

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554**

In the Matter of)
)
Preserving the Open Internet) GN Docket No. 09-191
)
Broadband Industry Practices) WC Docket No. 07-52

To: The Commission

COMMENTS OF HUGHES NETWORK SYSTEMS, LLC

Hughes Network Systems, LLC (“Hughes”)¹ hereby submits these comments in response to the Commission’s further inquiry into the issue of “specialized services” and how their consumer benefits can be developed and deployed while protecting an open Internet.² Hughes believes that one category of specialized services which offers considerable benefit to users – specifically, the category encompassing services designed in cooperation with and at the direction of enterprise customers – should not be overly regulated. Any excessive regulation, even regulation well-intentioned so as to prevent possible abuse of the Commission’s general broadband initiatives, would stifle the growth and innovation of a legitimate and increasingly indispensable business communications tool.

¹ Hughes is the largest satellite Internet access provider in North America, providing satellite broadband connectivity to nearly 500,000 consumer and small business subscribers.

² See *Further Inquiry Into Two Under-Developed Issues in the Open Internet Proceeding*, Public Notice DA 10-1667 (rel. Sept. 1, 2010) (“Public Notice”).

I. Specialized Services Tailored To Meet The Particularized Needs Of Enterprise Customers Should Not Be Unduly Restricted.

The term “specialized services” as described in the Public Notice is a broad category that encompasses long-standing business communications platforms and diverse contractual arrangements.³ Hughes’s varied enterprise offerings exemplify this point. The company has for years offered tailored broadband services to enterprise customers, often times with specific service restrictions or accelerations built into the system at the request of the customer. These specialized services are customized offerings that are developed through arm’s length contracts reflecting the design choices and tailored service objectives of Hughes’s customers. The limitations or accelerations built into the systems are not an “end around” protections intended to promote an open Internet. Instead they are highly refined arrangements involving dedicated broadband service delivery that are limited by design to areas directed by the corporate customer for its business operations. These private networks are separate from, and have no meaningful impact on, service to the general public.

Hughes offers no opinion on the concerns raised by the Commission in the Public Notice that broadband services in the guise of specialized services generally pose a potential threat to the goal of an open Internet. However, from its vantage point as a leading specialized services provider, Hughes emphasizes that individualized broadband arrangements with sophisticated corporate customers with widely separated operations are a legitimate and, indeed, essential cog in the business machine. If the Commission’s suggested policy approaches addressing potential abuses of net neutrality by specialized services carve too broad a swath, they risk undermining innovative business arrangements, like those offered by Hughes, that serve the particularized requirements of business customers. Broadband Internet service comes in many sizes, shapes,

³ See Public Notice at 2.

and denominations, and the Commission should recognize the special and efficiency-enhancing role specialized communications suites of service play for today's businesses with far-flung operations.

When it considers the relationship between open Internet protections and specialized services, Hughes urges the Commission to guard against adopting overly broad measures that would sacrifice the ability of Hughes and others to meet the legitimate needs of their enterprise customers. Particularly suspect are the Commission's suggested approaches to limit specialized service offerings to those that cannot be provided via broadband Internet and to require broadband providers to continue providing or expanding network capacity regardless of any specialized services offered.⁴ Each would inflexibly favor one class of broadband user (non-enterprise) over another (enterprise) without due consideration of the purpose or function of the particular specialized service in question. Regarding the other suggested policy approaches, Hughes supports the goal of defining "specialized services" with clarity provided the definition allows for long-standing and proven broadband business models to continue.⁵

II. The Commission Should Confirm That Open Internet Principles Specifically Applicable To Mobile Wireless Do Not Apply To Satellite Broadband.

The Public Notice also seeks comment on the application of open Internet principles to "mobile wireless platforms."⁶ Hughes has no opinion on this aspect of the Commission's inquiry based on its assumption that the inquiry has no bearing on satellite-delivered broadband. Hughes respectfully requests that any Order adopting rules in this proceeding confirm this assumption.

⁴ See Public Notice at 4.

⁵ See *id.* at 3.

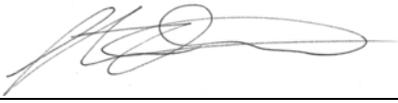
⁶ *Id.* at 4.

CONCLUSION

For the foregoing reasons, Hughes urges the Commission to limit regulation of specialized services designed at the direction of enterprise customers in order to promote their continued growth and innovation.

Respectfully submitted,

Hughes Network Systems, LLC

By: 

Steven Doiron
Senior Director, Regulatory Affairs
1171 Exploration Lane
Germantown, MD 20876

Stephen D. Baruch
Philip A. Bonomo
Lerman Senter PLLC
2000 K Street, NW, Suite 600
Washington, DC 20006-1809
202-429-8970
Of Counsel

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