

LATHAM & WATKINS LLP

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2015 Annual Report

June 24, 2015

**BY HAND DELIVERY**

ACCEPTED/FILED

JUN 24 2015

Federal Communications Commission  
Office of the Secretary

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

Attn: Satellite Engineering Branch, International Bureau

**Re: ViaSat, Inc. Annual Satellite Report (Call Signs S2747 and S2160)**

Dear Ms. Dortch:

ViaSat, Inc. submits the enclosed report in accordance with Section 25.170 of the Commission's rules for the ViaSat-1 satellite (Call Sign S2747) and the Ka-band payload on the Galaxy-28 satellite (Call Sign S2160). 47 C.F.R. § 25.170.

Pursuant to the Freedom of Information Act ("FOIA") and Sections 0.457(d) and 0.459 of the Commission's rules, 5 U.S.C. § 552(b); 47 C.F.R. §§ 0.457(d), 0.459, ViaSat respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed unredacted annual satellite report. ViaSat separately is filing today with the Commission a redacted version of the report from which the confidential portions have been removed. That redacted version is available for public inspection.

In support of this request and pursuant to Section 0.459(b) of the Commission's rules, 47 C.F.R. § 0.459(b), ViaSat provides the following information:

1. **Identification of Specific Information for Which Confidential Treatment Is Sought (47 C.F.R. § 0.459(b)(1))**. ViaSat respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed unredacted copies of its 2015 annual satellite report in their entirety ("Confidential Material").
2. **Description of Circumstances Giving Rise to the Submission (47 C.F.R. § 0.459(b)(2))**. The Confidential Material is being filed pursuant to Section 25.170



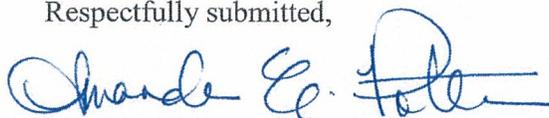
of the Commission's rules, which requires "[a]ll operators of U.S.-licensed space stations and operators of non-U.S.-licensed space stations granted U.S. market access" to file annual reports regarding certain aspects of their satellite operations, among other information. 47 C.F.R. § 25.170.

3. **Explanation of the Degree to Which the Information Is Commercial or Financial, or Contains a Trade Secret, or Is Privileged (47 C.F.R. § 0.459(b)(3))**. Section I of the report provides information regarding space station service unavailability or performance irregularities (if any), and any authorized spectrum that a space station is unable to use (if any), and related information. The presence or absence of service unavailability, performance irregularities and spectrum inaccessibility incidents is commercially sensitive and could provide ViaSat's competitors with a competitive advantage. In particular, such information could be used now or in the future to provide competitors with information regarding the relative health of the satellites, which would provide them with the opportunity to attempt to improve their competitive positions vis-à-vis ViaSat.
4. **Explanation of the Degree to Which the Information Concerns a Service That Is Subject to Competition (47 C.F.R. § 0.459(b)(4))**. Section I of the report includes information regarding the operation of ViaSat-1 and the Ka-band payload of Galaxy-28. Both ViaSat-1 and Galaxy-28 are capable of providing services that are subject to competition from existing and potential service providers.
5. **Explanation of How Disclosure of the Information Could Result in Substantial Competitive Harm (47 C.F.R. § 0.459(b)(5))**. As noted above, a number of satellite service providers compete, or potentially compete, with ViaSat. If ViaSat's competitors were to obtain access to the Confidential Material, they could use such information to improve their competitive positions vis-à-vis ViaSat.
6. **Identification of Any Measures Taken by the Submitting Party To Prevent Unauthorized Disclosure (47 C.F.R. § 0.459(b)(6))**. The information contained in Section I is not normally distributed, circulated, provided or otherwise available to any party outside of ViaSat absent agreement to be bound by nondisclosure undertakings.
7. **Identification of Whether the Information Is Available to the Public and the Extent of Any Previous Disclosure of the Information to Third Parties (47 C.F.R. § 0.459(b)(7))**. The information contained in Section I is not available to the public. As noted above, third parties who have or need access to the information are bound by nondisclosure undertakings.

