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VIA ELECTRONIC FILING

October 14, 2011

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.  
WC Docket No. 10-90; GN Docket No. 09-51; WC Docket No. 07-135;  
WC Docket No. 05-337; CC Docket No. 01-92; CC Docket No. 96-45;  
WC Docket No. 03-109

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Dear Ms. Dortch:

On October 12, 2011, Mark Dankberg, Chairman and CEO of ViaSat, Inc.; Lisa Scalpone, Vice President of ViaSat, Inc. and Vice President and General Counsel of WildBlue Communications, Inc. (a division of ViaSat), and the undersigned as outside counsel, met with Commissioner Robert M. McDowell and Christine Kurth.

The discussions focused upon the following points:

- Any extension of high-cost USF support to broadband should take into account the differences between traditional voice service and emerging broadband services, including the competitive nature of the broadband marketplace.
- There is a compelling business case to extend broadband service to the unserved. The market is responding, including through the launch of next-generation spacecraft that are designed to offer broadband services that are comparable with DSL and other terrestrially-provided services.
- Unserved households should be a priority under the CAF.

- The right of first refusal for ILECs proposed in the ABC Plan is bad for competition, and for consumers, particularly those in unserved areas. There is no valid justification for providing such an ILEC preference, particularly in areas where ILECs do not provide broadband today.
- For unserved households in particular, a market-based mechanism should be used to award CAF support, whether through (i) reverse auctions or (ii) a model that is used to calculate the lowest cost solution, and awards support on a per-line basis to the provider who wins and keeps the customer.
- Particularly since the Commission has already deemed satellite eligible under the current USF program, there is no valid justification to change course and not have satellite providers fully eligible in any high-cost areas. Dividing CAF support into different funds for different technologies that would provide similar services would be similarly unjustified and inconsistent with the Communications Act.
- It is competitively critical that any service provider be eligible to participate directly in the CAF. Relegating a service provider to the role of a subcontractor—not allowing it to participate directly—will not ensure that the cost benefits afforded by that provider are passed on to consumers.
- There is no valid basis for allowing one service provider to use a given technology and obtain CAF support, but not allow all other providers to do the same. All eligible service providers should be allowed to use any combination of technologies to provide service that meets legitimate and objective technical standards.
- Apart from being discriminatory, the ABC Plan's proposed allocation of funds to satellite technology is grossly inadequate, particularly given the significant role that technology will play in deploying state-of-the-art service to the unserved.

Please contact me with any questions.

Respectfully submitted,

/s/ John P. Janka

John P. Janka

cc: Commissioner Robert M. McDowell  
Christine Kurth