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January 24, 2009

Ms. Helen Domenici  
Chief, International Bureau  
Federal Communications Commission  
445 12th Street, SW  
Washington, DC 20554

**Re: *Ex Parte Presentation***

**Call Sign E080100: Applications of Row 44, Inc. for**

**Authority to Operate up to 1,000 Technically-Identical Aeronautical-Mobile Satellite Service Transmit/Receive Earth Stations Aboard Commercial and Private Aircraft, FCC File Nos. SES-LIC-20080508-00570; SES-AMD-20080619-00826; SES-AMD-20080819-01074; SES-AMD-20080829-01117; SES-AMD-20090115-00041;**

**Special Temporary Authority, FCC File No. SES-STA-20080711-00928.**

Dear Ms. Domenici:

We are writing on behalf of ViaSat, Inc. (“ViaSat”) to respond to the *ex parte* letter filed by Row 44, Inc. (“Row 44”) on January 22, 2009. In that letter, Row 44 discusses two supplemental coordination letters from Intelsat and SES Americom, submitted on January 15, 2009. Row 44 claims that those letters “make plain that the signatory satellite operators would like the operation outlined in [Row 44’s] STA request to proceed as a means of confirming the conclusion that the proposed antenna will operate in compliance with the Commission’s two-degree spacing requirements.” In other words, even the satellite operators do not have enough data to confirm Row 44’s assertions about its system.

Significantly, Row 44 needs no further authority to produce such data. Row 44 should have that data on hand, given that (i) it has held an STA for ground-based testing of its terminals for over a year; (ii) it has operated its system on moving aircraft outside of U.S. airspace; and (iii) it has operated its system on moving aircraft, without proper authority, within U.S. airspace for several months. Row 44’s failure to produce such data is inexplicable, and the supplemental coordination letters suggest no other basis for STA.

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Even if additional authority were needed to gather such data, Row 44 would require only *very limited* authority in order to collect data to verify Row 44's performance claims. Such data could be gathered through (i) ground-based testing (as proposed by ViaSat) or (ii) testing on a single moving aircraft (pursuant to a narrowly-tailored STA). Notably, Row 44's STA request seeks broad authority to operate up to *twelve* terminals, many of them mounted on the aircraft of third-party airlines, to provide service to end users in order to "allow an evaluation of customer interest in the service." These extensive, commercial operations would be premature given the number of outstanding technical issues in this proceeding, and Row 44's failure to demonstrate its ability to operate *on a ground-based platform or on a single moving aircraft* without causing harmful interference.

Please contact the undersigned should you have any questions.

Sincerely yours,

/s/ John P. Janka  
John P. Janka  
Jarrett S. Taubman

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