April 25, 2013

Via ECFS
Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: Written Ex Parte Presentation
Development of the Remote Areas Fund – WC Docket No. 10-90

Dear Ms. Dortch:

EchoStar Technologies, L.L.C.; DISH Network L.L.C.; and Hughes Network Systems, LLC (collectively, "the Companies") provide additional recommendations to supplement their previous comments regarding the development of the Remote Areas Fund ("RAF").[1]

Provider Qualification to Participate in the RAF. As the Companies have noted, satellite broadband providers are not currently ETCs, and have not sought ETC status. Obtaining ETC status is a costly and time-consuming endeavor. In the event that the Commission requires RAF participants to obtain ETC status, he Commission should take all feasible steps to minimize the burdens and accelerate the timeline for satellite providers to become designated as ETCs. Specifically, the Commission should take the following steps:

- Provide a streamlined "opt-out" process for states to notify the Commission that they cede jurisdiction to the Commission to designate satellite broadband providers for RAF participation pursuant to 47 U.S.C. § 214(e)(6).
- Expeditiously process all satellite petitions that come before the Commission pursuant to 47 U.S.C. § 214(e)(6).
- Provide a "shot clock" for state processing of all ETC petitions for participation in the RAF.

To facilitate satellite providers' ability to navigate state ETC proceedings in a timely fashion, the Commission should make specific findings that satellite broadband providers' services are sufficient to meet the qualifications for ETC status, including:

- A specific finding that satellite broadband service is sufficient for the provision of over-the-top VoIP service, and a specific finding that a satellite broadband service that is sufficient for

[1] Comments of DISH Network, L.L.C.; EchoStar Technologies, L.L.C.; and Hughes Networks Systems, LLC, WC Docket No. 10-90 (filed Feb. 19, 2013) ("RAF Initial Comments"); Reply Comments of DISH Network, L.L.C.; EchoStar Technologies, L.L.C.; and Hughes Networks Systems, LLC, WC Docket No. 10-90 (filed March 18, 2013) ("RAF Reply Comments").

the provision of over-the-top VoIP service meets the requirement of providing "voice grade access to the public switched network."[2]

- A specific finding that the availability of over-the-top VoIP service from multiple third-party providers in the market is sufficient to satisfy the requirement to provide "minutes of use for local service … at no additional charge to end users,"[3] or expeditious blanket forbearance from this requirement.
- A specific finding that satellite broadband providers meet requirements for access to emergency services such as 911.[4]

In addition, the Commission should bar providers from participating in the RAF if they have received or in the future do receive support from any other federal high-cost universal service support program, such as CAF Phase I or CAF Phase II, for the same area where they seek RAF support. This will help ensure that RAF funds are used effectively, and further competitive neutrality by preventing carriers that have received more preferential treatment in the disbursement of CAF support from competing against satellite providers for RAF funding.

Provider Reliance on Customer Certifications. The Companies recognize that customers will be eligible for RAF support only if they are located within an area that the Commission identifies to be supported through the RAF.[5] The Companies recommend that providers be permitted to rely on customer certifications regarding their locations. In addition, the Companies previously have argued that no limitations should be placed on consumers' eligibility for RAF support that are not placed on customers' eligibility to receive other types of CAF support, such as primary residence restrictions.[6] If any such restrictions are imposed, however, the Companies recommend that RAF providers rely on customer certifications to determine these facts (which would be otherwise impossible for providers to establish).

In both cases, providers should be permitted to rely on such customer certifications without concern about recovery of support in the event that customers make inaccurate certifications. In addition, RAF-participating providers should be permitted to apply their standard contract terms and customer qualifications standards, such as credit standards, for RAF customers.

Application of RAF Subsidy. The Companies previously have argued that the Commission should provide the RAF subsidy with both initial and recurring components.[7] For the reasons shown there, the Companies continue to believe that this is this is the appropriate structure for the CAF. However, to the extent that the Commission decides to provide only a one-time subsidy in the RAF, providers should be permitted to apply the amount as they see fit – to service-initiation fees or to monthly service charges – so long as the total amount of subsidy is passed through to the customer. Satellite broadband providers are closer to their customers and more motivated to find a way to use the

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[2] 47 C.F.R. § 54.101(a).
[3] *Id.*
[4] *Id.*
[5] *See, e.g.*, RAF Initial Comments at 2-6.
[6] RAF Initial Comments at 7-8.
[7] RAF Reply Comments at 2-4.

subsidy amount to meet customers' needs. Thus, the Commission should not be overly prescriptive about how the subsidy is applied.[8]

Finally, the Companies reiterate their support for quick action on implementation of the RAF.[9] Customers in remote and unserved areas should not have to wait any longer to obtain the benefits of broadband.

Sincerely,

By: /s/

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[8] Of course, the Companies have no objection to a requirement that RAF participants pass through the full amount of the subsidy to their customers.

[9] Because the Commission has so significantly circumscribed satellite broadband providers' participation in the universal service program, the Companies reiterate their concerns about subjecting satellite providers to USF contribution obligations. *See* Comments of DISH Network, L.L.C.; EchoStar Technologies, L.L.C.; and Hughes Networks Systems, LLC, WC Docket No. 06-122 (filed July 9, 2012).