

December 28, 2020

BY ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, N.E.
Washington, DC 20554

Re: *IBFS File No. SES-LIC-20201204-01303*

Dear Ms. Dortch:

This letter is submitted in response to the above referenced request by Viasat, Inc. (“Viasat”) for authority to operate Ku-band earth stations in motion (“ESIMs”). As has been well documented, Viasat has failed to satisfy the conditions on its current blanket licenses for existing Ka-band ESIMs and is operating in clear violation of Commission rules.¹ Despite the likely interference that Viasat is causing by operating its ESIMs beyond the scope of its authorizations, Viasat has steadfastly refused to come into compliance with its licenses.

The Ku- and Ka- spectrum bands are a shared environment in which all authorized users must operate within specified limitations so the public can reap the benefits of all services in the bands. When operators show reckless disregard for existing rules and even the conditions on their own licenses, the resulting disorder degrades the service delivered by other operators to their customers. Ultimately, American consumers are the ones that lose out.

Viasat’s ongoing violations are a continuous threat to operations in these valuable shared bands. Specifically, the Commission required Viasat to either cease operations in the portion of the Ka-band where non-geostationary orbit (“NGSO”) satellite systems are primary, come to a coordination agreement with the NGSOs operating in the bands, or demonstrate to the Commission that it will not cause interference to such NGSOs.² Viasat has not only failed to meet any of these requirements, but it has indicated it intends to continue transmissions in violation of its license.

Given Viasat’s inability or unwillingness to follow Commission rules for its existing ESIMs and blanket licenses, the Commission should not move forward at this time with Viasat’s application for *new* ESIM authorizations. Viasat should first demonstrate it is capable of meeting its existing

¹ See Request for Order to Show Cause, IBFS File Nos. SES-LIC-20170401-00357, et al. (Sep. 18, 2020); Consolidated Reply of Space Exploration Holdings, LLC, IBFS File Nos. SES-LIC-20170401-00357, et al. (Oct. 14, 2020).

² See Radio Station Authorization, Call Sign E190201, Condition 90257 (issued Nov. 15, 2019); Radio Station Authorization, Call Sign E180006, Condition 90257 (issued Apr. 1, 2020).

Marlene H. Dortch
December 28, 2020
Page 2 of 2

obligations to protect American consumers before it can be granted new authorizations in shared spectrum bands.

Until these matters are resolved, the Bureau should refrain from placing the subject application on public notice as “acceptable” for filing.

Sincerely,

/s/ Gardner Foster

Gardner Foster
Principal, Satellite Policy

SPACE EXPLORATION TECHNOLOGIES CORP.
1155 F Street, NW
Suite 475
Washington, DC 20004
Tel: 202-649-2691
Email: Gardner.Foster@spacex.com

cc: Steven C. Hemple (Viasat Contact Representative)