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June 12, 2019

**VIA ELECTRONIC FILING**

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

Re: *Connect America Fund*, WC Docket No. 10-90  
Notice of *ex parte* presentation

Dear Ms. Dortch:

On June 10, 2019, the undersigned, on behalf of Viasat, Inc., spoke by telephone with Suzanne Yelen of the Wireline Competition Bureau regarding methodologies for testing supported services and systems to be implemented in the future by Viasat and other support recipients under the Commission's high-cost support programs.

During the discussion, I reiterated the importance of allowing satellite VoIP providers to engage in self-testing for purposes of making annual certifications, as other support recipients are permitted to do. As Viasat and others have explained, a significant issue with the *Performance Metrics Order* is the requirement that satellite VoIP providers receiving CAF II support retain third parties to conduct performance testing—a requirement that not only is difficult to satisfy given the lack of qualified third-party testing firms and the substantial costs that would be incurred by satellite VoIP providers in connection with such testing, but also violates principles of competitive and technological neutrality by applying solely to satellite VoIP providers.<sup>1</sup> The record contains no credible support for treating satellite VoIP providers differently from others or otherwise believing they would not conduct performance testing accurately and in accordance with Commission directives. Moreover, Viasat has proposed the adoption of a comprehensive

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<sup>1</sup> See Petition for Reconsideration of Viasat, Inc., WC Docket No. 10-90, at 2-4 (filed Sep. 18, 2018); Reply of Viasat, Inc. in Support of Its Petition for Reconsideration, WC Docket No. 10-90, at 6-7 (filed Nov. 19, 2018); Comments of ADTRAN, Inc., WC Docket No. 10-90, at 8-9 (filed Nov. 7, 2018) (explaining that “there is no good reason to prohibit satellite broadband providers” from having the option to self-test, and that “[t]o the extent the Commission is concerned that Viasat (or any other CAF recipient) might not conduct the necessary tests in a forthright manner, presumably the Commission has the authority to review the underlying testing results” and “to penalize any false submissions”).

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transparency framework—under which the Commission could compel a satellite VoIP provider to furnish its testing methodologies, survey questions or scripts, details about sampling tools or methodologies used to select participants, and recordings or transcripts of customer communications—so that the Commission can audit the provider’s self-testing and verify that it was conducted properly.<sup>2</sup> Such an approach is far more even-handed than imposing a costly third-party testing obligation on only one class of support recipients.

Additionally, we discussed Viasat’s proposal to clarify that support recipients are required to demonstrate a Mean Opinion Score (“MOS”) of four or higher for at least 80 percent of the participants<sup>3</sup>—an approach that is analogous to the 80 percent rule applicable to broadband speed testing.<sup>4</sup> I noted that, if the Commission were considering giving support recipients additional options for establishing that supported services meet a MOS of four, another alternative would be to adopt a “trimmed mean” approach, whereby the support recipient could show that the average MOS rating was four or higher after eliminating the top five percent and bottom five percent of participants’ scores. I explained that such an alternative would, among other things, appropriately credit support recipients that receive a large number of high scores.

Please contact the undersigned with any questions regarding this submission.

Respectfully submitted,

/s/

Matthew T. Murchison  
*Counsel for Viasat, Inc.*

cc: Suzanne Yelen

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<sup>2</sup> See Ex Parte Notification of Matthew T. Murchison, Counsel for Viasat, Inc., to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90, at 2-3 (filed Apr. 11, 2019).

<sup>3</sup> See *id.* at 3.

<sup>4</sup> See *Connect America Fund*, Order, 33 FCC Rcd 6509 ¶ 51 (WCB, WTB, & OET 2018).