

S3002 SAT-PDR-20170307-00040 IB2017000609
ViaSat, Inc.
VIASAT-RDBS2



File # SAT-PDR-20170307-00040
Call Sign S3002 Grant Date 07/06/17
(or other identifier)
From see conditions Term Dates see conditions To: see conditions
Approved: *Stephen J. Duall*
Stephen J. Duall
Chief, Satellite Policy Branch

Approved by OMB
3060-0678

Date & Time Filed: Mar 7 2017 2:00:00:380PM
File Number: SAT-LOI-20170307-00040
Callsign/Satellite ID: S3002


APPLICATION FOR SATELLITE SPACE STATION AUTHORIZATIONS FCC 312 MAIN FORM FOR OFFICIAL USE ONLY	FCC Use Only
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APPLICANT INFORMATION

Enter a description of this application to identify it on the main menu:
VIASAT-RDBS2 at 110.9 WL

1-8. Legal Name of Applicant			
Name:	ViaSat, Inc.	Phone Number:	760-893-3269
DBA Name:		Fax Number:	
Street:	6155 El Camino Real	E-Mail:	christopher.murphy@viasat.com
City:	Carlsbad	State:	CA
Country:	USA	Zipcode:	92009 -
Attention:	Christopher Murphy		

**ATTACHMENT TO GRANT
IBFS File No. SAT-PDR-20170307-00040**

IBFS File No(s):	SAT-PDR-20170307-00040	<p align="center">GRANTED – With Conditions</p>  <p align="center">International Bureau Satellite Division</p>
Licensee/Grantee:	ViaSat, Inc.	
Call Sign:	S3002	
Satellite Name:	VIASAT-RDBS2	
Orbital Location: (required station- keeping tolerance)	110.9° W.L. (+/- 0.05° east-west)	
Administration:	The Netherlands	
Nature of Service:	17/24 GHz Broadcasting-Satellite Service	
Scope of Grant:	Grant of U.S. market access for the VIASAT-RDBS2 space station in the 17/24 GHz Broadcasting-Satellite Service at 110.9° W.L.	
Service Area(s):	CONUS, Alaska, and Hawaii	
Frequencies:	17.3-17.7 GHz ¹ (space-to-Earth) 24.75-25.25 GHz (Earth-to-space) Telemetry, Tracking, and Command Center Frequencies: 17,302 MHz and 17,304 MHz (space-to-Earth) 24,752 MHz and 24,754 MHz (Earth-to-space)	
<p>Unless otherwise specified herein, operations under this grant must comport with the legal and technical specifications set forth by the applicant or petitioner and with Federal Communication Commission's rules not waived herein. This grant is also subject to the following conditions:</p> <ol style="list-style-type: none"> ViaSat may access the U.S. market using its VIASAT-RDBS2 space station at the 110.9° W.L., orbital location, which is offset 0.1° from the 111° W.L. orbital location specified in Appendix F to the <i>17/24 GHz Report and Order</i>.² We may assign 17/24 GHz BSS space stations to orbital locations offset from Appendix F locations by up to one degree, and allow them to operate at full power and with full interference protection, if there is no 17/24 GHz BSS space station assigned to, or a prior-filed application requesting assignment to, an orbital location less than four degrees from the applicant's proposed offset location,³ and the applicant has submitted a written request for such operations in the narrative portion of its application.⁴ There is no existing or proposed 17/24 GHz BSS space station within four degrees of the 110.9° W.L. orbital location. Thus, VIASAT-RDBS2 may operate at the maximum power flux density (pfd) levels specified in Section 25.208(c) and (w) of our rules⁵ and will be accorded the same interference protection that it would receive if it were located precisely at an Appendix F location. The pfd levels of ViaSat's space station transmissions must not exceed the levels stated in its 		

¹ VIASAT-RDBS2 will also be capable of operating in the 17.7-17.8 GHz (space-to-Earth) frequency band, but ViaSat does not seek U.S. market access in this frequency band. See ViaSat Petition for Declaratory Ruling, IBFS File No. SAT-PDR-20170307-00040, Narrative, at 5 (ViaSat Petition).

