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February 6, 2009

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

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 February 5, 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 the ex parte letter jointly submitted by EchoStar Corporation ("EchoStar"), KVH Industries, Inc. ("KVH"), and ViaSat on February 3, 2009, as well as ViaSat's positions of record. That February 3 letter notes the outstanding technical issues with respect to Row 44's proposed system, and expresses the parties' willingness to work with the Commission and Row 44 to design one or more mutually-acceptable, ground-based tests with which to evaluate the capabilities of that system, and thereby generate the information required by Commission rules and precedent that (i) Row 44 has failed to provide, (ii) AeroSat has failed to provide, and (iii) Intelsat, SES, Echostar, LiveTV, KVH, ARINC, and ViaSat have indicated is necessary to evaluate the technical issues in this proceeding.

During his conversation with Mr. Kotler, Mr. Hunter emphasized that further ground-based testing is necessary *before* Row 44 is authorized to conduct any airborne testing of its system. Mr. Hunter stressed that Row 44 has failed to substantiate its performance claims, and in particular that Row 44 has failed to submit for the record data gleaned from previous ground-based testing of its proposed system. Mr. Hunter explained that, in the absence of such data, airborne operations would be premature and inappropriate – particularly given the threat of harmful interference that would be posed by such operations, which interference has been substantiated in the record.

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Mr. Hunter reiterated that the interference analysis submitted by ViaSat on December 8, 2008 – which is undisputed by any party – demonstrates (i) that Row 44's proposed system would pose a substantial and unacceptable threat of harmful interference, even if mispointed by less than the 0.5 degree shut-down limit specified in Section 25.222(a)(7) of the Commission's rules, and (ii) that mispointing in excess of the 0.5 degree shut-down limit would pose an even greater threat of harmful interference. In light of this threat, Mr. Hunter noted that ground-based testing is critical to ascertain the *actual* pointing capabilities of Row 44's proposed system.

In response to Mr. Kotler's inquiry why ViaSat, EchoStar, and KVH do not themselves test the capabilities of Row 44's proposed AeroSat antenna, ViaSat provides the following additional information. Although ViaSat expected to have an AeroSat antenna in its possession next week, AeroSat yesterday indicated that it is no longer shipping that antenna to ViaSat, citing "FCC issues." If ViaSat had an AeroSat antenna, ViaSat would be able to test the "open loop" tracking performance of that antenna with an IRU, even though further testing of the "closed loop" tracking performance would require the use of the Row 44 modem (which ViaSat does not have). If the Row 44 system truly performed as Row 44 represents, AeroSat would not be worried about anyone testing its antenna. Moreover, Row 44's failure to provide the data it currently has – including data from AeroSat's ground testing – strongly suggests that the existing data do not support Row 44's claims.

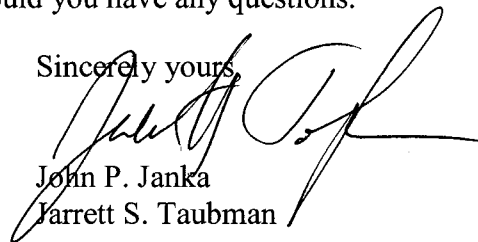
Mr. Hunter also explained that, unlike Row 44, ViaSat has designed its system to incorporate an antenna operating at low power density levels – which is why ViaSat's system can employ the AeroSat antenna without creating any threat of harmful interference, while Row 44's proposed system cannot.

Mr. Hunter informed Mr. Kotler that ViaSat has recently responded to Row 44's request for input on testing, but that Row 44 had not provided ViaSat with anything at all to review (it is worth noting that Row 44 *had* provided a draft test plan to certain satellite operators). Mr. Hunter reaffirmed ViaSat's commitment to work with Row 44 to facilitate ground-based testing of Row 44's proposed system.

Finally, Mr. Hunter mentioned recent press reports that Row 44 equipment has already been installed on one or more Southwest Airlines aircraft.

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.