



September 19, 2019

BY ELECTRONIC FILING

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

**Re: Ex Parte in the Uniendo a Puerto Rico Fund and the Connect USVI Fund,
Connect America Fund, ETC Annual Reports and Certification, WC Docket
Nos. 18-143, 10-90, and 14-58**

Dear Ms. Dortch:

On September 18, 2019, in the above referenced proceeding,¹ Jennifer A. Manner of Hughes Network Systems, LLC (“Hughes”) met with Michael Carowitz of Chairman Pai’s office, as well as Dangkhua Nguyen, Alexander Minard, Daniel Kahn and Rebekah Douglas of the Wireline Competition Bureau and discussed the issues in the attached handout that was provided at the meeting. As outlined in the hand-out, the discussion focused on satellites being a resilient technology for purposes of scoring and also how time to deploy is an important factor that the FCC should consider in its scoring. The issue of the Bureau, as opposed to an independent third party being used to select the winning bids was also discussed, with concerns raised about the independence and technical ability of staff to review the bids in an objective manner.

We also discussed that for Hughes VSATs, we have confirmed that even following the highest category storms, assuming the structural integrity of a residence (and the availability of power), our internal data shows that an overwhelming percentage of our VSATs have survived the storms and are in working order. There are several reasons for this including that we use wind-tested VSATs and rely on professional installation of our VSATs. This, combined with our gateway infrastructure being located off-island, ensures that satellite broadband infrastructure provides the necessary resiliency for consumers who are relying on satellite broadband. Accordingly, the FCC should find satellite broadband to be a resilient technology for purposes of its scoring methodology.

¹ See Ex Parte Letter from Jodi Goldberg, Associate Corporate Counsel, Hughes Network Systems, LLC, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-143 et al. (Sept. 12, 2018).

Hughes Network Systems 11717 Exploration Lane • Germantown, MD 20876 • Tel: 301.428.5500 • www.hughes.com



Pursuant to the Commission's rules, this notice is being filed in the above-referenced dockets for inclusion in the public record. Please contact me should you have any questions.

Respectfully submitted,

/s/ Jennifer A. Manner

Jennifer A. Manner
Senior Vice President, Regulatory Affairs
Hughes Network Systems, LLC
11717 Exploration Lane
Germantown, MD 20876
(301) 428-5893

Attachment

cc: Michael Carowitz
Dangkhoa Nguyen
Alexander Minard
Daniel Kahn
Rebekah Douglas



**The FCC Must Ensure the Selection Criteria for the Uniendo a Puerto Rico Fund
And the Connect USVI Fund Support the Conditions for Deployment Necessary
Of Timely, Hardened Broadband Networks, WC Dockets Nos. 18-143, 10-90 and 14-58**

September 2019

- Hughes Network Systems, LLC, has significant experience supporting portions of the United States during the worse possible emergencies. Accordingly, during Hurricanes Maria and Irma, as with the more recent Hurricane Dorian, Hughes has been there providing reliable, timely advanced broadband services to those in need and first responders.¹
- Unlike terrestrial networks, satellite networks are well-equipped to support users even during the worst catastrophes including because their infrastructure is in the sky with terrestrial interconnects located in multiple locations, so that there is the ability to move traffic to unaffected areas, and the ability to deploy user equipment and connectivity as quickly as an installation – because there is no need for additional ground infrastructure.
- Hughes fully supports the efforts of the FCC in creating the Uniendo a Puerto Rico Fund and the USVI Funds but has serious concerns that the FCC's award criteria is mistaken in two areas.
- First, the FCC has determined that satellite on its own is not a resilient technology. As Hughes explained in its comments, if the satellite operators ground equipment (gateways) supporting its satellite broadband services are off island, then by their nature they are resilient.² There is no way for a disaster in Puerto Rico to impact the satellite communications network. For this reason, the FCC should not impose a penalty for these satellite networks for lack of resiliency.
- Second, the FCC should include in its evaluation of bids the time it takes to deploy. The FCC has stated in this proceeding and the record supports timely deployment of broadband services to the people of Puerto Rico and the U.S. Virgin Islands.³ However, in the Order the FCC claims that a one- or two-year deployment delay is not a competitive preference when weighed against network performance, resilience, and network hardening and the fact that all providers must

¹ Jack Corrigan, "How Puerto Rico is Rebuilding Its Network Three Months After Maria," Nextgov (December 19, 2017), available at <https://www.nextgov.com/emerging-tech/2017/12/how-puerto-rico-rebuilding-its-network-three-months-after-maria/144686/>; see also, Hughes Network Systems, "Lessons From Disaster Relief," White Paper, available at https://www.hughes.com/sites/hughes.com/files/2018-04/Lessons-from-Disaster-Relief_H60300_HR%20%281%29.PDF.

² See Comments of Hughes Network Systems, LLC at 14-15.

³ See The Uniendo a Puerto Rico Fund and the Connect USVI Fund, *Report and Order*, WC Docket 18-143 (September 2019) ("Order") at para. 15 ("We agree with commenters that deployment timing is important"). See also, Uniendo a Puerto Rico Fund and the Connect USVI Fund, *NPRM*, WC Docket 18-143 (May 2018), at para. 55. Multiple Commenters suggest including deployment speed as a factor. See e.g., AeroNet *Ex parte* at 2; Liberty Comments at 17; BBVI, *Ex Parte*, Feb 13, 2019, Attachment at 13.



have interim facilities operation within three-years.⁴ This is mistaken. Each day that broadband is available to these users can mean access to economic opportunities, education, healthcare and more. Accordingly, the FCC should adopt a time to deployment criteria as Hughes recommended which would award up to 20 points for 100 percent build-out by the end of 2 years, 10 points for guaranteeing 50/70/100 percent of buildout in years 2-4 respectively, or 0 points for guaranteeing 40/60/80/100 percent of build-out in years 3-6 respectively.⁵

- The FCC has one chance to get this important fund right. By affording the proper weight to bidding criteria and including all relevant factors, the FCC can ensure its program is a success. Accordingly, Hughes urges the FCC to decide that satellite network technology with gateways located off island are resilient and to add a time to deploy evaluation factor.

⁴ See Order at para. 15-16.

⁵ See Hughes, *Ex Parte*, Oct. 23, 2018 at 4.