**Before the**
**Federal Communications Commission**
**Washington, D.C. 20554**

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| In the Matter of | ) | |
| | ) | |
| Modernizing the FCC Form 477 Data Program | ) | WC Docket No. 11-10 |
| | ) | |
| Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscribership Data, and Development of Data on Interconnected Voice over Internet Protocol (VoIP) Subscribership | ) | WC Docket No. 07-38 |
| | ) | |
| Service Quality, Customer Satisfaction, Infrastructure and Operating Data Gathering | ) | WC Docket No. 08-190 |
| | ) | |
| Review of Wireline Competition Bureau Data Practices | ) | WC Docket No. 10-132 |
| | ) | |

**COMMENTS OF VIASAT, INC.**

ViaSat, Inc. ("ViaSat") hereby responds to the *Notice of Proposed Rulemaking* ("*NPRM*") adopted by the Commission on February 8, 2011 in the above-referenced proceeding. In the *NPRM*, the Commission seeks comment on "whether and how to reform the Form 477 data program to improve the Commission's ability to carry out its statutory duties, while streamlining and minimizing the overall costs of the program, including the burdens imposed on service providers." *NPRM* ¶ 1. In particular, the Commission seeks "comment on how best to collect deployment data about satellite-based services." *Id.* at ¶ 64.

ViaSat, through its WildBlue service, is one of the top-20 broadband ISPs in the country, providing satellite broadband to over 400,000 U.S. homes. ViaSat also is authorized to deploy two new, state-of-the-art spacecraft to serve the United States. The innovative ViaSat spacecraft design yields capacity that is approximately 50-100 times greater than traditional Ku-band FSS satellites, and approximately 10-15 times greater than

the highest capacity Ka-band satellites in use today. The first of these spacecraft, ViaSat-1, will be launched in mid-2011. Thus, later this year, ViaSat will start transforming the nature of today's satellite-delivered broadband service by offering the highest speeds and best quality of broadband service ever offered by a satellite platform, at prices and performance levels that are competitive with many terrestrial alternatives.

As the premier provider of satellite broadband services in the United States, ViaSat appreciates the opportunity to comment on the issues raised in the *NPRM* with respect to the collection of satellite deployment data. As explained above, satellite broadband services will soon offer a truly competitive alternative to terrestrial broadband services, and a vehicle for delivering broadband to millions of currently unserved households. As such, satellite broadband services should be factored into any analysis of the larger market for broadband services. ViaSat welcomes the opportunity to submit deployment data to the Commission for this purpose.

At the same time, ViaSat believes that certain measures would improve the quality of deployment data gathered by the Commission with respect to satellite and other broadband services. Accordingly, ViaSat urges the Commission to: (i) modify Form 477 to allow satellite operators to incorporate beam plans and other geographic coverage data already filed as part of their satellite license applications; and (ii) supplement its Form 477 data collection process by creating mechanisms through which individual households may self-identify as "unserved."

## I. SATELLITE BROADBAND PROVIDERS SHOULD BE PERMITTED TO INCORPORATE ALREADY-FILED GEOGRAPHIC COVERAGE DATA INTO THEIR FORM 477 FILINGS.

One of the Commission's primary objectives in gathering satellite deployment data is to "understand where providers have deployed networks capable of delivering a given service." *NPRM* ¶ 49. With respect to terrestrial wireline and wireless networks, the

Commission relies heavily on Form 477 to collect the data necessary to facilitate this understanding. The use of Form 477 is critical with respect to such networks because terrestrial providers otherwise are not required to file detailed information about their deployment and coverage areas as a matter of course.

In this respect, satellite broadband providers stand in stark contrast to their terrestrial counterparts. Notably, satellite operators must provide the Commission with detailed technical information about their coverage areas, including beam plans, GXT files, and other "Schedule S" data, as part of their satellite license applications. *See, e.g.*, 47 C.F.R. § 25.114(d)(3) (requiring applicants to provide predicted space station antenna gain contours and to plot these contours on area maps). This information reflects the specific satellite design that is reviewed and authorized by the Commission, and generally cannot be altered once the satellite is launched. Consequently, these data provide an excellent indicator of where a broadband satellite can provide service once it is operational.

