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September 21, 2018

VIA ELECTRONIC FILING

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

Re: Viasat, Inc., *Ex Parte* Response to Iridium, IB Docket No. 17-95

Dear Ms. Dortch:

Viasat, Inc. (“Viasat”) responds to the notice of *ex parte* presentation filed by Iridium Communications, Inc. (“Iridium”) on September 20, 2018 in the above-captioned proceeding in connection with a meeting with Rachael Bender, Legal Advisor to Chairman Pai, on September 19, 2018.¹ In this latest *ex parte*, Iridium has ignored entirely the joint filing by Viasat, Inmarsat and SES, which addresses each of its arguments.²

As a threshold matter, the Commission has long held that FSS earth stations are capable of operating on mobile platforms on a co-primary basis and has treated ESIMs as a mobile application of the FSS. And in this proceeding, the record demonstrates that ESIMs in the Ka band are no different. Thus, Iridium’s suggestion that the Commission is simply stating this to be the case³ contradicts the long history of co-primary ESIMs on multiple platforms, in multiple frequency bands, and the extensive record in this proceeding.

In the Joint Response, Viasat, Inmarsat and SES urge the Commission to reject Iridium’s proposals to change the Draft Order in a manner that would unnecessarily restrict aeronautical

¹ See Iridium Communications, Inc., Notice of *Ex Parte* Presentation to Chairman Pai’s Office, IB Docket No. 17-95 (filed Sept. 20, 2018) (“Iridium Bender *Ex Parte*”); see also 47 C.F.R. § 1.1206(b)(2)(iv) (requiring written replies to be filed no later than two business days following the presentation).

² See Joint *Ex Parte* Response to Iridium by Viasat, Inc., Inmarsat, Inc., SES Americom, Inc., IB Docket No. 17-95 (filed Sept. 18, 2018) (“Joint Response”).

³ See Iridium Bender *Ex Parte* at 1.

ESIMs in the 29.25-29.3 GHz band.⁴ Viasat has conducted detailed simulations, which were explained in thorough technical studies, to support the Commission's determinations in the Draft Order that ESIMs can coexist with Iridium in this band on a co-primary basis.⁵ In contrast, Iridium baldly asserts that it "has provided detailed technical explanations of the interference problem" but only proffers a grossly out-of-scale animation of purported in-line events between aeronautical ESIMs and Iridium satellites, without any analytical discussion regarding the frequency of such events or the impact to its operations.⁶ The video frames attached to its most recent *ex parte* do not depict any true in-line events, which would only occur when (i) the Iridium earth station, (ii) the ESIM, (iii) the Iridium satellite, and (iv) the GSO satellite, are all in alignment. Such occurrences will be extremely rare.

Moreover, Iridium ignores the conclusion in the Draft Order emphasizing that an ESIM would only need to avoid transmitting in the 29.25-29.3 GHz band during in-line events when such transmissions would exceed the Iridium satellite interference protection criteria. Viasat has demonstrated through quantitative analyses—which take into account actual parameters of both Viasat ESIMs and Iridium's system—that Iridium's feeder link earth stations operate with very high power and would not be impacted by Viasat's ESIM earth stations, which individually transmit on a given frequency for a very small percentage of the time.⁷ Therefore, during an in-line event, which is highly unlikely to occur in the first place, the potential for unacceptable interference by a Viasat ESIM into Iridium's feeder link station is extremely low.

Further, there is no reason to limit ESIM operations by requiring a specific shut-off mechanism or any other "mechanism" that the Draft Order currently describes. The Commission should allow an ESIM applicant to demonstrate in any number of ways the ability can coexist with Iridium feeder links at 29.25-29.3 GHz, rather than to arbitrarily restrict ESIMs to a particular technology in order to be able to employ a specific "mechanism," as Iridium suggests.⁸

Significantly, Iridium's continued claims that coordination with ESIMs is "a process that has confounded the industry"⁹ is a further indication of Iridium's "refusal to engage in coordination."¹⁰ Iridium's contentions throughout this year-long proceeding that it is impossible to coordinate with ESIMs are wholly consistent with its past pattern of obstructing and delaying the authorization of co-primary FSS operations in the 29.25-29.3 GHz band segment. Indeed,

⁴ Joint Response at 2-3.

⁵ See, e.g., Viasat, Inc. *Ex Parte* Submission Responding to Iridium, IB Docket No. 17-95 (filed Aug. 29, 2018) ("Viasat August 29th *Ex Parte*"); Viasat, Inc., *Ex Parte* Submission, IB Docket No. 17-95 (filed Mar. 26, 2018); Notice of *Ex Parte* Presentation of Viasat, Inc. and Inmarsat, Inc., IB Docket No. 17-95 (filed Nov. 6, 2017).

⁶ See Iridium Bender *Ex Parte* at 3 & Attachment A.

⁷ See, e.g., Viasat August 29th *Ex Parte*, Technical Statement at 2-3.

⁸ See Iridium Bender *Ex Parte* at 2.

⁹ See *id* at 1.

¹⁰ See Draft Order at ¶ 55.

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Iridium has a long history of challenging any proposals by GSO FSS operators and others to operate on a co-primary basis, causing delayed grant of authorization.¹¹ For example, in some cases satellite operators have had to engage in extraordinary measures to get Iridium to the coordination table, including seeking administration-to-administration intervention. In other situations, Iridium has required Non-Disclosure Agreements before it will begin satellite network coordination discussions, something that is outside the normal practice in the industry. These tactics have resulted in exceptional and unnecessary delays in the coordination process.

Therefore, Viasat supports the adoption of ESIM rules that would allow all ESIMs, including aeronautical ESIMs, to operate on a co-primary basis with NGSO MSS feeder link stations at 29.25-29.3 GHz.

Respectfully submitted,

/s/

John P. Janka
Elizabeth R. Park

cc: Rachael Bender
Erin McGrath
Umair Javed
Will Adams

¹¹ See, e.g., Petition to Dismiss of Iridium Constellation LLC of Hughes Network Systems, LLC, File No. SAT-LOI-20110809-00148 (filed Jan. 17, 2012); Comments of Iridium Satellite LLC of Hughes Network Systems, LLC, File No. SAT-LOA-20111223-00248 (filed Mar. 26, 2012).