SpaceX Letter").

<sup>2</sup> See *Space Exploration Holdings, LLC*, DA 19-1294 (IB, rel. Dec. 19, 2019) at ¶ 7 ("[w]e agree that it is established Commission practice to grant space station authorizations subject to a condition requiring submission of a filing with the ITU for coordination of the authorized operations." (citing *e.g.*, *SpaceX First Modification Order*, ¶ 32a; *Telesat Canada*, 32 FCC Rcd 9663, 9666067, 9674, ¶ 6, 27a; *Space Norway AS*, 32 FCC Rcd 9649, 9652, 9659, ¶ 6, 23a; see also 47 C.F.R. § 25.111(b); SpaceX Consolidated Opposition at p. 6 (citing *SpaceX First Modification Order* at ¶ 32a ("it is not at all unusual that such information does not accompany an application for modification.")).

<sup>3</sup> See Letter from Christopher J. Murphy, Associate General Counsel for Viasat, to Jose P. Albuquerque, Chief, Satellite Division, International Bureau, FCC (dated June 8, 2020) at p. 2.

<sup>4</sup> *Space Exploration Holdings, LLC*, IBFS File No. SAT-MOD-20200417-00073, Call Signs S2983/3018 (filed Apr. 17, 2020).

That said, Viasat agrees that all applicants generally should be subject to similar levels of scrutiny.<sup>5</sup> That review should include not only the ability of an applicant to satisfy the  $10^{-3}$  large object collision risk, as to its entire constellation and over a 15-year license term, but also should include the radio frequency-related issues that SpaceX now raises as to one of its competitors, who addressed those issues using the *very same methodology* SpaceX itself has employed multiple times in its own modification applications.

For the record, the ITU filing that forms the basis for Viasat's NGSO modification application is DREBBELSAT-4.<sup>6</sup>

Respectfully submitted,

/s/

Christopher J. Murphy  
Associate General Counsel, Regulatory Affairs

cc: Jose P. Albuquerque

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<sup>5</sup> See Letter from William M. Wiltshire, Counsel to SpaceX, to Jose P. Albuquerque, Chief, Satellite Division, International Bureau, FCC IBFS File No. SAT-MOD-20200417-00037 (dated June 4, 2020) (SpaceX "looks forward to seeing requests for that same level of detail with respect to other pending NGSO applications.")

<sup>6</sup> ITU BR Notice ID: 120520101.