

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<sup>LLP</sup>

September 11, 2017

## **VIA ELECTRONIC FILING**

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

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Re: Request to Designate Proceeding as "Permit But Disclose"  
**EXPEDITED PROCESSING REQUESTED**  
ViaSat, Inc. File No. SES-LIC-20170401-00357, Call Sign E170088

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, ViaSat, Inc. ("ViaSat") respectfully requests that the Commission designate as "permit but disclose" the *ex parte* status of the above-referenced application proceeding involving ViaSat's request for authority to operate earth stations in the Ka band, including the 18.6-19.1 GHz and 28.6-29.1 GHz band segments ("Application"). The Commission has discretion to modify the *ex parte* status of any particular proceeding where, as here, the public interest warrants doing so.<sup>1</sup>

On June 2, 2017, Space Exploration Technologies Corporation ("SpaceX") and O3b Limited ("O3b") each filed comments to the Application. ViaSat filed its opposition and response on June 15, 2017, and SpaceX and O3b filed their replies on June 26, 2017 and June 27, 2017, respectively. Designating the Application proceeding as "permit-but-disclose" under Section 1.1206 of the Commission's rules, rather than "restricted" under Section 1.1208 of the rules,<sup>2</sup> will permit the parties to discuss the issues presented in the Application and the associated pleadings. Such informal *ex parte* discussions will simplify and expedite processing of the Application. The parties would of course be subject to the disclosure requirements of any *ex parte* presentations.

Moreover, the free exchange of views made possible by "permit but disclose" status would allow for a more complete record. Grant of this request would be consistent with the Commission's precedent involving similar application proceedings in which the Commission

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<sup>1</sup> 47 C.F.R. § 1.1200(a).

<sup>2</sup> *See id.* at §§ 1.1206 and 1.1208.

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concluded that the public interest required designation of the underlying proceeding as “permit but disclose.”<sup>3</sup>

Respectfully submitted,

/s/

John P. Janka  
Elizabeth R. Park

cc: Jose Albuquerque  
Paul Blais  
Patricia Cooper, SpaceX  
William Wiltshire, Counsel to SpaceX  
Suzanne Malloy, O3b

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<sup>3</sup> See, e.g., *Satellite Communications Services Information re: Actions Taken*, Public Notice, Rept. No. SES-01466 at 4 (rel. July 11, 2012) (informative release designating HNS License Sub, LLC earth station application proceedings as “permit-but-disclose” after Iridium filed a petition against the applications, in order to facilitate communications with the parties).