

555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004-1304
Tel: +1.202.637.2200 Fax: +1.202.637.2201
www.lw.com

LATHAM & WATKINS LLP

FILED/ACCEPTED

July 20, 2012

JUL 20 2012

**Federal Communications Commission
Office of the Secretary**

BY HAND DELIVERY

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

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Re: Request for Confidential Treatment Under Section 0.457(e) of the Commission's Rules, 47 C.F.R. § 0.457(e)

Dear Ms. Dortch:

ViaSat, Inc. ("ViaSat") has today submitted a redacted version of the enclosed letter (the "Supplemental Submission") as a supplement to its pending application in International Bureau File No. **SES-LIC-20120427-00404**, Call Sign E120075 (the "Application"). Pursuant to the Freedom of Information Act and Section 0.457(e) of the Commission's rules, 5 U.S.C. § 552(b)(5); 47 C.F.R. §§ 0.457(e), ViaSat respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed unredacted version of the Supplemental Submission.

The Supplemental Submission describes the contents of, and includes a copy of, a position paper authored by staff at the National Telecommunications and Information Administration ("NTIA"). This paper, developed in consultation with Commission staff, State Department staff, and certain other U.S. delegation members, details positions that the U.S. intends to take at upcoming International Telecommunication Union ("ITU") study group meetings regarding the treatment at the ITU of certain satellite network operations. ViaSat submits that the document constitutes an interagency memorandum containing predecisional recommendations of governmental staff after consultation with the satellite industry. Any disclosure of this document (unless and until the contents otherwise become public) could adversely affect the ability of the United States to successfully negotiate a favorable resolution of these ITU matters in various international fora. Thus, this information should be deemed subject to the deliberative process privilege and within Exemption 5 of the Freedom of Information Act and should be entitled to confidential treatment under the Commission's rules. See 5 U.S.C. § 552(b)(5); 47 C.F.R. § 0.457(e); see also *Robert J. Butler*, Memorandum Opinion and Order, 6 FCC Rcd 5414, 5416-7 (1991), citing *Coastal States Gas Corp. v. Department of Energy*, 617

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F.2d 854, 866 (D.C. Cir. 1980); *Aviation Consumer Action Project v. Washburn*, 535 F.2d 101, 107-8 (D.C. Cir. 1976).

As noted above, ViaSat separately is filing today with the Commission a redacted version of the submission from which the confidential portions have been redacted. That redacted version will be available for public inspection in the normal course of the Commission's processes.

Please contact the undersigned should you have any questions regarding this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to be a cursive signature of John P. Janka, with a long horizontal line extending to the right.

John P. Janka
Elizabeth R. Park

Enclosure

cc: Robert Nelson
Andrea Kelly
Paul Blais
Joseph Hill