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November 14, 2017

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

Re: ViaSat, Inc., Response to Intel Corporation Notice of *Ex Parte*
Presentation, GN Docket No. 14-177; IB Docket Nos. 15-256 & 97-95;
RM-11664; and WT Docket No. 10-112

Dear Ms. Dortch:

Pursuant to Section 1.1206(b)(2)(iv) of the Commission's rules,¹ this letter responds to the notice of *ex parte* presentation of Intel Corporation ("Intel") filed on November 13, 2017, in which Intel claims that "certain aspects of the draft millimeter wave Second Report and Order" related to the 40-42 GHz band segment may have international implications, thus suggesting some (unstated) change in approach may be warranted.

To the extent that Intel is suggesting that the Commission somehow tie its decision to the results of the upcoming WRC-19, this was not the position Intel took earlier in the proceeding. After WRC-15 declined to study the possibility of deploying 5G services in the 28 GHz band, Intel advocated that the United States strike a different path than the international resolution for that spectrum band.²

More fundamentally, Intel's *ex parte* ignores other important international implications, including the current ITU designation for high-density fixed-satellite operations at 40-42 GHz and 48.2-50.2 GHz in the Americas.³ ITU Resolution 143 (rev. WRC-07) invites administrations to take these designations into account when considering regulatory provisions in relation to these band segments. Indeed, the Commission already did so when, in order to provide certainty for business planning, it designated "core" spectrum for the fixed satellite

¹ 47 C.F.R. § 1.1206(b)(2)(iv).

² Reply Comments of Intel Corporation, GN Docket No. 14-177, *et al.*, at 8 (filed Feb. 26, 2016) ("Lack of WRC-2015 consideration of the 28 GHz band should not impact moving forward with mobile 5G services in the band").

³ See 47 C.F.R. § 2.106 n.5.516B.

service in the 40-42 GHz and 48.2-50.2 GHz band segments.⁴ These bands are now ready for use, as noted by the Commission and as evidenced by the satellite applications on file. Creating any uncertainty at this point, as Intel appears to advocate, could undermine continued investment by satellite operators in these bands, thereby putting competition in urban markets, and critical broadband growth in rural areas, at risk.

In sum, the draft order is consistent with Commission precedent, international obligations, and sound spectrum management.

Respectfully submitted,

/s/

John P. Janka

cc: Nick Degani
Erin McGrath
Thomas Sullivan

⁴ See *Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0-40.5 GHz for Government Operations*, Second Report and Order, 18 FCC Rcd 25428 ¶ 24 (2003); *Allocation and Designation of Spectrum for Fixed-Satellite Services in the 37.5-38.5 GHz, 40.5-41.5 GHz, and 48.2-50.2 GHz Frequency Bands; Allocation of Spectrum to Upgrade Fixed and Mobile Allocations in the 40.5-42.5 GHz Frequency Band; Allocation of Spectrum in the 46.9-47.0 GHz Frequency Band for Wireless Services; and Allocation of Spectrum in the 37.0-38.0 GHz and 40.0-40.5 GHz for Government Operations*, Report and Order, 13 FCC Rcd 24649 ¶¶ 17-18, 28 (1998).