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May 3, 2019

VIA ELECTRONIC FILING

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

Re: WC Docket No. 10-90 and 09-197

Dear Ms. Dortch:

Viasat, Inc. and Viasat Carrier Services, Inc. respond to the letter filed in the above-referenced proceedings by NTCA – The Rural Broadband Association on May 2, 2019.¹ NTCA’s letter betrays a stunning lack of familiarity with the record and exposes the author’s deep confusion over the positions of the parties regarding testing methodologies for supported voice services. Viasat trusts that the errors in NTCA’s letter are readily apparent to the Commission, but submits this response in any event to set the record straight.

NTCA asserts, for instance, that “Viasat has requested the specific Commission-defined process for verifying [mean opinion score of four] compliance as established in mid-2018 be modified to permit Viasat’s service to be measured via laboratory testing rather than real world testing that captures and reflects the consumer experience.”² But NTCA appears to have Viasat confused with Hughes Network Systems. Viasat *supports* real-world testing. Viasat has specifically endorsed a framework that involves testing “using the operational network infrastructure used to deliver the supported service (rather than relying on laboratory-based simulations),” “using the equipment, systems, and processes that are used in provisioning the supported service to awarded locations,” and involving “live interviews with the [provider’s] subscriber[s].”³ Hughes, by contrast, has proposed “testing using the controlled environment

¹ See Letter of NTCA – The Rural Broadband Association, WC Docket Nos. 10-90 and 09-197 (filed May 2, 2019) (“NTCA Letter”).

² *Id.* at 2.

³ Ex Parte Notification of Viasat, Inc., WC Docket No. 10-90, at 2-3 (filed Apr. 11, 2019); *see also* Reply of Viasat, Inc. in Support of Its Petition for Reconsideration, WC Docket No. 10-90, at 7 (filed Nov. 19, 2018) (explaining that NTCA and other rural associations “criticize the Petition as

described in the ITU-T P.800 protocol”—i.e., laboratory testing—and has distinguished its proposal from Viasat’s support for “subjective MOS testing *outside* of a controlled laboratory setting.”⁴ Thus, NTCA’s opposition to Viasat’s petition and apparent support for Hughes, while repeatedly touting the importance of real world testing, seems exactly backwards. If anything, NTCA’s stated views on testing methodologies align far more closely with Viasat’s than with Hughes’s.

NTCA also dredges up the long-discredited claim that Viasat believes it can satisfy its MOS obligations “only if compliance is tested differently than the rules expressly contemplated when the auction took place.”⁵ If NTCA had spent any time reviewing the record before filing its letter, it would know that this assertion is demonstrably false. As explained in an *ex parte* filed last month, “Viasat does not believe—and has never claimed—that a denial of its petition would prevent it from demonstrating that its future CAF II-supported voice offering will meet a MOS of four. To the contrary, Viasat has consistently made clear that, under its current understanding of the testing parameters, it expects that its future CAF II-supported voice offering will meet or exceed a MOS of four.”⁶ Viasat filed its petition for reconsideration because a grant of the requested clarifications would help “ensure that the Commission’s testing regime is competitively and technologically neutral, minimize unwarranted burdens and costs for supported services, and eliminate uncertainty regarding features of the testing regime.”⁷ NTCA offers no coherent justification for opposing Viasat’s request.

Indeed, it is absurd for NTCA to suggest that petitioning for clarification of the testing methodologies somehow undermines the integrity of the CAF II auction or raises questions about the *bona fides* of petitioning parties. NTCA itself filed an Application for Review and Request for Clarification seeking far more significant post-auction changes to the *Performance Metrics*

calling only for ‘laboratory testing,’ but the Petition does no such thing,” and underscoring the importance of filling gaps between the laboratory testing approach set forth in ITU-T Rec. P.800 to the real world testing envisioned by the *Performance Metrics Order*); Letter of Viasat, Inc., WC Docket Nos. 10-90, 14-58, 07-135, 05-337, and 03-109; GN Docket No. 09-51; CC Docket Nos. 01-92 and 96-45; WT Docket No. 10-208, at 3 n.5 (filed Feb. 2, 2016) (noting, in response to a proposal from ADTRAN, that Viasat “has no objection to the Commission’s clarifying that MOS must be established based on ‘live’ communications”).

⁴ Letter of Hughes Network Systems, LLC, WC Docket No. 10-90, at 1 (filed Apr. 29, 2019) (emphasis added).

⁵ NTCA Letter at 2.

⁶ Ex Parte Submission of Viasat Carrier Services, Inc., WC Docket Nos. 10-90, 14-58, and 09-197, at 2 (filed Apr. 3, 2019).

⁷ *Id.*

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*Order*⁸—and yet, tellingly, has no qualms about the integrity of the bidding process for locations where its own members were the winning bidders.⁹

Please contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

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cc: Nissa Laughner
Alexander Minard
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Suzanne Yelen

⁸ See Application for Review and Request for Clarification of NTCA – The Rural Broadband Association, WC Docket No. 10-90, at 2 (filed Sep. 19, 2018) (requesting modification or clarification of “(i) requirements for Internet Service Providers (ISPs) to test portions of the network over which they have no control; (ii) testing obligations in the absence of suitable equipment in the marketplace; (iii) the number of locations to be tested; (iv) which carriers are required to test; and, (v) composition of the sample pools”).

⁹ NTCA’s citation to a public notice denying a waiver request in connection with the Commission’s Rural Broadband Experiments is unavailing. See NTCA Letter at 1. Viasat is not seeking a waiver in this proceeding; it is asking the Commission to fill gaps and resolve inconsistencies in the *Performance Metrics Order*. Moreover, the denial of the waiver in the RBE public notice was based on the fact that “the general public ha[d] not had the opportunity to provide input on the request”—not the substance of the waiver request, as alleged by NTCA. Public Notice, *Wireline Competition Bureau Announces Entities Provisionally Selected for Rural Broadband Experiments*, 29 FCC Rcd 14684, 14686 & n.12 (WCB 2014).