

ViaSat, Inc. appreciates the opportunity to reply to Ofcom's consultation published on April 28, 2015, ViaSat, Inc. is in the business of producing innovative satellite and other digital communication products that enable fast, secure, and efficient communications to any location. ViaSat brings today's new communication applications to people out of reach of terrestrial networks, in both the commercial and government sectors, with a variety of networking products and services. At this time ViaSat operates several satellites: ViaSat-1 at 115 W, WildBlue-1 at 111.1 W, and ViaSat-KA 89W at 89 W, also ViaSat-2 is under construction for 70 W. In addition ViaSat either owns or leases satellite capacity on over 24 spacecraft around the world. ViaSat manufactures mobile terminals in the Ku- and Ka-band. ViaSat's ArcLight mobile satellite communication technology which enables use of sub-meter antennas for use with C, Ku, and Ka-band in motion earth stations.

Question 1: Do you have any comments on our proposals to
- include additional milestones to provide evidence that the satellite project is on-going and that its frequency assignments will be brought into use within the seven year regulatory period
- clarify what evidence we will accept to demonstrate milestones have been completed, and
- set specific deadlines for milestones?
Do you have any comments on how these changes are worded in the proposed revised Procedures? :

ViaSat has no difficulty with the new language provided in paragraph 5.x as we agree that all applications need to be consistent with the provisions of the ITU Constitution, Convention and Radio Regulations.

Regarding paragraph 5.y, we do note that the United States Federal Communications Commission is considering reducing the milestone requirements. We also believe that the current procedures do provide sufficient information to satisfy the Resolution 49 requirements that facilitate the determination of progress. That said, ViaSat is willing to provide the required due diligence information throughout the three stages. A letter of commitment signed by the appropriate parties confirming a contract has been entered into is preferred for construction of the satellite, launch services, and earth station construction. We appreciate that any applicant will be given the chance to justify any delays to a project that may occur. Specifically, milestone 4 should state "Earth station feeder-links and TT&C construction contract signed".

In the case of milestone 5, "Authorisations (e.g., a licence) for earth station feeder-links and TT&C communications issued", some administrations such as the U.S., require that earth stations must be brought into use no later than 12 months after license grant. This presents a potential conflict with the proposed milestone, therefore we propose that the complete no later than should be changed from 12 months to 6 months before launch of satellite network or before the end of the seven year regulatory period.

No comment regarding paragraph 5.z as we do not operate in the planned bands.

Question 2: Do you have any comments on our proposals to clarify the information required when there is a change to the business plan?

Do you have any comments on how these changes are worded in the proposed revised Procedures?:

ViaSat does not have any difficulties with informing Ofcom of any changes to the business plan in a timely manner. Existing procedures require an operator to notify Ofcom of any changes to the business plan. No comment regarding the text of the proposed revised procedure.

Question 3: Do you have any comments on our proposed changes to the reporting requirements illustrated in paragraphs 4.18 ? 4.25 above? Do you have any comments on how these changes are worded in the proposed revised Procedures?:

ViaSat does not have any difficulties providing the reporting requirements as illustrated in paragraphs 4.18-4.25. Under 4.24, note that traffic management and transponder loading change on a regular basis as the customer base changes. Therefore the information provided under "services being offered on each transponder, highlighting and explaining any activity changes over the year" will be out of date and meaningless after a short period of time. A more general statement about the filled capacity of the satellite may be more useful.

Question 4: Do you have any comments on our proposal that a request for notification under No. 11.41 must be supported by evidence of efforts to coordinate with the other operator(s)/administration(s)? Do you have any comments on how these changes are worded in the proposed revised Procedures?:

It is a well-known fact that the ITU process makes it virtually impossible to notify a satellite network without the use of No. 11.41 within the 7 year period. This is largely due to the number of paper satellite filings that exist. The BR has stated in satellite symposiums that more than 80% of satellite filings are recorded using this provision. That said, ViaSat notes that the current procedure is satisfactory, but supports your proposal that a request for notification under No. 11.41 must be supported by evidence of efforts to coordinate with the other operators/administrations. We interpret this language as a decision by Ofcom will be made on a case by case basis to forward the notification. One useful metric is the progress of coordinating with "real" satellites within the coordination arc. No comment regarding the text of the proposed revised procedure.

