



Christopher D. Oatway
Assistant General Counsel

1300 I. Street, N.W.
Suite 400 West
Washington, DC 20005

christopher.d.oatway@verizon.com
T: 202-515-2470
F: 202-289-6781

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Ex Parte

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

Re: ViaSat Earth Station Modification Application to Add Use of 28.1-28.35 GHz (IBFS File No. SES-MOD-20160108-00029; Call Sign E120075); *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, GN Docket No. 14-177, IB Dkt. Nos. 15-256 & 97-95, RM-11664 & WT Dkt. No. 10-112.

Dear Ms. Dortch:

Verizon submits these comments under 47 C.F.R. § 25.154(b) regarding the above-captioned application by ViaSat to modify its blanket license for Ka-band aeronautical earth stations in the fixed satellite service (“FSS”) to allow aeronautical uplink use of the 28.1-28.35 GHz band, which is designated for Local Multipoint Distribution Service (“LMDS”) operations on a primary basis.¹ In seeking new authority and a waiver of Commission rules, ViaSat does not analyze whether and to what extent its proposal may create interference risks for the mobile terrestrial operations that the Commission has proposed to authorize in the 28 GHz band.² The Commission therefore should request that ViaSat provide technical information sufficient to fully understand that issue, and should evaluate it in the *Spectrum Frontiers* proceeding, where satellite-terrestrial coexistence issues are being addressed.

As part of the *Spectrum Frontiers* proceeding, Verizon supports Commission efforts to seek a solution that would permit satellite operators and terrestrial mobile services to coexist in the 28 GHz band. Verizon and other terrestrial stakeholders are working with the satellite industry, including ViaSat, to mutually understand the interference issues and to explore a workable coexistence regime. But that technical work has been focused on fixed gateway earth stations, not on the unique issues raised by potentially introducing thousands of new, moving earth stations into this band.

¹ ViaSat Application, IBFS File No. SES-MOD-20160108-00029 (filed Jan. 8, 2016).

² See *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services*, Notice of Proposed Rulemaking, 30 FCC Rcd 11878 (2015), ¶¶ 30-34 (“*Spectrum Frontiers NPRM*”).

ViaSat states that its proposed operations would not cause harmful interference to LMDS point-to-point operations.³ But its analysis is insufficient to analyze whether ViaSat's moving earth stations would pose a threat to future terrestrial mobile operations. For example, ViaSat does not provide information sufficient to understand and evaluate any potential interference into ground operations when airplanes carrying ViaSat's proposed earth stations roll while turning in the air. ViaSat does not cite any Commission precedent authorizing aeronautical earth stations at 28 GHz, or any previous finding that such mobile aeronautical operations would not cause harmful interference to terrestrial operations.

The Commission should thus refrain from acting on ViaSat's petition until it has considered the impact of existing and future FSS earth station operations on the new flexible-use services it proposes to authorize in the 28 GHz band. If the Commission instead decides to grant ViaSat's application prior to completing its assessment in the pending *Spectrum Frontiers* rulemaking, it should make clear that any ViaSat investments to deploy such new operations on a secondary basis would not qualify for any grandfathering of "existing" operations when the rules for the Upper Microwave Flexible Use Service are issued.

Sincerely,

/s/ Christopher D. Oatway

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³ ViaSat Application, Technical Analysis, at 1.