

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

September 7, 2012

VIA ELECTRONIC FILING

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

FIRM / AFFILIATE OFFICES
Abu Dhabi Moscow
Barcelona Munich
Beijing New Jersey
Boston New York
Brussels Orange County
Chicago Paris
Doha Riyadh
Dubai Rome
Frankfurt San Diego
Hamburg San Francisco
Hong Kong Shanghai
Houston Silicon Valley
London Singapore
Los Angeles Tokyo
Madrid Washington, D.C.
Milan

Re: Request to Designate Proceeding as "Permit But Disclose"
EXPEDITED PROCESSING REQUESTED
ViaSat, Inc., File Nos. SES-LIC-20120427-00404; SES-STA-20120815-
00751, 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 proceedings, which involve ViaSat's request for authority to operate transmit/receive earth station terminals mounted on aircraft to provide in-flight broadband communications using the 28.35-29.1 GHz and 29.5-30.0 GHz bands for uplink communications and the 18.3-19.3 GHz and 19.7-20.2 GHz bands for downlink communications ("Application"), including a request for special temporary authority to operate five such terminals while the Application is pending ("STA Request"). 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 September 5, 2012, Row 44, Inc. ("Row 44") filed a petition to deny the STA Request. The STA Request incorporates by reference information in the Application, and Row 44 has indicated that it intends to comment on the Application at the appropriate time. Designating the STA Request and Application proceedings as "permit-but-disclose" under Section 1.1206 of the Commission's rules, rather than "restricted" under Section 1.1208 of the rules,² will permit the parties to discuss the issues presented in the Application, the STA Request and Row 44's petition, and to resolve any potential concerns of Commission staff. Such informal *ex parte* discussions will simplify and expedite processing of the Application and the

¹ 47 C.F.R. § 1.1200(a).

² See 47 C.F.R. §§ 1.1206, 1.1208.

LATHAM & WATKINS^{LLP}

STA Request. 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.”³ Row 44 has indicated that it would not object to the Commission derestricting these proceedings.

In light of the timeframe in which ViaSat requires a grant of the STA Request, 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: Roderick Porter
Gardner Foster
Robert Nelson
Andrea Kelly
Paul Blais
David Keir, counsel to Row 44, Inc.

³ See, e.g., Change in *Ex Parte* Status, Row 44 Inc. Applications related to Call Sign: E080100, File Nos. SES-LIC-20080508-00570, SES-AMD-20080619-00826, SES-STA-20080711-00928, SES-STA-20080811-01049, SES-AMD-20080819-01074, SES-AMD-20080829-01117, SES-STA-20080903-01141 (Sept. 19. 2008).