



WASHINGTON, DC

DAVID S. KEIR
202.416.6742
DKEIR@LERMANCENTER.COM

April 23, 2009

ELECTRONICALLY FILED

Mr. Stephen Duall, Chief
Policy Branch, Satellite Division
International Bureau
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Row 44, Inc. AMSS Application (FCC File Nos. SES-LIC-20080508-00571, as amended, and SES-STA-20080711-00928)

Dear Mr. Duall:

As we discussed by telephone yesterday afternoon, Row 44, Inc. ("Row 44") and ViaSat, Inc. ("ViaSat") have reached agreement on the terms of a Protective Order to cover disclosure to ViaSat of the "Report Concerning Pointing Accuracy Ground Testing of the HR6400 Antenna System for Aeronautical-Mobile Satellite Service" (the "Confidential Report") submitted by Row 44 on April 13, 2009, as well as other information that may be submitted in connection with the above-referenced proceedings that the parties desire to keep confidential. The Confidential Report, which was prepared by AeroSat Avionics, LLC ("AeroSat"), was filed under cover of a Request for Confidential Treatment pursuant to Section 0.459 of the FCC's Rules, and included a Proposed Protective Order that would permit ViaSat to review the Confidential Report. ViaSat subsequently filed a FOIA request with the Managing Director's Office on April 16, 2009 seeking access to the Confidential Report.

Attached is a final version, in MS Word format, of the Proposed Protective Order negotiated by Row 44 and ViaSat, with the participation of AeroSat, which is named as a Third Party Beneficiary. As we discussed, the terms of the Proposed Protective Order are very similar to other such orders adopted by the Satellite Division and International Bureau in recent years.

If the terms of this Protective Order are satisfactory to FCC staff, the parties urge the Satellite Division to expeditiously issue the Protective Order, in order to allow representatives of ViaSat to execute acknowledgements of confidentiality and receive copies of the Confidential Report. This FCC action will resolve ViaSat's pending April 16 FOIA request.

LS

Mr. Robert G. Nelson
April 23, 2009
Page 2 of 2

As stated in footnote 3 of the attached Protective Order, Row 44 would not object to the review of the Confidential Information by certain Representatives of ViaSat, Outside Counsel and a designated outside consultant whom Row 44 has approved to review Confidential Information, including the Confidential Report. These individuals are identified below by category:

ViaSat Engineers

Daryl Hunter
Bill Sullivan
Don Buchman
Don Runyon
Keith Dishman
Rick Gattoni
Chris Rose
Ray Lecture
Scott Snapp

Third Party Consultant

Dr. Chuck Bush

Outside Counsel (Latham & Watkins)

John Janka
Jarrett Taubman

Should there be any questions regarding this submission, please contact both the undersigned, counsel to Row 44, and John Janka or Jarrett Taubman, counsel to ViaSat.

Respectfully submitted,



David S. Keir
Counsel to Row 44, Inc.

cc: John Janka, Counsel to ViaSat, Inc.
Robert Nelson, FCC
Karl Kensinger, FCC
Scott Kotler, FCC
William Bell, FCC