8. **Justification of the Period During Which the Submitting Party Asserts That Material Should Not Be Available for Public Disclosure (47 C.F.R. § 0.459(b)(8)).** ViaSat requests that the Confidential Material be treated as confidential for an initial period of at least 12 years, the minimum remaining expected service life of ViaSat-1. The Commission typically licenses satellites for a 15-year term, and information contained in the confidential version of the report therefore will remain commercially sensitive until ViaSat-1 is decommissioned. This period will also be sufficient to protect the information regarding the Ka-band payload on Galaxy-28, which information is included in the same confidential portions as information regarding ViaSat-1.
  
9. **Other Information That ViaSat Believes May Be Useful in Assessing Whether Its Request for Confidentiality Should Be Granted (47 C.F.R. § 0.459(b)(9)).** The Commission typically has afforded confidential treatment to annual reports submitted by satellite operators (pursuant to previous Sections 25.145(f)(1) and 25.210(l)). The commercially sensitive information in ViaSat's 2015 annual satellite report is the same type of competitively sensitive information historically afforded confidential treatment in the reports of other satellite operators.

For these reasons, ViaSat respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed unredacted report. Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,



John P. Janka  
Elizabeth R. Park  
Amanda E. Potter

*Counsel for ViaSat, Inc.*

Enclosures

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Attn: Satellite Engineering Branch, International Bureau

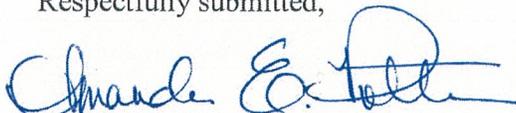
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Please contact the undersigned should you have any questions regarding this submission.

Respectfully submitted,



John P. Janka  
Elizabeth R. Park  
Amanda E. Potter

*Counsel for ViaSat, Inc.*

Enclosure

2015 ANNUAL REPORT

LATHAM & WATKINS<sup>LLP</sup>

**VIASAT, INC.  
ANNUAL SATELLITE REPORT  
JUNE 2015**

**I. SPACE STATION SERVICE UNAVAILABILITY, PERFORMANCE  
IRREGULARITIES, AND/OR SPECTRUM INACCESSIBILITY**

[REDACTED]

LATHAM & WATKINS<sup>LLP</sup>

**II. INTERFERENCE/EMERGENCY POINTS OF CONTACT**

**A. Short-term, Immediate Issues**

Scott Allen  
Director, Network Operations  
5970 Greenwood Plaza Boulevard  
Suite 300  
Greenwood Village, CO 80111  
Telephone: (720) 554-7575 or (720) 493-7330  
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**B. Long-term Engineering and Technical Design Issues**

Daryl Hunter  
Senior Director, Regulatory Affairs  
6166 El Camino Real  
Carlsbad, CA 92009  
Telephone: (760) 476-2583  
daryl.hunter@viasat.com

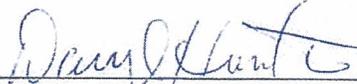
**III. STATUS OF CONSTRUCTION OF REPLACEMENT SATELLITES**

The Commission granted market access for ViaSat-3 (Call Sign S2917), which will operate at the same nominal orbital location as Galaxy-28, on June 18, 2014. *See* IBFS File Nos. SAT-LOI-20140204-00013, SAT-AMD-20140218-00023 (Stamp Grant June 18, 2014). The ViaSat-3 authorization is subject to the milestone schedule set forth in Section 25.164(a) of the Commission's rules. *See id.* ¶ 12; 47 C.F.R. § 25.164(a).

## DECLARATION

I, Daryl Hunter, hereby make the following declarations to the Federal Communications Commission under penalty of perjury.

1. I am Senior Director, Regulatory Affairs, of ViaSat, Inc.
2. I have reviewed the foregoing annual satellite report of ViaSat, Inc. dated June 24, 2015.
3. I certify that the facts set forth in that report are true and correct to the best of my knowledge.

  
\_\_\_\_\_  
Daryl Hunter

June 24, 2015