

LATHAM & WATKINS^{LLP}

January 29, 2009

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

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Re: 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 and

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

Notice of Ex Parte Presentation

Dear Ms. Dortch:

On January 28, 2009, Daryl T. Hunter, Director of Regulatory Affairs of ViaSat, Inc. ("ViaSat") spoke via telephone with Scott Kotler of the International Bureau regarding the above-captioned applications of Row 44, Inc. ("Row 44"). The conversation focused on ViaSat's proposal to initiate ground testing of Row 44's proposed system in order to validate Row 44's performance claims *before* any grant of authority that might permit Row 44 to engage in airborne operations.

During his conversation with Mr. Kotler, Mr. Hunter stressed that Row 44 has not yet submitted sufficient data (from ground-based testing or otherwise) to support its claims that its proposed system would operate in a manner consistent with a two-degree operating environment, and without causing harmful interference into adjacent systems. Mr. Hunter noted that such data had not been submitted in either Row 44's initial application or its August 2008 amendments, contrary to claims made by Row 44 in its letter of January 26, 2009. Thus, ground-based testing (or the submission of existing data from Row 44's testing or actual operations) is both necessary and appropriate.

Mr. Hunter illustrated the type of ground-based testing that could be used to evaluate Row 44's claims by describing ViaSat's process for testing the pointing performance of new antenna systems. This process has been used by ViaSat in the past, and will be used to test the performance of the AeroSat antenna that ViaSat plans to use – which is the same antenna that Row 44 proposes to use, albeit as part of a *very* different system design. Specifically, Mr.

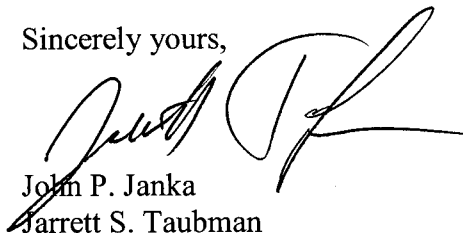
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Hunter noted that, in its own testing, ViaSat: (i) uses motion profiles (incorporating data such as heading, attitude, acceleration and velocity for different maneuvers and phases of flight) to program the movements of a ground-based motion table in order to reproduce a dynamic aircraft operating environment; (ii) attaches the antenna system being tested to this motion table, along with the inertial navigation unit and a laser pointer attached to the antenna; (iii) places a calibrated target in front of the laser beam and observes the degree of angular mispointing that occurs as the motion table operates in accordance with various motion profiles; (iv) records these data with a video camera; and (v) processes these data to develop pointing error statistics. Mr. Hunter reaffirmed ViaSat's earlier offer to work with Row 44 and the Commission to develop mutually-acceptable criteria and scenarios for ground-based testing, leveraging ViaSat's expertise in this area. Mr. Hunter also noted that other parties to this proceeding have expressed support for such testing.

Finally, Mr. Hunter questioned the appropriateness of Row 44's request for STA to operate *twelve* aircraft, since (i) Row 44 has engaged in unauthorized airborne operations for several months without submitting any flight test data and (ii) Row 44 would need to operate at most *one* aircraft to gather in-flight test data, if the Commission were to permit Row 44 to proceed directly to airborne testing, notwithstanding its failure to conduct appropriate ground-based testing first.

Please contact the undersigned should you have any questions.

Sincerely yours,



John P. Janka
Jarrett S. Taubman

Counsel for ViaSat, Inc.

cc: Scott Kotler
David S. Keir, Counsel for Row 44, Inc.