² *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Report and Order and Further Notice of Proposed Rulemaking, 22 FCC Rcd 8842 (2007) (*17/24 GHz Report and Order*).

³ 47 CFR § 25.262(b); *Establishment of Policies and Service Rules for the Broadcasting-Satellite Service at the 17.3-17.7 GHz Frequency Band and at the 17.7-17.8 GHz Frequency Band Internationally, and at the 24.75-25.25 GHz Frequency Band for Fixed Satellite Services Providing Feeder Links to the Broadcasting-Satellite Service and for the Satellite Services Operating Bi-directionally in the 17.3-17.8 GHz Frequency Band*, Order on Reconsideration, 22 FCC Rcd 17951, 17960, para. 22 (2007).

⁴ 47 CFR § 25.114(d)(17).

⁵ 47 CFR § 25.208(c), (w).

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application.

2. This grant does not include provision of any Direct-to-Home service, Direct Broadcast Satellite service, or Digital Audio Service to, from, or within the United States.⁶
3. As a condition of U.S. market access, VIASAT-RDBS2 may not receive signals either originating from U.S.-licensed earth stations, or that are intended for reception by an earth station in the U.S., that exceed the equivalent isotropically radiated power (EIRP) density limits in Section 25.223 of the Commission's rules, 47 CFR § 25.223.
4. ViaSat must maintain its 17/24 GHz BSS space station with an east/west longitudinal station-keeping tolerance of ± 0.05 degrees of the 110.9° W.L. orbital location.
5. Operations of ViaSat's 17/24 GHz BSS space station at the 110.9° W.L. orbital location must comply with coordination agreements reached between the Netherlands and other Administrations.⁷ In the absence of a coordination agreement, such communications must comply with applicable provisions of the International Telecommunications Union (ITU) Radio Regulations as the Commission cannot guarantee the success of the required coordination.
6. This grant is based on a finding of compliance with Section 25.114(d)(14)(i)-(iv) of the Commission's rules, 47 CFR § 25.114(d)(14)(i)-(iv), regarding design and operational strategies that will be used to mitigate orbital debris. ViaSat states that it has not yet selected a spacecraft manufacturer, and therefore its orbital debris mitigation plan is forward-looking.⁸ ViaSat must obtain a modification of this grant of market access in the event of any changes to the information it has provided regarding orbital debris mitigation.
7. ViaSat must provide predicted and measured off-axis gain data for each antenna that will transmit in the 17.3-17.8 GHz frequency band, and associated power flux density (pfd) calculations, in accordance with Section 25.264(a)-(d) of the Commission's rules, 47 CFR § 25.264(a)-(d).
8. This grant of market access will terminate in the event that the space station is relocated from the 110.9° W.L. orbital location or ceases to operate.
9. This grant will become effective to the extent that launch and space operations are authorized by the Radiocommunications Agency Netherlands under the Netherlands Space Activities Law.
10. This grant of U.S. market access is subject to the following requirements:
 - a. ViaSat must post a surety bond in satisfaction of 47 CFR §§ 25.165(a)(2) & (b) no later than 30 days after grant (August 5, 2017) and thereafter maintain on file a surety bond requiring payment in the event of a default in an amount, at minimum, determined according to the formula set forth in 47 CFR § 25.165(a)(2); and
 - b. ViaSat must launch the space station, position it in its assigned orbital location and operate it in accordance with the station authorization no later than 5 years after grant (July 6, 2022). 47 CFR § 25.164(a).

