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FILED/ACCEPTED

June 25, 2013

JUN 25 2013

BY HAND DELIVERY

Federal Communications Commission
Office of the Secretary

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JUN 25 2013

Federal Communications Commission
Bureau / Office

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

2013 ANNUAL REPORTS

Attn: Satellite Engineering Branch, International Bureau

Re: ViaSat, Inc. Annual Satellite Report (Call Sign S2747)

Dear Ms. Dortch:

ViaSat, Inc. submits the enclosed report in accordance with Sections 25.145(f)(1) and 25.210(l) of the Commission's rules for the ViaSat-1 satellite (Call Sign S2747). 47 C.F.R. §§ 25.145(f)(1), 25.210(l).

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. Section II of the report provides unscheduled space station outage information, if any, and Section III includes information regarding space station service unavailability, if any. The existence or non-existence of outages or the unavailability of service is commercially sensitive information. Thus, this information falls within Exemption 4 of the FOIA and is entitled to confidential treatment under the Commission's rules. See 5 U.S.C. § 552(b)(4); 47 C.F.R. § 0.457(d). 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:

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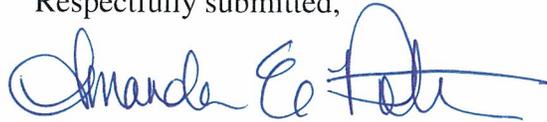
1. **Identification of Specific Information for Which Confidential Treatment Is Sought (47 C.F.R. § 0.459(b)(1)).** ViaSat respectfully requests that the Commission withhold from public inspection, and accord confidential treatment to, the enclosed unredacted copies of its 2013 annual satellite report 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 involuntarily pursuant to Sections 25.145(f)(1) and 25.210(l) of the Commission’s rules, which require licensees in the 20/30 GHz band and operators of space stations, respectively, to file annual reports regarding certain aspects of their satellite construction and operations. 47 C.F.R. §§ 25.145(f)(1), 25.210(l).
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)).** Sections II and III of the report provide information regarding non-scheduled space station outages (if any) and space station(s) not available for service (if any), respectively. Even in circumstances where there have been no outage or unavailability incidents to report, the information contained in Sections II and III is commercially sensitive. Insight into the existence or non-existence of an outage or unavailability of service 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 satellite, 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)).** Sections II and III include information regarding the operation of ViaSat’s satellite, ViaSat-1, which is used to provide broadband Internet access services to consumers. These services are subject to competition from existing and potential satellite broadband service providers, including DISH Network L.L.C. and its affiliates, as well as existing and potential terrestrial providers of broadband Internet access services, such as cable and telephone companies.
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 broadband service providers compete, or potentially compete, with ViaSat. If ViaSat’s satellite-based competitors were to obtain access to the Confidential Material, notwithstanding whether any reportable outage or unavailability incidents have occurred, they could use such information to attempt to better target their own service offerings to consumers and thus 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 Confidential Material

is not normally distributed, circulated, or provided to any party outside of ViaSat. Third parties who need access are 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 Sections II and III is not available to the public. As noted above, third parties who 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 14 years, the minimum remaining expected service life of the satellite. The Commission typically licenses satellites for a 15-year term, and the information will remain commercially sensitive until the satellite is decommissioned.
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 reports provided pursuant to Sections 25.145(f)(1) and 25.210(l). As discussed above, the need for confidentiality exists even in circumstances where there have been no outage or unavailability incidents to report. The commercially sensitive information in ViaSat's 2013 annual satellite report is the same type of competitively sensitive information afforded confidential treatment in the reports of other satellite operators. ViaSat's report thus is entitled to confidential treatment on the same basis.

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

cc: Columbia Operations Center (by Federal Express)