Insofar as the *NPRM* aims to "ensure that the Commission has the data it needs, *while minimizing the overall burdens of data collection*," *NPRM* ¶ 1 (emphasis supplied), the Commission should allow satellite broadband providers to incorporate into their Form 477 submissions data already on file in connection with their underlying satellite authorizations, and to certify that they are offering broadband service consistent with those data. This would avoid the need for satellite broadband providers to file redundant data, while ensuring that the Commission can rely upon the most accurate source of information about the satellite and its coverage, performance, and other operating parameters.[1]

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[1] Thus, there would be no need to exempt satellite broadband providers from reporting deployment information altogether. *Cf. NPRM* ¶ 64.

## II. THE COMMISSION SHOULD SUPPLEMENT ITS FORM 477 DATA COLLECTION PROCESS WITH MECHANISMS BY WHICH INDIVIDUAL HOUSEHOLDS MAY SELF-IDENTIFY AS "UNSERVED."

The *NPRM* seeks comment on the level of geographic specificity that the Commission should require when collecting deployment information. *NPRM* ¶¶ 55-65. Regardless of the level of specificity selected, a provider's claim to serve a particular geographic area inevitably would fail to identify *some* individual households within that area that do not receive service (*i.e.*, "bypassed" households). Even the collection of address-level data would not avoid this problem, since service providers generally would rely on the fact that a particular address is within a broad coverage area believed to be served, and report on that basis—instead of absorbing the expense and burden of measuring the *actual* availability of *effective* service at each and every address within that area. These "bypassed" households are everywhere; unserved and underserved pockets exist throughout America, even in and around areas that are considered to be densely populated.

This reality is reflected in the geographic dispersion of subscribers to existing satellite broadband services. Although ViaSat intends to change the nature of satellite broadband service, starting later this year with the launch of ViaSat-1, *current* satellite broadband services are viewed as ones of last resort. Thus, the location of *today's* satellite broadband subscribers is a good proxy for those households that are unserved by terrestrial broadband. Contrary to popular perception, satellite broadband subscribers are not all located in rural areas. Instead, they are sprinkled throughout the United States, and many reside in or near major population centers. Indeed, about 50 percent of ViaSat's subscribers are located in pockets of putatively "served" areas that in fact have been left behind by the incumbent service providers, and the vast majority of the approximately 1 million satellite-based broadband subscribers in North America today are located in and around the more populated portions of America—areas east of the Mississippi and on the west coast. *Compare* Exhibit 1

(mapping areas that NTIA reflects as "served" by wireline providers) *with* Exhibit 2 (mapping the locations of existing customers of ViaSat's WildBlue service).

In order to provide the fullest picture of broadband deployment in the United States, the Form 477 data collection process should be supplemented with mechanisms by which consumers may self-identify as unserved or underserved. This would allow the Commission to identify "bypassed" households in areas that a service provider may believe—in good faith—that it serves generally. While these mechanisms could come in a variety of forms, ViaSat believes that two initial mechanisms would provide an expedient means of gathering these data.

First, the Commission could gather these data through a mechanism like the broadbandmap.gov website, which allows consumers to identify which service providers are believed to serve a given address. Notably, that website currently provides consumers with the ability to specify *additional* providers that are not already listed as serving a given address. It seems only fair that consumers also should be able to flag instances in which data indicate that a provider serves a given household when, in fact, that provider does not.[2]

Second, the Commission could allow service providers to aggregate and submit data identifying households they believe to be "bypassed" by other service providers. For the reasons discussed above, data with respect to the customers of current-generation satellite broadband services is highly suggestive of which households are "bypassed" by terrestrial providers. In addition, many providers collect these data directly from consumers. For example, before initiating service ViaSat routinely asks new customers whether they would have been able to obtain service from terrestrial broadband providers. Undoubtedly,

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[2] This mechanism also could allow the identification of infrequent line-of-sight issues that occasionally preclude the provision of satellite broadband service to a particular household. Similarly, it could allow satellite broadband providers to note situations where a homeowner's aesthetic concerns (rather than line-of sight considerations) were the factor that actually precluded a successful installation. *Cf. NPRM* ¶ 64.

these data would help to counterbalance the rosy deployment pictures that individual providers often paint with respect to their own networks.

