



Federal Communications Commission
Washington, D.C. 20554

DA 13-441

March 14, 2013

John P. Janka, Esq.
Latham & Watkins LLP
555 Eleventh Street, NW, Suite 1000
Washington, D.C. 20004

Re: ViaSat, Inc.
SAT-LOI-20121226-00224
Call Sign: S2890

Dear Mr. Janka:

On December 26, 2012, ViaSat, Inc. (ViaSat) filed a Letter of Intent seeking to use the planned ViaSat-3 space station that will operate under the authority of the United Kingdom to access the United States using portions of the Ka-band at the 79.3° W.L. orbital location. For the reasons discussed below, we dismiss the application without prejudice to refiling.

Section 25.112 of the Commission's rules requires the Commission to return, as unacceptable for filing, any space station application that is not substantially complete, contains internal inconsistencies, or does not substantially comply with the Commission's rules. In its application, Schedule S to FCC Form 312, ViaSat did not include the numerical data and power flux density levels for each of the space station's beams as required in item S8. Further, ViaSat did not request a waiver of this requirement.¹ Consequently, we dismiss ViaSat's Letter of Intent as incomplete, without prejudice to refiling.

In addition, although not a ground for dismissal, we note that Section 25.137(c) of the Commission's rules requires operators of non-U.S.-licensed geostationary orbit (GSO)-like satellite systems seeking market access to demonstrate that the satellite is in-orbit and operating, or that the system has a license from another administration, or that the system has been submitted for coordination to the International Telecommunication Union (ITU). In its application, ViaSat states that the ViaSat-3 space station will operate under the "authority of the government of the United Kingdom," and that the "satellite's authorization from the United Kingdom is held by ViaSat Satellite Holding, Ltd.," a subsidiary of ViaSat.² ViaSat does not provide specific information with respect to the authorization held by ViaSat's subsidiary, nor does it indicate whether the United Kingdom has submitted filings on its behalf to the ITU. If ViaSat files another request for U.S. market access from ViaSat-3, it should address in greater detail the status of its U.K. authorization. In particular, ViaSat should indicate whether it has obtained launch and space operations licenses for the ViaSat-3 satellite under the U.K. Outer Space Act. If not, ViaSat should provide a statement detailing the status of the application process for such licenses

¹ ViaSat's request for a limited waiver of Section 25.114 (c) was to permit the submission of GXT files in an alternate format. *ViaSat LOI*, Exh. A at 11.

² *ViaSat LOI*, Exh. A at 3, 8.

and an assessment of whether, by virtue of its wholly owned subsidiary and any other factors considered relevant under the U.K. Outer Space Act, it has sufficient ties to the United Kingdom to provide the basis for issuing such authorizations. In providing this assessment, ViaSat should identify the specific provisions of the U.K. Outer Space Act and the Space Agency's implementing guidance on which it is relying. ViaSat should also indicate whether filings have been submitted to the ITU on its behalf and provide confirming documentation of any such filings.

Accordingly, pursuant to Section 25.112(a)(1) of the Commission's rules, 47 C.F.R. § 25.112(a)(1), and Section 0.261 of the Commission's rules on delegations of authority, 47 C.F.R. § 0.261, we dismiss ViaSat's Letter of Intent without prejudice to refiling.

Sincerely,

Fern J. Jarmulnek
Acting Chief, Satellite Division
International Bureau