



November 21, 2017

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

Re: Written *Ex Parte* Presentation
ViaSat Petition for Declaratory Ruling Granting Access to the U.S. Market
IBFS File No. SAT-PDR-20161115-00120

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, Hughes Network Services, LLC (“Hughes”) submits this letter as a supplement to points raised in its prior *ex parte* filing on November 3 regarding the above-reference ViaSat petition for U.S. market access for a non-geostationary satellite orbit (“NGSO) fixed-satellite service (“FSS”) system.¹ As an initial matter, Hughes reiterates that the Commission should dismiss ViaSat’s request for inter-satellite link (“ISL”) (or satellite-to-satellite link) use of Ka-band spectrum on both procedural and substantive grounds or, alternatively, defer consideration until appropriate technical studies have been completed and approved.

If, however, the Commission determines to proceed with granting ViaSat’s ISL request, it should at least impose specific conditions to ensure interference protection of geostationary satellite orbit (“GSO”) FSS operations, including those proposed in the November 3 Letter, along with the following additional conditions:

- (i) ViaSat’s NGSO FSS operations, including satellite-to-satellite links (*i.e.*, NGSO-to-GSO and GSO-to-NGSO satellite transmissions) must comply with all existing and future space station coordination agreements reached between the Netherlands and other administrations. In the absence of a coordination agreement, such communications must comply with applicable provisions of the International Telecommunication Union (“ITU”) Radio Regulations.
- (ii) Satellite-to-satellite links may not cause greater potential for interference to potentially affected GSO space station receivers than that caused by any other authorized FSS earth station. Accordingly, upon notice of harmful interference

¹ See Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120 (Nov. 3, 2017) (“November 3 Letter”).

from ViaSat's satellite-to-satellite links to authorized GSO systems, ViaSat must immediately cease operations of such links.

Because its proposed ISLs include transmissions up from NGSO satellites to GSO satellites, ViaSat should be required to comply with applicable ITU coordination or other requirements to ensure interference protection of other authorized GSO satellites. Similarly, because its proposed satellite-to-satellite links also include transmissions down from GSO satellites to NGSO satellites, ViaSat should be required to comply with applicable ITU coordination or other requirements to ensure interference protection of authorized GSO FSS earth stations. Thus, the first condition proposed above is intended to ensure that ViaSat will satisfy ITU requirements with respect to both types of satellite-to-satellite transmissions. The proposed condition also is consistent with similar conditions imposed on U.S. satellite licenses and market access grants.² As the Commission has noted, “[c]ompliance with ITU coordination procedures is a requirement of the ITU Radio Regulations [and] is a typical condition of both U.S. space station licenses and grants of U.S. market access.”³

Additionally, the second condition proposed above is intended to apply a minimal interference standard to ensure sufficient protection of other authorized GSO satellites, and to impose a requirement on ViaSat to immediately cease any action that causes harmful interference to GSO operators. Both conditions, together with those previously proposed, are critical here, particularly if the Commission insists upon moving forward with ViaSat's satellite-to-satellite link proposal despite significant procedural and substantive deficiencies.

Please direct any questions regarding this matter to the undersigned.

Respectfully Submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner

Senior Vice President, Regulatory Affairs

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² See, e.g., *WorldVu Satellites Limited*, Order and Declaratory Ruling, 32 FCC Rcd 5366, ¶ 23 (2017) (“*OneWeb Order*”); ViaSat, Letter of Intent, Attachment to Grant at 1, IBFS File No. SAT-LOI-20160208-00015 (granted Oct. 25, 2016).

³ *OneWeb Order* ¶ 9 n.35.