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For the reasons set forth herein, ViaSat urges the Commission to collect broadband data in a manner consistent with ViaSat's comments in this proceeding.

Respectfully submitted,

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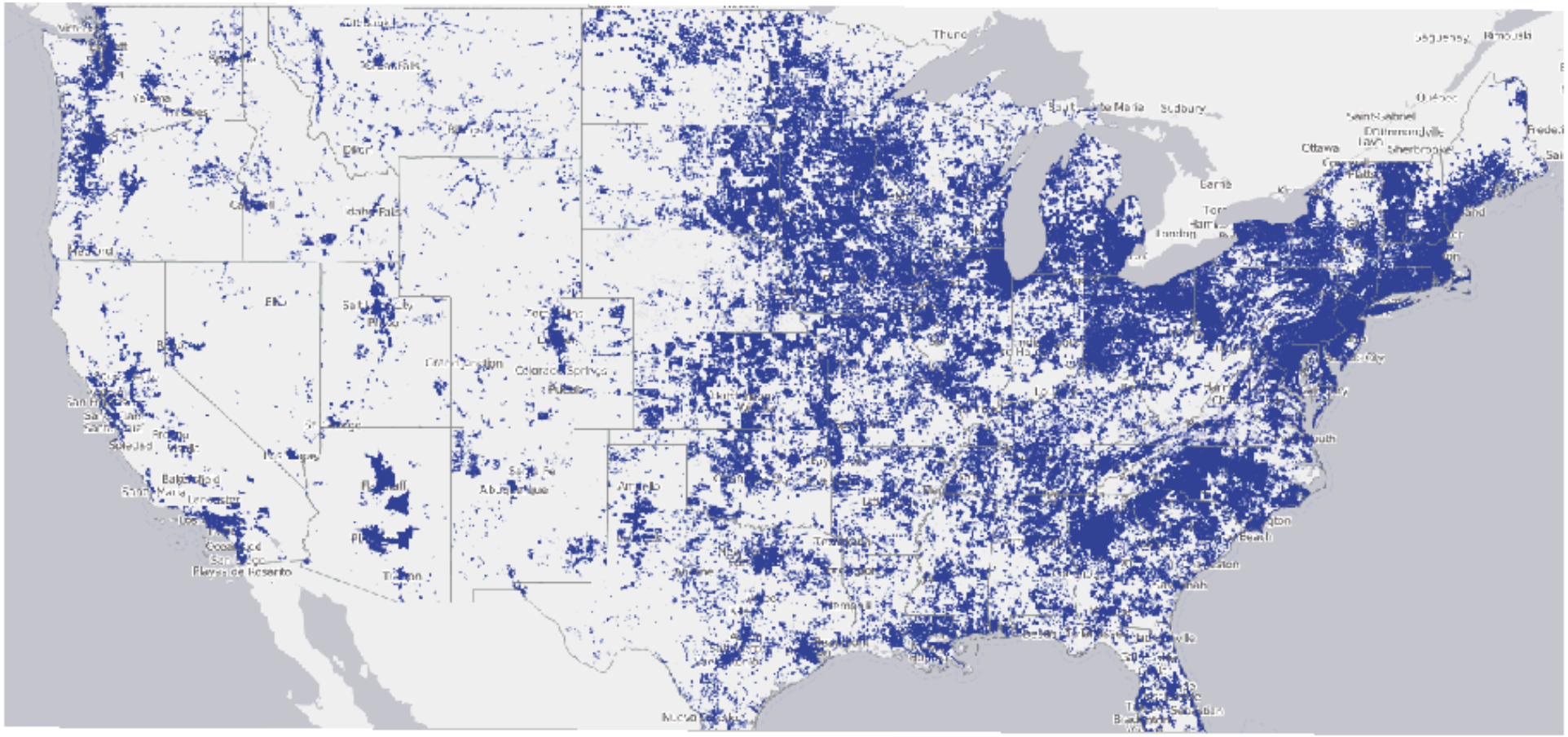
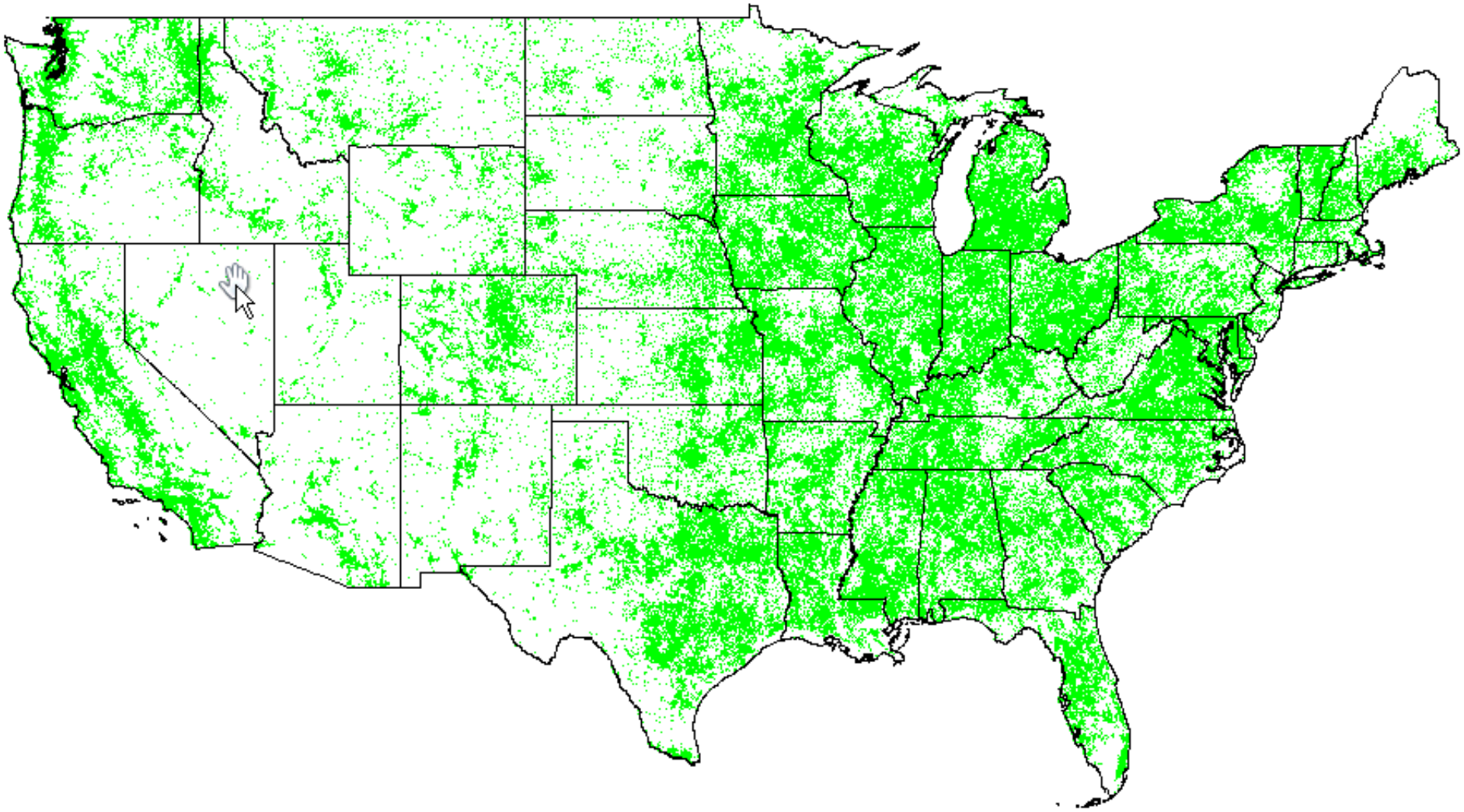
# Exhibit 1

# NTIA Areas “Served” by Wireline



# Exhibit 2

# WildBlue Customers