

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  
AUG 13 2008  
Federal Communications Commission  
Office of the Secretary

August 13, 2008

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

FIRM / AFFILIATE OFFICES

Barcelona	New Jersey
Brussels	New York
Chicago	Northern Virginia
Dubai	Orange County
Frankfurt	Paris
Hamburg	Rome
Hong Kong	San Diego
London	San Francisco
Los Angeles	Shanghai
Madrid	Silicon Valley
Milan	Singapore
Moscow	Tokyo
Munich	Washington, D.C.

Re: Application of Row 44, Inc. for Special Temporary Authority  
FCC File No. SES-STA-20080811-01049; Call Sign E080100

Dear Ms. Dortch

We are writing in response to the above-referenced request for special temporary authority ("STA") filed by Row 44, Inc. ("Row 44") on August 11, 2008. In its request, Row 44 seeks STA to test a temporary fixed earth station with technical characteristics identical to those specified in Row 44's pending application for blanket authority to operate aeronautical-mobile satellite service ("AMSS") terminals in the Ku-band. *See* FCC File No. SES-LIC-20080508-00570 ("Row 44 AMSS Application").

As explained more fully in ViaSat's Petition to Deny the Row 44 AMSS Application, (filed Jun. 27, 2008), and ViaSat's related Reply (filed Aug. 7, 2008), the Row 44 AMSS Application is incomplete and does not demonstrate compatibility with a two-degree operating environment. ViaSat hereby incorporates these pleadings, as well as ViaSat's August 8, 2008 letter response in connection with Row 44's other pending STA request (*see* FCC File No. SES-STA-2008-0711-00928), into the record of this proceeding.

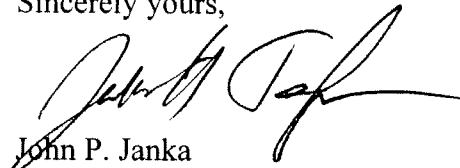
ViaSat acknowledges that in the instant STA request, Row 44 does not seek authority to operate AMSS terminals on moving aircraft. Nevertheless, as previously demonstrated in the above-referenced ViaSat pleadings, the underlying Row 44 AMSS Application contains inconsistent information with respect to the proposed technical characteristics of these terminals, such that the proposed parameters of even stationary operations are unclear. The Commission has already acknowledged the incomplete nature of the Row 44 AMSS Application, and has asked Row 44 to provide additional information about its proposed network. *See* Letter from Scott A. Kotler, Chief, Systems Analysis Branch, Satellite Division, International Bureau to David S. Keir (Aug. 7, 2008).

LATHAM & WATKINS<sup>LLP</sup>

ViaSat respectfully submits that Row 44 should be required to provide the missing information, and correct the identified inconsistencies and deficiencies in its Row 44 AMSS Application, before the Commission considers this STA request. Otherwise, consistent with Commission precedent, this STA request should be dismissed as defective under Section 25.112 of the Commission's rules. In sum, given the current state of the record, grant of the requested STA would be premature, at best.

Please contact the undersigned should you have any questions.

Sincerely yours,



John P. Janka  
Jarrett S. Taubman

*Counsel for ViaSat, Inc.*

cc: Robert Nelson  
Fern Jarmulnek  
Karl Kensinger  
Andrea Kelly  
Scott Kotler  
Sophie Arrington  
Jeanette Spriggs  
David S. Keir, Counsel to Row 44, Inc.