

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

In the Matter of)	
)	
Telesat Canada)	File No. SAT-PDR-20161115-00108
)	
Petition for Declaratory Ruling to Grant)	
Access to the U.S. Market for Telesat's)	
NGSO Constellation)	
)	

**TELESAT CANADA'S OPPOSITION TO THE PETITION TO DENY OR IMPOSE
CONDITIONS OF VIASAT, INC.**

In the above-referenced Petition for Declaratory Ruling ("Petition"), Telesat Canada ("Telesat") seeks access to the U.S. market for Telesat's planned low earth orbit ("LEO"), non-geostationary satellite orbit ("NGSO") satellite system (the "Telesat LEO Constellation" or "LEO Constellation"). Telesat's Petition is one of several applications and petitions (collectively, the "Applications") regarding Ku-band and Ka-band NGSO satellite systems that have been accepted for filing by the Commission that are subject to the same comment period.¹

Telesat's LEO Constellation will be comprised of over 100 advanced satellites that will deliver high capacity, high speed, low latency data services with a distributed space architecture designed to enhance network security and resiliency and the ability to provide coverage anywhere in the world. The innovative design combines polar and

¹ See *Public Notice, Petitions Accepted For Filing, Cut-Off Established for Additional NGSO-Like Satellite Petitions or Petitions For Operations in the 12.75-13.25 GHz, 13.85-14.0 GHz, 18.6-18.8 GHz, 19.3-20.2 GHz, and 29.1-29.5 GHz Bands*, DA 17-524, File No. SAT-LOI-20161115-00121 (May 26, 2017) ("*May 2017 Public Notice*").

inclined orbits, incorporates advanced technologies that will make effective and efficient use Ka-band spectrum to bring needed services to the public, including many presently underserved areas. Innovation, Science and Economic Development Canada (formerly Industry Canada) has authorized Telesat to launch and operate this LEO Constellation, and Telesat has filed the Petition for authority to serve the U.S. market.

ViaSat, Inc. (“Viasat”) submitted to the Commission a petition to deny or impose conditions on various NGSO petitions and applications in this processing round, including Telesat’s Petition.² Telesat hereby opposes to ViaSat’s Petition. Telesat demonstrates that the Petition provide no basis for delaying, much less denying, a grant of Telesat’s Petition.

I. DISCUSSION

ViaSat’s pleading is simply a rehash of comments that it submitted in response to the Notice of Proposed Rulemaking in the Commission’s pending NGSO proceeding (“NGSO NPRM”),³ and in particular is a reiteration of its argument that current Commission and ITU rules regarding EPFD limits are inadequate.

ViaSat does not allege that Telesat’s application violates or is inconsistent with any Commission rule or policy; in fact, ViaSat concedes that Telesat has demonstrated

² *Petition to Deny or Impose Conditions of Viasat, Inc.*, In re Telesat Canada, IBFS File No. SAT-PRD-20161115-00108, Call Sign S2976, (June 26, 2017). (“*ViaSat Petition*”).

³ See *Update to Parts 2 and 25 Concerning Non-Geostationary, Fixed-Satellite Service Systems and Related Matters*, Notice of Proposed Rulemaking, 31 FCC Rcd 13651 (2016). The bulk of Viasat’s pleading is the attachment of its Comments in that proceeding. (“*NGSO NPRM Comments*”); See also *Viasat Petition*, Exhibit B.

compliance with the ITU's single-entry EPFD limits.⁴ Further, while ViaSat suggests that the operation of Telesat's system and those of several other applicants may result in aggregate EPFD limits being exceeded –it is unclear from ViaSat's Petition whether it refers to existing ITU limits or those that it asks be adopted by the Commission⁵-, ViaSat offers no engineering analysis to demonstrate that this will be the case or that its GSO operations will suffer harmful interference as a result of these NGSO systems' operations.

ViaSat equally fails to offer any Commission precedent for the additional conditions it seeks to impose on a grant of Telesat's Petition.⁶ Quite to the contrary, it notes that different conditions relative to the issues that it raises were specified in the Commission's recent grant of OneWeb's petition for U.S. market access,⁷ conditions that ViaSat actively opposed.⁸ There is no basis, weeks after the Commission's OneWeb Order, to revisit this decision.

ViaSat's Petition offers no basis for denying Telesat's Petition for U.S. market access or for conditions applicable to the bands in which Telesat will operate that are

⁴ See *ViaSat Petition* at 6.

⁵ See *Id.* at 8.

⁶ See *Id.* at 9.

⁷ See *WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System, IBFS File No. SAT-LOI-20160428-00041, Order & Declaratory Ruling, FCC 17-77 (rel. June 23, 2017) ("OneWeb Order")*.

⁸ See *Ex Parte Letter from John P. Janka, Counsel to ViaSat, Inc. to Marlene H. Dortch, Secretary, FCC regarding Petition for Declaratory Ruling of WorldVu Satellites Limited, IBFS File No. SAT-LOI-20160428-00041 (June 13, 2017) at Exhibit A*. We note in this regard that the Commission rejected ViaSat's proposed revisions to the condition regarding OneWeb's ITU EPFD compliance that is specified paragraph 23.h of the *OneWeb Order*. See *OneWeb Order* at n. 72. ViaSat's cryptic statement in its Petition asking the Commission to "simply authoriz[e] the applicants to operate just as they have proposed" appears to be aimed at this rejected change, see *ViaSat Petition* at 7, and should be rejected here as well.

above and beyond those that the Commission specified in the OneWeb Order. Telesat has no objection, however, to accepting conditions, similar to the conditions the Commission provided for in the OneWeb Order: (i) limiting Telesat's transmission to "the applicable equivalent power flux-density requirements of Article 22 of the ITU Radio Regulations; and (ii) stating that any earth station licenses granted in the future "would be subject to modification to bring them into conformance with any rules or policies adopted by the Commission in the future."⁹

⁹ Cf *WorldVu Satellites Limited, Petition for a Declaratory Ruling Granting Access to the U.S. Market for the OneWeb NGSO FSS System*, IBFS File No. SAT-LOI-20160428-00041 (rel. June 23, 2017) at ¶¶ 23.h, and 26.

II. CONCLUSION

Telesat urges the Commission to grant Telesat's Petition, consistent with the action taken by the Commission with respect to OneWeb's petition for access to the U.S. market. Nothing in ViaSat's Petition warrants delaying such favorable action.

Respectfully submitted,

TELESAT CANADA

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CERTIFICATE OF SERVICE

I hereby certify that on this 7th day of July, 2017, a copy of the foregoing Opposition to the Petition to Deny or Impose Conditions of ViaSat, Inc. was sent by first-class, United States mail to the following:

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