This grant of U.S. market access will be null and void automatically, without further Commission action if ViaSat fails to comply with any of these requirements. Failure to comply with the milestone requirement of 47 CFR § 25.164(a) will also result in forfeiture of ViaSat's surety bond. By 5 years plus 15 days after grant (July 21, 2022), ViaSat must either demonstrate compliance with its milestone

⁶ With respect to DBS and DTH, this condition excludes from the scope of this market access grant those services specified in Section 25.701(a)(1)-(5) of the Commission's rules. 47 CFR § 25.701(a)(1)-(5).

⁷ ViaSat states that operations will be consistent with the International Telecommunication Union filing submitted by the Administration of the Netherlands known as V-RDBS1 (110.9W).

⁸ ViaSat Petition, Attachment A at 12.

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requirement or notify the Commission in writing that the requirement was not met. 47 CFR § 25.164(f).

Licensee/grantee is afforded thirty (30) days from the date of release of this action to decline the grant as conditioned. Failure to respond within this period will constitute formal acceptance of the grant as conditioned.


This action is taken pursuant to Section 0.261 of the Commission's rules on delegated authority, 47 CFR § 0.261, and is effective upon release.

Station licenses are subject to the conditions specified in Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(h).

Action Date:	July 6, 2017
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Term Dates	From: see conditions	To: see conditions
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Approved:



Stephen J. Duall
Chief, Satellite Policy Branch

9-16. Name of Contact Representative

Name:	John P. Janka	Phone Number:	202-637-2200
Company:	Latham & Watkins LLP	Fax Number:	202-637-2201
Street:	555 Eleventh Street, NW Suite 1000	E-Mail:	john.janka@lw.com
City:	Washington	State:	DC
Country:	USA	Zipcode:	20004 -1304
Attention:		Relationship:	Legal Counsel

CLASSIFICATION OF FILING

17. Choose the button next to the classification that applies to this filing for both questions a. and b. Choose only one for 17a and only one for 17b.

a.

- (N/A) a1. Earth Station
 a2. Space Station

b.

- b1. Application for License of New Station
(N/A) b2. Application for Registration of New Domestic Receive-Only Station
(N/A) b3. Amendment to a Pending Application
(N/A) b4. Modification of License or Registration
(N/A) b5. Assignment of License or Registration
(N/A) b6. Transfer of Control of License or Registration
(N/A) b7. Notification of Minor Modification
(N/A) b8. Application for License of New Receive-Only Station Using Non-U.S. Licensed Satellite
- b9. Letter of Intent to Use Non-U.S. Licensed Satellite to Provide Service in the United States
 b10. Replacement Satellite Application - no new frequency bands
 b11. Replacement Satellite Application - new frequency bands (Not eligible for streamlined processing)
 b12. Petition for Declaratory Ruling to be Added to the Permitted List
(N/A) b13. Other (Please specify)

17c. Is a fee submitted with this application?

If Yes, complete and attach FCC Form 159.

If No, indicate reason for fee exemption (see 47 C.F.R. Section 1.1114).

Governmental Entity Noncommercial educational licensee

Other (please explain): Petition for Declaratory Ruling – No Fee

17c. Fee Classification BNY – Space Station (Geostationary)

18. If this filing is in reference to an existing station, enter:

(a) Call sign of station:
Not Applicable

19. If this filing is an amendment to a pending application enter:

(a) Date pending application was filed:

Not Applicable

(b) File number of pending application:

