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Federal Communications Commission
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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the matter of

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)	
Application of Raysat Antenna Systems,)	File No. SES-LIC-20060629-01083
LLC for Authority to Operate 400 Land)	SES-LIC-20060629-02248
Mobile-Satellite Service ("LMSS") Earth)	SES-LIC-20060629-02249
Stations in the 14.0-14.5 GHz and 11.7-12.2)	SES-LIC-20060629-02250
GHz Frequency Bands)	SES-LIC-20060629-02251
)	SES-LIC-20060629-02252

To: The International Bureau and
Office of Engineering and Technology

OPPOSITION TO PETITION FOR RECONSIDERATION OR CLARIFICATION

Raysat Antenna Systems, LLC ("Raysat") submits this Opposition to the Petition for Reconsideration or Clarification ("Petition") filed by Viasat, Inc. ("Viasat") in the above-captioned application proceeding.¹ Viasat challenges certain license conditions imposed by the International Bureau and Office of Engineering and Technology in the *Order* granting Raysat authority to operate Ku-band mobile earth terminals ("METs") in the Land Mobile-Satellite Service ("LMSS").² As discussed below, there is no basis to grant the Viasat Petition.

I. DISCUSSION

ViaSat urges the Bureau and OET to reconsider the *Order* and alter the data logging requirements imposed therein to include all parameters required for Ku-band earth stations

¹ *Application of Raysat Antenna System, LLC for Authority to Operate 400 Land Mobile-Satellite Service ("LMSS") Earth Stations in the 14.0-14.5 GHz and 11.7-12.2 GHz Frequency Bands*, File Nos. SES-LIC-20060629-01083, et seq. (citation reflects the application as amended and granted.); Petition for Reconsideration or Clarification of Viasat, Inc. dated March 17, 2008 ("Petition").

² See *Application of Raysat Antenna System, LLC for Authority to Operate 400 Land Mobile-Satellite Service ("LMSS") Earth Stations in the 14.0-14.5 GHz and 11.7-12.2 GHz Frequency Bands*, Order and Authorization, File Nos. SES-LIC-20060629-01083, et seq., DA 08-401 (Int'l Bur. And OET, Feb. 15, 2008) ("*Order*").

onboard vessels (“ESVs”).³ ViaSat also requests that the Bureau and OET add a one-year operational reporting requirement similar to that imposed on Ku-band Aeronautical Mobile-Satellite Service (“AMSS”) operators.⁴ Viasat’s reconsideration request should be denied because the conditions imposed in the *Order* are fully consistent with applicable precedent and constitute appropriate data logging and information retention/reporting requirements.

On its face, the Petition reveals a fundamental misapprehension of the license conditions imposed by the *Order*. For example, the Petition unjustifiably suggests that the Bureau and OET responded to Viasat’s so-called “interference-related concerns” by “requiring Raysat to maintain six separate networks and to ensure that its METs do not switch from one hub station or satellite to another,”⁵ when in reality the *Order* merely describes basic operational characteristics of the Raysat network.⁶ While Viasat may rely on such erroneous assertions to suggest that the Bureau and OET must respond to its additional claims, it is clear that the *Order* adequately addresses any such concerns.

The Petition ignores the broad data logging requirements imposed by the *Order*, as well as applicable LMSS licensing precedent, to suggest that the condition adopted by Bureau and OET is insufficient. Instead, the Petition mischaracterizes the requirement as logging “only data

³ See Petition at 1, 4 (citing 47 C.F.R. § 25.222(c)(1)).

⁴ See *id.* at 1-2, 4-6 (citing *The Boeing Company; Application for Blanket Authority to Operate Up to Eight Hundred Technically Identical Transmit and Receive Mobile Earth Stations Aboard Aircraft in the 14.0-14.5 GHz and 11.7-12.2 GHz Frequency Bands*, Order and Authorization, 16 FCC Rcd 22645, at ¶ 19 (2001); *ARINC Incorporated, Application for Blanket Authority for Operation of Up to One Thousand Technically Identical Ku-Band Transmit/Receive Airborne Mobile Stations Aboard Aircraft Operating in the United States and Adjacent Waters*, 20 FCC Rcd 7553, at ¶ 56 (2005); *ViaSat, Inc., Application for Blanket Authority for Operation of 1,000 Technically Identical Ku-Band Aircraft Earth Stations in the United States and Over Territorial Waters*, DA 07-4674, at ¶ 28 (Nov. 20, 2007)).

⁵ See Petition at 2.

