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April 12, 2016

VIA ELECTRONIC FILING

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: ViaSat, Inc., 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:

On Friday, April 8, 2016, Chris Murphy, Associate General Counsel, Regulatory Affairs, ViaSat, Inc. (“ViaSat”), Daryl Hunter, Senior Director, Regulatory Affairs, ViaSat, Chris Hofer, Director, Regulatory Affairs, ViaSat, and the undersigned outside counsel to ViaSat had a telephone conversation with Jose Albuquerque, Chief of the Satellite Division of the International Bureau.

We discussed the ongoing exchange of technical information with 5G interests that was necessary for compatibility analyses, including the fact that critical information about the expected technical characteristics of 5G networks had been provided for the first time just two days earlier. In fact, essential modeling from the 5G industry still had not been provided and was not expected until the end of the month. In contrast, satellite interests had provided the data requested of them prior to a meeting on March 29th when the parameters were discussed in detail with the 5G participants. Thus, we expressed growing concerns that the two-way dialogue between the 5G and satellite industries, as mandated by the Chairman, was not in fact occurring as instructed at the FCC Spectrum Frontiers Workshop on March 10th.¹

¹ See Remarks of Chairman Wheeler, Spectrum Frontiers Workshop, FCC, Washington, DC, Mar. 10, 2016, *video recording available at* <https://www.fcc.gov/news-events/events/2016/03/spectrum-frontiers-workshop> (describing sharing between satellite and terrestrial wireless as being “a two-way street” expressing “hope that the satellite industry and the mobile industry would get together and work on how they can coexist because the future of spectrum in the 21st century is a future of sharing” and that “there are expectations on the mobile industry to meet the satellite interests in a fair and open and equal manner”).

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As to the technical parameters the satellite industry was provided last week by the 5G parties, we expressed concern that (i) the transmit power being sought for 5G was far greater than contemplated by the Commission in the Spectrum Frontiers Notice of Proposed Rulemaking, (ii) as noted in ViaSat's February 26, 2016 reply comments, those levels would exceed the limits of Recommends 4 of ITU-R Recommendation S.1432-1, and (iii) the transmit levels presented last week present a serious threat of interference into *spacecraft receivers*. On the other hand, we noted that the clustered deployment and small cell sizes of 5G base stations, described by the 5G industry, strongly suggested that it is feasible for individually-licensed *satellite earth stations* to coexist with 5G operations in metropolitan areas.

We discussed the recently announced EchoStar-AT&T proposal, noting that we were not consulted about its terms in advance of submission, despite having met with AT&T. We noted that the EchoStar-AT&T proposal did not have industry consensus, only partially addresses one aspect of the sharing environment under consideration, was offered before technical details were provided by the 5G industry, has critical details to be resolved, and in fact appears to meet the needs of only one or two satellite operators. We expressed concern that EchoStar is inherently conflicted because it currently holds mmWave band licenses through Alta Wireless that will become much more valuable and could be a key in blocking competitors from accessing spectrum.

We also explained that the proposal was not really a "sharing" proposal at all because it would preclude satellite operators from locating facilities in metropolitan areas, and would require the advance consent of one or more 5G licensees everywhere else. In addition, the prior consent requirement could lead to innumerable disputes being filed before the Commission.

We indicated that we were working on our own sharing proposals, taking into account the technical information that had just been provided by the 5G industry and intend to share that with others when it is ready.

Please contact me if you have any questions.

Respectfully submitted,

/s/

John P. Janka

cc: Jose Albuquerque