

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the matter of)
)
Application of L-3 Communications Titan) File No. SES-LIC-20070322-00396
Corporation for Authority to Operate a)
Mobile On-the-Move Mobile Satellite)
Antenna in the 14.0-14.5 GHz and 11.7-12.2)
GHz Frequency Bands)

REPLY COMMENTS OF VIASAT, INC.

ViaSat, Inc. (“ViaSat”) hereby replies to the response of L-3 Communications Titan Corporation (“L3 Titan”)¹ in connection with the above-captioned application for authority to operate an “On-the-Move” mobile satellite terminal in the 14.0-14.5 GHz and 11.7-12.2 GHz frequency bands.² ViaSat does not object to a grant of L3 Titan’s Application, however, the authorization should be appropriately conditioned (i) to limit the terminal from operating within a network of similarly non-conforming terminals, and (ii) to require L3 Titan to maintain tracking data consistent with the requirement in the Commission’s rules for ESVs.

I. THE COMMISSION SHOULD REVIEW THE NETWORKING ASPECTS OF L3 TITAN’S PROPOSED MODEM BEFORE IT IS EMPLOYED IN A NETWORK

ViaSat does not oppose a grant of the Application; however, the Commission should preserve its opportunity to review the parameters under which the L3 Titan’s proposed modem would operate in a network setting. If other identical, or similarly non-conforming, terminals are licensed (for example, to entities other than L3 Titan) but are operated within the same network

¹ Letter from Paul Moller, VP, Intellicom Technologies, to Marlene H. Dortch, Secretary, FCC, Re: Response to ViaSat Comments, File No. SES-LIC-20070322-00396, Call Sign: E060390 (May 15, 2007) (“Response”).

² *Application of L-3 Communications Titan Corporation for Authority to Operate a Mobile On-the-Move Mobile Satellite Antenna in the 14.0-14.5 GHz and 11.7-12.2 GHz Frequency Bands*, File No. SES-LIC-20070322-00396, Public Notice, Report No. SES-00914 (rel. April 4, 2007) (the “Application”).

as the terminal proposed in the Application, the Commission may not have notice that the terminals are operating with the same network. While L3 Titan seeks authorization to operate a single terminal, L3 Titan acknowledges that its proposed modem is designed to operate within a network.³ L3 Titan argues in its Response that it should not be required to provide information on how the modem will manage EIRP spectral density if the proposed earth station is operated within a network, because such information is not relevant to the operation of a single antenna.⁴ However, the interference potential of a network of non-conforming terminals may be different from the operation of a single antenna.

L3 Titan asserts that it will “address the network provisions which ensure that positive control of all VSAT earth stations can be maintained from the Hub (or Network Controller).”⁵ However, if L3 Titan does not seek blanket authority but instead operates other individually licensed non-conforming terminals in the same network, the Commission may not have the opportunity to evaluate fully the operation of the proposed modem. Therefore, if the Commission chooses not to evaluate the network capabilities of the modem as part of its review of the Application, the Commission should instead condition the grant to limit L3 Titan from operating the proposed antenna within a network until the Commission has reviewed all technical parameters of the modem.

³ Application, Technical Brief at 5.

⁴ Response at 2. L3 Titan indicates that it will adjust the direct sequence spreading factor to ensure that maximum EIRP density is not exceeded but does not provide further detail on how the terminal’s EIRP density is controlled in a network environment. *See id.* at 3. However, L3 Titan’s reference to ViaSat’s “very low power density” to indicate that this is the approach that L3 Titan has proposed is inaccurate; ViaSat’s spreading technique results in an EIRP power density that is typically on the order of 10 to 40 times less than the power density L3 Titan indicated in its Application.

⁵ Response at 2.

