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VIA ELECTRONIC FILING

November 2, 2010

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

Re: Notice of *Ex Parte* Presentation

ViaSat, Inc. and WildBlue Communications, Inc.
GN Docket No. 09-51; WC Docket No. 05-337; WC Docket No. 10-90

Dear Ms. Dortch:

On November 1, 2010, Lisa Scalpone of WildBlue Communications, Inc., a wholly-owned subsidiary of ViaSat, Inc., Karen Brinkmann of Latham & Watkins LLP, and I met with the Commission staff identified below. The attached presentation formed the basis for the discussion.

Please contact me with any questions.

Respectfully submitted,

/s/ John P. Janka

John P. Janka

*Counsel for ViaSat, Inc. and
WildBlue Communications, Inc.*

Enclosure

cc: Amy Bender
Paul de Sa
Rohit Dixit
Patrick Halley
Zac Katz
Carol Matthey
Steven Rosenberg

Recommendations for the CAF

1. A compelling business case exists to serve all unserved HHs
 - ViaSat, through WildBlue, will launch next generation broadband services in 2011
 - We will satisfy 4/1 Mbps service requirements (and in fact far exceed them)
 - Already have invested \$1 Billion to provide competitively-priced service throughout the U.S.
 - Re-engineered ground networks will dramatically improve QoS, both on new and existing satellites
 - Early next year, we will launch a third spacecraft, which has more capacity than all spacecraft currently serving the U.S. combined
 - We will have the capacity to serve all of the unserved, with additional spacecraft under development for 2014-2020

2. Satellite can serve the unserved as reliably and cost-efficiently as any other technology
 - Approximately \$1000 to deploy per HH
 - Significantly less than the cost of extending DSL
 - Cost of extending satellite service is location independent
 - Remote HHs can be served as cost-efficiently as the unserved HHs that exist in and around major population centers

3. Satellite broadband facilitates competition
 - ViaSat/WildBlue enables competition among multiple service providers through a wholesale access model
 - Service providers currently include NRTC, AT&T, Qwest, DirecTV, DISH
 - Much like the impact of DBS on cable, satellite broadband provides important competitive pressure on terrestrial providers
 - Especially at the edges of terrestrial broadband networks, where there otherwise may be little or no terrestrial competition

4. CAF structure can materially affect the role of satellite broadband, and the amount of needed broadband funding
 - Any CAF funding mechanism must facilitate effective competition among service providers
 - Ideally, multiple service providers in an area should be eligible for funding, with the broadband provider who wins a given consumer receiving support for that customer
 - If a cost-based model is used, satellite broadband costs must be factored in
 - Alternatively, reverse auctions would fund the lowest cost provider to a service area
 - Administrative barriers that narrow the field of competitors, or bear no relation to achieving lower cost/higher QoS, should be eliminated
 - ♦ Precluding satellite from eligibility would reduce competition and increase the cost of the fund
 - CAF service areas must be narrowly defined, and should not duplicate the territory of any broadband provider
 - Duplicating any existing service area would unfairly advantage the terrestrial incumbent there

- Should provide CAF support only for actually extending service to the unserved in a given area
 - Voice service can be provided by a variety of means
 - A wide variety of competitive voice services already exist, including wireless
 - Extending a technology-specific voice requirement could significantly reduce the field of eligible CAF providers
 - If voice capability is required, satellite providers can offer voice services
 - Technology neutral specifications need to be established
 - VoIP should be adequate
 - Broadband providers should be allowed to use hybrid solutions (e.g., both satellite and wireless)
 - Facilities-based broadband providers should be allowed to bundle resold voice service
 - A very high cost program is not an alternative to allowing all service providers to equally compete for unserved HHs
 - It could be a secondary mechanism to ensure HHs are not left behind
 - As with the main fund, all technologies should be permitted to compete for very high cost HHs
5. Commission should designate nationwide ETCs
- Unserved are dispersed throughout geographically diverse and separated areas
 - Not realistic to expect such providers to complete ETC processes in all 50 states prior to USF application process
 - Significant risk of delay at PUCs and in providing service to consumers
 - Commission designation would significantly facilitate participation by non-incumbents
6. Conclusion
- Satellite can have a significant role in achieving broadband goals
 - Current competitive strength has been accomplished in a competitive market dynamic
 - But its impact as a competitive counterweight to terrestrial broadband can be significantly affected by any CAF rules that would distort the field
 - CAF rules should
 - Recognize the competitive nature of the broadband marketplace, and ensure that all technologies are able to compete for service areas
 - Facilitate cost-effective solutions to the unserved problem and implement policies that will reduce the size of the fund, initially and over time
 - Accommodate all technological solutions that satisfy service requirements