Not Applicable

TYPE OF SERVICE

<p>20. NATURE OF SERVICE: This filing is for an authorization to provide or use the following type(s) of service(s): Select all that apply:</p> <p><input type="checkbox"/> a. Fixed Satellite</p> <p><input type="checkbox"/> b. Mobile Satellite</p> <p><input type="checkbox"/> c. Radiodetermination Satellite</p> <p><input type="checkbox"/> d. Earth Exploration Satellite</p> <p><input type="checkbox"/> e. Direct to Home Fixed Satellite</p> <p><input type="checkbox"/> f. Digital Audio Radio Service</p> <p><input checked="" type="checkbox"/> g. Other (please specify) 17/24 GHz service</p>	
<p>21. STATUS: Choose the button next to the applicable status. Choose only one.</p> <p><input type="radio"/> Common Carrier <input checked="" type="radio"/> Non-Common Carrier</p>	<p>22. If earth station applicant, check all that apply.</p> <p>Not Applicable</p>
<p>23. If applicant is providing INTERNATIONAL COMMON CARRIER service, see instructions regarding Sec. 214 filings. Choose one. Are these facilities:</p> <p><input type="radio"/> Connected to a Public Switched Network <input type="radio"/> Not connected to a Public Switched Network <input checked="" type="radio"/> N/A</p>	
<p>24. FREQUENCY BAND(S): Place an "X" in the box(es) next to all applicable frequency band(s).</p> <p><input type="checkbox"/> a. C-Band (4/6 GHz) <input type="checkbox"/> b. Ku-Band (12/14 GHz)</p> <p><input checked="" type="checkbox"/> c. Other (Please specify upper and lower frequencies in MHz.)</p> <p>Frequency Lower: 17300 Frequency Upper: 25250 (Please specify additional frequencies in an attachment)</p>	

TYPE OF STATION

25. CLASS OF STATION: Choose the button next to the class of station that applies. Choose only one.

(N/A) a. Fixed Earth Station
(N/A) b. Temporary-Fixed Earth Station
(N/A) c. 12/14 GHz VSAT Network
(N/A) d. Mobile Earth Station
 e. Geostationary Space Station.
 f. Non-Geostationary Space Station
 g. Other (please specify)

26. TYPE OF EARTH STATION FACILITY: Not Applicable

PURPOSE OF MODIFICATION

27. The purpose of this proposed modification is to: (Place an "X" in the box(es) next to all that apply.) Not Applicable

ENVIRONMENTAL POLICY

28. Would a Commission grant of any proposal in this application or amendment have a significant environmental impact as defined by 47 CFR 1.1307? If YES, submit the statement as required by Sections 1.1308 and 1.1311 of the Commission's rules, 47 C.F.R. §§ 1.1308 and 1.1311, as an exhibit to this application. A Radiation Hazard Study must accompany all applications for new transmitting facilities, major modifications, or major amendments. Yes No

ALIEN OWNERSHIP

Earth station applicants not proposing to provide broadcast, common carrier, aeronautical en route or aeronautical fixed radio station services are not required to respond to Items 30-34.

29. Is the applicant a foreign government or the representative of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No
30. Is the applicant an alien or the representative of an alien?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
31. Is the applicant a corporation organized under the laws of any foreign government?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
32. Is the applicant a corporation of which more than one-fifth of the capital stock is owned of record or voted by aliens or their representatives or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
33. Is the applicant a corporation directly or indirectly controlled by any other corporation of which more than one-fourth of the capital stock is owned of record or voted by aliens, their representatives, or by a foreign government or representative thereof or by any corporation organized under the laws of a foreign country?	<input type="radio"/> Yes <input checked="" type="radio"/> No <input type="radio"/> N/A
34. If any answer to questions 29, 30, 31, 32 and/or 33 is Yes, attach as an exhibit an identification of the aliens or foreign entities, their nationality, their relationship to the applicant, and the percentage of stock they own or vote.	

BASIC QUALIFICATIONS

35. Does the Applicant request any waivers or exemptions from any of the Commission's Rules?
If Yes, attach as an exhibit, copies of the requests for waivers or exceptions with supporting documents.

Yes No

36. Has the applicant or any party to this application or amendment had any FCC station authorization or license revoked or had any application for an initial, modification or renewal of FCC station authorization, license, or construction permit denied by the Commission? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

37. Has the applicant, or any party to this application or amendment, or any party directly or indirectly controlling the applicant ever been convicted of a felony by any state or federal court? If Yes, attach as an exhibit, an explanation of circumstances.

