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April 15, 2016

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 Nos. SES-MOD-20160108-00029, Call Sign E120075

Dear Ms. Dortch:

ViaSat, Inc. ("ViaSat") respectfully requests that the Commission designate as "permit but disclose" the *ex parte* status of the above-referenced application proceeding, which involves ViaSat's request for authority to modify its transmit/receive earth station terminals mounted on aircraft to operate using the 28.1-28.35 GHz frequencies ("Modification Application"). The Commission has discretion to modify the application of its *ex parte* rules in any particular proceeding where, as here, the public interest warrants doing so.¹

On April 13, 2016, Verizon filed informal comments to the Modification Application, and also filed the submission in a docketed rulemaking proceeding regarding the *Use of Spectrum Bands Above 24 GHz for Mobile Radio Services* (referred to as the "Spectrum Frontiers" proceeding).² Designating the Modification 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,³ will permit the parties to discuss the issues presented in the Modification Application, including those issues relate to the Spectrum Frontiers proceeding that is already designated as a permit-but-disclose proceeding. Such informal *ex parte* discussions will simplify

¹ 47 C.F.R. § 1.1200(a).

² GN Docket No. 14-177, IB Docket Nos. 15-256, 97-95, RM-11664, WT Docket No. 10-112.

³ See 47 C.F.R. §§ 1.1206, 1.1208.

and expedite processing of the Modification 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 concluded that the public interest required designation of the underlying proceeding as “permit-but-disclose.”⁴

In order to facilitate continuing dialogue in the Spectrum Frontiers proceeding, which will include discussion of the Modification Application and Verizon’s submission, ViaSat respectfully requests that the Commission act on the instant request on an expedited basis and immediately designate these proceedings as “permit-but-disclose” under Section 1.1206 of the Commission’s rules.

Respectfully submitted,

/s/

John P. Janka
Elizabeth R. Park

cc: Jose Albuquerque
Paul Blais
Christopher Oatway, Verizon

⁴ 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).