Question 5: Do you have any comments on our proposal to clarify the Procedures to set out that we may, at our discretion, allow UK satellite networks with junior filings to be notified to the ITU without requiring completion of all frequency coordination with UK networks having senior filings, and the conditions on which we would proceed with notification in such cases? Do you have any comments on how these changes are worded in the proposed revised Procedures?:

ViaSat supports the proposal to clarify the Procedures and allow UK satellite networks with junior filings to be notified to the ITU without requiring completion of all frequency

coordination with UK networks having senior filings. Clearly Ofcom will be very involved in the progress of the coordination between the two parties and an agreement on how to proceed will be reached amongst all parties. No comment regarding the text of the proposed revised procedure. Note in footnotes 4 and 5 of paragraph 5.9 of the consultation document, a senior filing should be defined as one with an earlier ITU Priority Date, not API date of receipt.

Question 6: Do you have any comments on our proposal to change the text of the Procedures to clarify that, in order to make the declaration of bringing into use for GSO networks, we may require a range of information from the operator, including that set out in CR/343?

Do you have any comments on how these changes are worded in the proposed revised Procedures?:

ViaSat has no difficulties with the clarification of procedures for the declaration of BIU GSO networks, including information as set out in CR/343. While items in CR/343 are not specifically called out in the changes to Section 7.10, transponder lease contracts do not seem to verify the capability to transmit or receive specific frequency assignments. No comment regarding the text of the proposed revised procedure.

Question 7: Do you have any comments on our proposals that, for non-GSO systems, operators are asked to indicate, at CR/C stage, the minimum number of satellites needed to be deployed in order to provide the intended service to at least the declared minimum quality of service, and that this information (i.e., the minimum number of launched satellites) is used to verify that the system has been brought into use?

Do you have any comments on how these changes are worded in the proposed revised Procedures?:

At this time, the BR understanding and application is that one satellite with all recorded frequency bands is sufficient for bringing a non-GSO system into use.

A satellite network may consist of satellites in different orbits, as can be inferred from paragraph d) of the Rules of Procedure relating to No.1.112, which states that that a satellite network can be a combined system consisting of one geostationary satellite and a number of non-geostationary satellites.

The Radio Regulations (up to the Edition of 2008) included a note to item A.2.a of Annex 2 to Appendix 4 as follows: "pending further studies by ITU-R on the applicability of the term "regular operation" to non-geostationary satellite networks, the condition of regular operation shall be limited to geostationary satellite networks". Although this note was deleted by WRC-12, it had not been replaced with any clearer definition of what constitutes the bringing into use of a non-geostationary satellite network with one or multiple non-geostationary satellites.

Therefore, when an Administration notifies to the Bureau that a non-geostationary satellite network has been brought into use under No.11.44, even though there may be only one satellite that was brought into use in a constellation of multiple satellites in multiple orbits, the Bureau's understanding of the current definition of the bringing into use of a non-geostationary network is to accept such confirmation of bringing into use of the satellite

network, subject to the one satellite declared brought into use to have the capability to operate in all frequency assignments notified for the network.

ViaSat would prefer Ofcom to follow the procedures of the BR and take into account any interference claims by the non-GSO operator only apply to the operational satellites in orbit.

Question 8: Do you have any comments on our proposal to include provisions in the Procedures for the transfer of an application at API stage, subject to certain conditions being met?

Do you have any comments on how these changes are worded in the proposed revised Procedures?:

ViaSat agrees with the Ofcom proposal to include provisions in the procedures for the transfer of an application at the API stage, and applying certain conditions. No comment regarding the text of the proposed revised procedure.

Question 9: Do you have any comments on our proposals to set out the requirements on operators and the consequent actions that we may take in cases where assignments are no longer in use?

Do you have any comments on how these changes are worded in the proposed revised Procedures?:

ViaSat agrees with the Ofcom proposal to set out the requirements on operators and consequent actions when assignments are no longer in use. It is important that Ofcom follow No. 11.49 for suspension of assignments, and the operator will make its c