Yes No

38. Has any court finally adjudged the applicant, or any person directly or indirectly controlling the applicant, guilty of unlawfully monopolizing or attempting unlawfully to monopolize radio communication, directly or indirectly, through control of manufacture or sale of radio apparatus, exclusive traffic arrangement or any other means or unfair methods of competition? If Yes, attach as an exhibit, an explanation of circumstances

Yes No

39. Is the applicant, or any person directly or indirectly controlling the applicant, currently a party in any pending matter referred to in the preceding two items? If yes, attach as an exhibit, an explanation of the circumstances.

Yes No

40. If the applicant is a corporation and is applying for a space station license, attach as an exhibit the names, address, and citizenship of those stockholders owning a record and/or voting 10 percent or more of the Filer's voting stock and the percentages so held. In the case of fiduciary control, indicate the beneficiary(ies) or class of beneficiaries. Also list the names and addresses of the officers and directors of the Filer.

41. By checking Yes, the undersigned certifies, that neither applicant nor any other party to the application is subject to a denial of Federal benefits that includes FCC benefits pursuant to Section 5301 of the Anti-Drug Act of 1988, 21 U.S.C. Section 862, because of a conviction for possession or distribution of a controlled substance. See 47 CFR 1.2002(b) for the meaning of "party to the application" for these purposes. Yes No

42a. Does the applicant intend to use a non-U.S. licensed satellite to provide service in the United States? If Yes, answer 42b and attach an exhibit providing the information specified in 47 C.F.R. 25.137, as appropriate. If No, proceed to question 43. Yes No

42b. What administration has licensed or is in the process of licensing the space station? If no license will be issued, what administration has coordinated or is in the process of coordinating the space station? The Netherlands

43. Description. (Summarize the nature of the application and the services to be provided). (If the complete description does not appear in this box, please go to the end of the form to view it in its entirety.)

Petition for declaratory ruling seeking U.S. market access using a 17/24 GHz service satellite operated under the authority of The Netherlands at 110.9 WL.

43a. Geographic Service Rule Certification

By selecting A, the undersigned certifies that the applicant is not subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25.

A

By selecting B, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will comply with such requirements.

B

By selecting C, the undersigned certifies that the applicant is subject to the geographic service or geographic coverage requirements specified in 47 C.F.R. Part 25 and will not comply with such requirements because it is not feasible as a technical matter to do so, or that, while technically feasible, such services would require so many compromises in satellite design and operation as to make it economically unreasonable. A narrative description and technical analysis demonstrating this claim are attached.

C

CERTIFICATION

The Applicant waives any claim to the use of any particular frequency or of the electromagnetic spectrum as against the regulatory power of the United States because of the previous use of the same, whether by license or otherwise, and requests an authorization in accordance with this application. The applicant certifies that grant of this application would not cause the applicant to be in violation of the spectrum aggregation limit in 47 CFR Part 20. All statements made in exhibits are a material part hereof and are incorporated herein as if set out in full in this application. The undersigned, individually and for the applicant, hereby certifies that all statements made in this application and in all attached exhibits are true, complete and correct to the best of his or her knowledge and belief, and are made in good faith.

44. Applicant is a (an): (Choose the button next to applicable response.)

- Individual
- Unincorporated Association
- Partnership
- Corporation
- Governmental Entity
- Other (please specify)

45. Name of Person Signing
Christopher Murphy

46. Title of Person Signing
Associate General Counsel, Regulatory Affairs

47. Please supply any need attachments.

1: Exhibit A

2:

3:

WILLFUL FALSE STATEMENTS MADE ON THIS FORM ARE PUNISHABLE BY FINE AND / OR IMPRISONMENT
(U.S. Code, Title 18, Section 1001), AND/OR REVOCATION OF ANY STATION AUTHORIZATION
(U.S. Code, Title 47, Section 312(a)(1)), AND/OR FORFEITURE (U.S. Code, Title 47, Section 503).

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