



May 4, 2018

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Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: *ViaSat, Inc. Petition for Declaratory Ruling Granting Access to the U.S. Market for the ViaSat System, IBFS File No. SAT-PDR-20161115-00120*

Dear Ms. Dortch:

Pursuant to 47 C.F.R. § 1.1206, Hughes Network Systems, LLC (“Hughes”) submits this *ex parte* letter to address ViaSat, Inc.’s (“ViaSat”) above referenced Petition for Declaratory Ruling. Specifically, ViaSat requests to use Ka-band spectrum to operate inter-satellite links (“ISLs”) between a medium earth orbit (“MEO”) non-geostationary satellite orbit fixed-satellite service (“FSS”) system and geostationary satellite orbit (“GSO”) satellites. As Hughes previously discussed, ViaSat proposes to use Ka-band spectrum not allocated for ISL communications.¹ Hughes reiterates that the Federal Communications Commission (“Commission”) should dismiss ViaSat’s request to use Ka-band spectrum to operate ISLs in spectrum not designated for “space-to-space” communications.² In the alternative, the Commission should defer consideration of ViaSat’s request until appropriate studies are concluded and appropriate technical and operational rules for MEO-to-GSO links are adopted. Hughes’ position is supported by the Commission’s recent discussion of ISLs in the *Small Sat NPRM*.³

¹ 47 C.F.R. § 1.1206.

² See Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120 (filed Nov. 21, 2017); Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120 (filed Nov. 3, 2017); Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120, Attachment at 1 (filed Oct. 18, 2017); Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120, at 3 (filed July 7, 2017); Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, Secretary, FCC, IBFS File No. SAT-PDR-20161115-00120, Attachment at 1 (filed Aug. 2, 2017).

³ *Streamlining Licensing Procedures for Small Satellites*, Notice of Proposed Rulemaking, IB Docket No. 18-86, FCC 18-44 (rel. Apr. 17, 2018) (“*Small Sat NPRM*”).

In the *Small Sat NPRM*, the Commission specifies that a satellite operator may not operate an ISL in a frequency band not allocated for space-to-space operations.⁴ The Commission states that for “service allocations in some frequency bands, the Table of Frequency Allocations specifies a directional limitation on operations.”⁵ When FSS operations are limited by parenthetical to operations in a particular direction, such as space-to-Earth, inter-satellite communications are not in accordance with the Table of Allocations. Rather, the operations of ISLs are in accordance with the Table of Frequency Allocations only where a parenthetical to a FSS allocation specifies “space-to-space” communications.⁶ In addition, the Commission seeks comment on whether frequency bands could be identified for ISL communications between satellites operating in the FSS and small satellites, and the additional requirements that are necessary to protect other satellite services from interference caused by ISL operations.⁷ This suggests that the *Small Sat* proceeding must be resolved and the Commission’s rules must be changed before ViaSat could be permitted to operate its proposed MEO to GSO ISLs. Consequently, ViaSat should not be granted the authority to operate ISLs in the proposed bands until sufficient interference studies have been conducted and approved – preferably through the International Telecommunication Union – and an allocation permitting space-to-space operations has been adopted.

Please direct any questions regarding this matter to the undersigned.

Respectfully submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner

Senior Vice President, Regulatory Affairs

⁴ *Id.* ¶ 70.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* ¶ 72.