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20 November 2017

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

Re: *Written Ex Parte Presentation*

ViaSat, Inc. Petition for Declaratory Ruling Granting Access to the U.S. Market for a Non-geostationary Orbit (“NGSO”) Satellite Network, IBFS File No. SATPDR-20161115-00120

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, Inmarsat, Inc (“Inmarsat”) submits this *ex parte* letter regarding the above-referenced ViaSat, Inc. (“ViaSat”) petition for U.S. market access for a non-geostationary satellite orbit (“NGSO”) fixed-satellite service (“FSS”) system in the Ka and V bands.¹ The ViaSat application seeks market access to the United States for a NGSO satellite system operating under the authority of the government of the Netherlands.²

In this proceeding, Inmarsat filed a Petition to Deny³ that urged the Commission to deny ViaSat’s request to use certain portions of Ka-band spectrum for inter-satellite links (ISLs) for various reasons that still remain unresolved. In a letter filed by Hughes⁴ addressing this specific matter Hughes reiterates its position that the Commission dismiss ViaSat’s request for ISL use of the Ka-band or alternatively defer consideration of ViaSat’s proposed ISLs. Hughes also indicated that if the Commission grants ViaSat’s ISL operations it should at least impose conditions to prevent harmful interference to geostationary orbit (“GSO”) FSS operations. Inmarsat fully appreciates and agrees with

¹ See IBFS File No. SATPDR-20161115-00120.

² See ITU fling DREBELSAT BR IFIC 2825/02/08/2016.

³ See Inmarsat Petition to Deny filed on 26 June 2017

⁴ See Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120 (Nov. 3, 2017).

Hughes that any operation of ISLs in the Ka-band, or any FSS band, would need to be operated in such a manner as not to cause interference to GSO FSS operations or any other services in those bands.

However, the Commission does not have jurisdiction to authorize or place conditions on ViaSat's proposed NGSO to GSO transmissions and it is unclear why ViaSat is seeking authority for these operations from the Commission. The Netherlands, not the United States, is the filing administration of the proposed ViaSat NGSO system⁵, and although the Commission is well within its rights to impose conditions on how that NGSO system will provide services in the U.S. and its territories, it is not clear how transmissions from a non-US licensed NGSO system to GSO satellites fall under the authority of the Commission. The Commission cannot authorize a foreign licensed NGSO space station in the same manner as it licenses FSS earth stations, including earth stations in motion that operate in US territories and on US aircraft and ships, which the Commission has full jurisdiction to place conditions on. For example a condition that the Appendix 4 NGSO FSS system filing to the ITU include the ISL links and acknowledgment that the operations are under RR No. 4.4 can only be accomplished through the ITU filing administration. Moreover, the filing administration is responsible for addressing potential interference that may arise from its filed space station transmissions not an administration where the system seeks authorization to operate.

Therefore, above and beyond the reasons outlined in Inmarsat's Petition to Deny, the lack of Commission jurisdiction to authorize and place conditions on a NGSO system, operating under the authority of the government of the Netherlands, to communicate with a GSO space station renders ViaSat's request moot and it should be denied.

Respectfully submitted,

/s/ Giselle G. Creeser

Giselle G. Creeser

Director, Regulatory

⁵ The Netherlands NGSO filing DREBBELSAT does not indicate operation of inter-satellite links.