



June 19, 2017

**BY ELECTRONIC FILING**

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

**Re: Modernizing the FCC Form 477 Data Program, WC Docket No. 11-10.**

Dear Ms. Dortch,

Hughes Network Systems, LLC (“Hughes”) submits this ex parte supplementing its comments in the above-referenced proceeding<sup>1</sup> in order to assist the Federal Communications Commission (“Commission”) in ensuring that the Broadband Map reflects the most up-to-date and accurate information about service availability across the United States through the filing of Form 477 data.

HughesNet Gen5 was launched in March 2017 and offers Commission-defined 25/3 Mbps speeds ubiquitously across the continental United States, southeastern Alaska, Puerto Rico, and the U.S. Virgin Islands.<sup>2</sup> The new Gen5 service was reported on both of Hughes’ Form 477 reports filed in 2017. Consumers need to have an accurate picture of what broadband services are deployed in their communities in order to facilitate adoption. The Commission’s National Broadband Map, which is based on Form 477 data, is an important tool for providing this information, especially in underserved, non-urban areas.

Unfortunately, the most recent release of the Commission’s National Broadband Map on February 22, 2018 is only current till December 2016.<sup>3</sup> Thus, a consumer utilizing the National Broadband Map in June 2018 would not be informed of their true choices; including the availability of HughesNet Gen5 services throughout the country as the service was launched in 2017. In order to be the “key source of broadband deployment information for consumers”<sup>4</sup> that the Commission intends it to be, it is essential that the National Broadband Map be kept current with the most recent Form 477 data. In order to perform this function, Hughes urges the Commission to update the National Broadband Map with new information within a reasonable period of receipt, such as within ninety (90) days of the filing date of the relevant Form 477 reports.

Hughes also supports the Commission’s goal of making the National Broadband Map as detailed and accurate as possible, while minimizing the regulatory burdens on service providers.<sup>5</sup> In order to further this goal, Hughes supports the Commission’s proposal to eliminate the option for satellite

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<sup>1</sup> See Hughes Comments in WC Docket No. 11-10 filed October 10, 2017 (“Hughes Comments”); see also Hughes Ex Parte in WC Docket No. 11-10 filed November 2, 2017 (“Hughes Nov. 2 Ex Parte”), and Hughes Ex Parte in WC Docket No. 11-10 filed November 11, 2017 (“Hughes Nov. 11 Ex Parte”).

<sup>2</sup> Hughes Press Release, “Hughes Announces HughesNet Gen5 High-Speed Satellite Internet Service,” Mar. 7, 2017. Available at: <http://sats.client.shareholder.com/releasedetail.cfm?ReleaseID=1016289>.

<sup>3</sup> Commission News Release, “FCC Updates and Modernizes National Broadband Map” Feb. 22, 2018. Available at: <https://docs.fcc.gov/public/attachments/DOC-349388A1.pdf>.

<sup>4</sup> Ibid.

<sup>5</sup> *Modernizing the FCC Form 477 Data Program*, Further Notice of Proposed Rulemaking, FCC 17-103, ¶ 5 (August 24, 2017) (“Form 477 FNPRM”).

operators to file abbreviated fixed broadband deployment data for each state. Under the current Form 477 reporting requirements, satellite operators are only required to provide the Commission with deployment data from one sample census block for each state in which it provides ubiquitous coverage.<sup>6</sup> While reporting deployment data at the census block level, instead of a sample census block per state, would increase the regulatory burden on satellite operators, this burden is off-set by the benefit to consumers of additional data about the broadband services available in their communities.

However, Hughes urges the Commission not to require the reporting of deployment data at a more granular level. Hughes agrees with other commenters that any increase in perceived granularity from reporting at a sub-census block level would not result in more accurate deployment data.<sup>7</sup> Sub-census block reporting will merely result in more cumbersome filings, significantly increasing the reporting burden on all filers, eliminating any beneficial offsets, and further elongating the processing time of the Form 477 data into the National Broadband Map.

Hughes is committed to working with the Commission to ensure that accurate, relevant deployment data is made available to consumers in order to help bridge the digital divide. Hughes agrees that making census block level deployment data available will provide consumers more detailed information on the availability of services in their communities. However, the Commission must put in place a process to ensure that the information provided by operators in the Form 477 filings is incorporated into the National Broadband Map within a reasonable time of the Form 477 filing submission date.

Please contact the undersigned if you have any questions.

Respectfully submitted,

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<sup>6</sup> FCC, *FCC Form 477 Local Telephone Competition and Broadband Reporting Instructions* (Dec. 5, 2016), Section 5.4, “Fixed Broadband Deployment” at 17 (Dec. 5, 2016), <https://transition.fcc.gov/form477/477inst.pdf>.

<sup>7</sup> See e.g. USTelecom Association Comments in WC Docket No. 11-10 filed October 10, 2017; see also American Cable Association comments in in WC Docket No. 11-10 filed October 10, 2017; see also Verizon Communications comments in in WC Docket No. 11-10 filed October 10, 2017; see also Comcast comments in in WC Docket No. 11-10 filed October 10, 2017; see also AT&T comments in in WC Docket No. 11-10 filed October 10, 2017.

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