II. LOCATIONAL RECORD-KEEPING REQUIREMENTS SHOULD APPLY TO A SINGLE ANTENNA

L3 Titan asserts generally that the location and activities of a single earth station are not typically required by the Commission.⁶ However, licensees of individual fixed earth stations generally are required to indicate the coordinates of the terminal location.⁷ Further, records of transmissions of fixed stations are not critical to resolving incidents of interference, unlike mobile terminals whose location at any particular time may not be easily determined. In the context of authorizing mobile terminals, the Commission has determined that maintaining location tracking data is necessary to enable other users of spectrum to resolve any incidents of interference.⁸ Therefore, the Commission should impose similar requirements on any grant of L3 Titan's Application.

L3 Titan's distinction between an individual terminal authorization and a blanket authorization is irrelevant to the tracking requirement. In the ESV Order, the requirement to maintain locational data applies generally to the operators of the mobile terminals, and is not tied to provisions in the Order that permit ESV applicants to seek blanket authority.⁹ Licensing a mobile terminal under an individual license, instead of within a blanket authorization, does not obviate the need to track the location and operations of that particular mobile terminal. The

⁶ Response at 3.

⁷ See FCC Form 312 – Schedule B, Items E11, E12.

⁸ See *Procedures to Govern the Use of Satellite Earth Stations on Board Vessels in the 5925-6425 MHz/3700-4200 MHz Bands and 14.0-14.5 GHz/ 11.7-12.2 GHz Bands*, Report and Order, 20 FCC Rcd 674, ¶¶ 47-48 (2005) (“ESV Order”); see also, *Qualcomm, Inc., Application for Blanket Authority to Construct and Operate a Network of 12/14 GHz Transmit/Receive Mobile and Transportable Earth Stations and a Hub Earth Station*, Memorandum Opinion, Order and Authorization, 4 FCC Rcd 1543 ¶ 20 (1989) (requiring Qualcomm to maintain records of the locations of terminals being operated in a transportable mode).

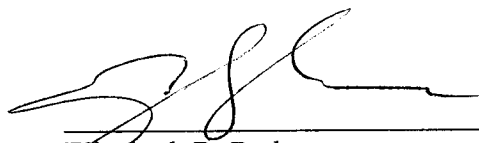
⁹ See ESV Order at ¶¶ 47, 112, 114 (requiring ESV operators to maintain locational information, and permitting ESV applicants to seek blanket authority).

Commission's reasoning for requiring mobile terminal operators to maintain tracking data applies equally to L3 Titan's proposed single terminal. Thus, the Commission should require L3 Titan to maintain tracking data, consistent with the ESV rules, as a condition to the grant of the Application.

* * * * *

For the foregoing reasons, the Commission should either (i) require L3 Titan to demonstrate that a network of non-conforming antennas similar to the proposed terminal could operate in compliance with the limits in the Commission's rules, or (ii) condition any grant of the Application on a requirement to make such a demonstration prior to operating the terminal within a network. Further, a requirement to maintain records of locational information of the single terminal is appropriate for the reasons discussed herein.

Respectfully submitted,



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Filed: May 24, 2007

ENGINEERING INFORMATION CERTIFICATION

I hereby certify that I am the technically qualified person responsible for reviewing the engineering information contained in the foregoing submission, that I am familiar with Part 25 of the Commission's rules, that I have reviewed the engineering information submitted in this pleading, and that it is complete and accurate to the best of my knowledge and belief.



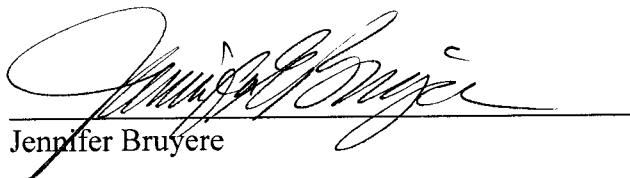
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Dated: May 24, 2007

CERTIFICATE OF SERVICE

I, Jennifer Bruyere, hereby certify that on this 24th day of May, 2007, I served a true copy of the foregoing Reply Comments of ViaSat, Inc. by first class mail, postage pre-paid upon the following:

Paul Moller
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Jennifer Bruyere