

FILED VIA EMAIL

May 11, 2017

Mr. Martin Proulx
Director General
Engineering, Planning and Standards Branch
Innovation, Science and Economic Development Canada
6th Floor, 235 Queen Street
Ottawa, Ontario
K1A 0H5

Dear Mr. Proulx:

RE: ViaSat, Inc. – Reply Comments in *Consultation on the Licensing Framework for Non-Geostationary Satellite Orbit (NGSO) Systems and Clarification of Application Procedures for All Satellite Licence Applications, Canada Gazette, Part I, March 4, 2017, Notice No. SMSE-009-17*

1. These reply comments are submitted to the Department of Innovation, Science & Economic Development (“ISED”) by ViaSat, Inc. (“ViaSat”) in connection with the above-referenced consultation (“Notice SMSE-009-17”) on the licensing framework for NGSO systems in Canada and the application procedures for Canadian satellite licenses.
2. ViaSat is a global provider of satellite broadband and wireless services, infrastructure, and technology. With headquarters in Carlsbad, California, ViaSat provides consumers, businesses, governments and military personnel with broadband connectivity - anywhere - whether on the ground or in-flight. ViaSat’s innovations in designing highest-capacity satellites and secure ground infrastructure and terminal technologies coupled with its international network of managed Wi-Fi hotspots enable ViaSat to deliver a best available network that extends the reach and accessibility of broadband internet service, globally.

3. ViaSat currently operates the ViaSat-1 satellite and will soon launch the ViaSat-2 satellite, a geostationary Ka-band satellite that is designed to offer high-capacity connectivity and wide coverage, including over Canada, with the flexibility to move capacity to where demand requires it.
4. The ViaSat-2 satellite is expected to double the bandwidth of ViaSat-1, with more than 300 Gigabits per second (Gbps) of total network capacity, as well as provide seven times the broadband coverage over its predecessor. The ViaSat-2 satellite will expand the footprint of broadband services across North America, Central America, the Caribbean, a portion of northern South America, as well as the primary aeronautical and maritime routes across the Atlantic Ocean between North America and Europe.
5. ViaSat has not applied to ISED for a Canadian satellite authorization. Therefore, it is not directly impacted by the proposals that are set out in Notice SMSE-009-17. However, ViaSat does have experience with ISED's current process of requiring foreign-licensed FSS operators to complete coordination with Canadian FSS networks prior to obtaining ISED approval to provide FSS services in Canada, and it believes that this experience is directly relevant to the proposal contained at page 12 of Notice SMSE-009-17 which is to apply this same approach to foreign-licensed NGSO networks.
6. At the outset, ViaSat agrees that ISED should not require foreign-licensed FSS operators to complete international coordination prior to obtaining approval to provide FSS services in Canada. However, the requirement to complete coordination with holders of Canadian satellite authorizations is considerably more problematic because it provides Canadian satellite operators with both the incentive and opportunity to control the timing and pace of market entry by their competitors.
7. ViaSat has first-hand experience in this regard and it is apparent from the submissions of other parties, such as Boeing, O3b Networks, SpaceX and the coalition of Canadian satellite operators and industry stakeholders (the "Coalition") that ViaSat is not the only party that has reservations about ISED's current approach to the authorization of foreign-

licensed FSS systems. These commenters noted that ISED's current approach effectively places the power to make market entry decisions in the hands of the domestic satellite industry – a responsibility that should be exercised by a regulator and not by the entities that it regulates.

8. Fortunately, one of the above-noted parties has proposed a practical solution that is designed to address some of the challenges that foreign-licensed FSS operators face when negotiating coordination arrangements with Canadian FSS operators. In particular, the Coalition has recommended that ISED adopt the following principles when considering Canadian landing rights requests from foreign-licensed networks:
 - First, non-Canadian networks should not be required to coordinate with Canadian networks that have later ITU date priority than the non-Canadian networks;
 - Second, non-Canadian networks should not be required to wait indefinitely for Canadian network operators to “respond” to reasonable coordination requests that demonstrate adequate protection of Canadian satellite filings. If the parties to the coordination negotiation are not able to successfully conclude coordination within 90 days from the date of the initial coordination request, then either operator may refer the matter to the Department for resolution; and
 - Third, the receipt of the Department's approval to use a foreign licensed system in Canada should not be predicated on the completion of international coordination.
9. Like the Coalition, ViaSat is not opposed to a requirement to coordinate with Canadian networks; however this should not be used as a reason to deny or delay a request for Canadian landing rights if a foreign-licensed FSS operator has ITU date priority and/or it is experiencing undue delays or encountering other difficulties in concluding a coordination arrangement in a timely fashion.
10. With respect to the other proposals contained in SMSE-009-17, ViaSat does not take any specific positions in relation to these proposals. As a general observation, however, ViaSat notes that it is not a requirement in other jurisdictions for licensees of NGSO

systems to establish “primary” TT&C facilities, let alone network operations centers (“NOC”) in those jurisdictions. For example, in the United States, the only requirement imposed on domestically licensed satellite operators is that they maintain the capability to turn off an interfering signal on US soil. This requirement can be satisfied through any number of means, including via TT&C or NOC facilities, but it can also be met via a computer with a dedicated line that is connected to a NOC located outside of the country.

11. ViaSat further notes that it is also not a requirement in other jurisdictions for licensees of NGSO systems to reserve capacity for domestic users or to give guarantees regarding the domestic coverage capabilities of their satellite networks. These are unusual requirements which could ultimately hinder the ability of Canadian NGSO operators to compete on a global basis with foreign-licensed NGSO systems.
12. We hope the foregoing will be of assistance to ISED in its deliberations on Notice SMSE-009-17. Should you have any questions regarding any of the foregoing submissions, please do not hesitate to contact the undersigned.

Yours very truly,

A handwritten signature in black ink, appearing to read "Chris Hofer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Chris Hofer
Director, Regulatory Affairs