⁶ See *Order* at ¶ 22.

on the location of each MET”⁷ and points to Ku-band ESV provisions to support Viasat’s alternative requirement. However, the *Order* carefully considered potential data logging requirements, including the ESV rules and LMSS precedent, and requires Raysat to maintain:

...records of the locations of METs in longitude and latitude, and of the ownership of vehicles on which the METs have been installed. The geo-location information must be recorded at time intervals of no greater than every twenty minutes while the mobile earth station terminal is transmitting. Raysat must maintain the information for a year and make it available to appropriate entities within twenty-four hours of request. We also require Raysat to maintain logs of all alleged incidences of interference, the stations involved, and the outcome of the incident.

As the *Order* notes, this automated data logging requirement is similar to that adopted for ESVs (e.g., logging information for mobile stations every 20 minutes), and is in fact broader than that imposed in applicable LMSS licensing precedent.⁸ Furthermore, since the requirement to maintain logs of alleged interference incidents necessarily includes the stations involved, frequency information and related data, Raysat will record and maintain all relevant information necessary to satisfy any “interference-related concerns.” Thus, the Bureau and OET acted reasonably and correctly in adopting the data logging requirements imposed by the *Order*.

The Petition also seeks to impose a reporting requirement one year after commencing commercial operations, which would include detailed information on “installed equipment configurations, EIRP compliance, and compliance with assigned bandwidth/emission designators, and include a table of reported interference events.”⁹ Again finding no support in applicable LMSS precedent for such an extensive, post-license reporting requirement, Viasat

⁷ See Petition at 4.

⁸ See Qualcomm, Inc., *Memorandum Opinion, Order, and Authorization*, 4 FCC Rcd 1543 (1989) at ¶20 and n.7 (requiring logging of location information only for transportable, rather than mobile, METs).

⁹ See Petition at 4; *id.* at 4-6.

quotes certain AMSS licensing orders to claim that such a condition has been imposed on “similarly-situated licensees.”¹⁰

However, these quotations and the actual licensing orders establish that the reporting requirements were specific to individual AMSS systems, and confirm that the significant distinctions between AMSS and LMSS operations preclude imposition of requirements designed for one service on the other.¹¹ From highly complex network management schemes that include adaptive power control, bandwidth-on-demand and aggregate interference issues to transmit stations traveling at hundreds of miles per hour, the technical issues associated with nascent AMSS operations are very different from those associated with LMSS operations.

While fully protecting other users of the Ku-band from harmful interference, Raysat’s system design does not involve complex and untested network control and other features that were the subject of AMSS system reporting requirements. Importantly, Raysat’s maximum power and cessation of emissions standards ensure that permissible off-axis e.i.r.p. levels are never exceeded (even at offset angles of 0.5 degrees, when transmissions are automatically terminated) and Raysat does not use transmission schemes that create aggregate interference from two or more simultaneously transmitting METs. Thus, Raysat’s authorized operations more akin to previously authorized LMSS services than next-generation Ku-band AMSS systems. In fact, Raysat has conducted Ku-band LMSS operations for several years under experimental authority without a single reported case of interference.

Finally, Viasat claims that the proposed one-year reporting requirement will allow the Commission and “other potentially affected users...to evaluate the impact of Raysat’s system

¹⁰ *Id.* at 6.

¹¹ *See, supra*, n.4.

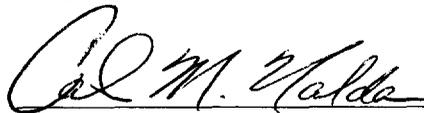
during the initial phase of commercial service.”¹² The only “impact” that Viasat can be referring to is harmful interference and the substantive conditions of the *Order* ensure that Raysat will operate without causing such interference. Of course, the data logging and other recordkeeping provisions adopted in the *Order*, along with the requirement to provide such information to appropriate entities within 24 hours of a request, ensure that the Commission and affected parties will have adequate information on Raysat’s compliance with the *Order*. To the extent that a party is unaffected, *i.e.*, has not experienced alleged harmful interference, there is no rationale or benefit to providing the detailed operational information that Viasat requests.

In sum, given applicable LMSS licensing precedent, the specific characteristics of Raysat’s network, and the data logging, recordkeeping and reporting provisions imposed in the *Order*, there is no basis to adopt the detailed reporting requirement (which would include competitively sensitive technical and operational information) proposed by Viasat.

II. CONCLUSION

For all of the foregoing reasons, the Viasat Petition should be denied.

Respectfully submitted,



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¹² See Petition at 6.

CERTIFICATE OF SERVICE

I, Jennifer Evans, hereby certify that on this 26th day of March, 2008, served a true copy of the foregoing Opposition of Raysat Antenna Systems, LLC by first class mail, postage pre-paid upon the following:

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