



July 16, 2018

**Via Email** ([mappingrhc@ntia.doc.gov](mailto:mappingrhc@ntia.doc.gov))

Douglas Kinkoph, Assoc. Administrator  
National Telecommunications and Information Administration  
U.S. Department of Commerce  
1401 Constitution Ave., NW  
Washington, DC 20230

**Subject:** *Comments on Improving the Quality and Accuracy of Broadband Availability Data*  
*Docket No. 18427421-8421-01. RIN 0660-XC042*

Dear Mr. Kinkoph:

Hughes Network Systems LLC (“Hughes”) hereby responds to the National Telecommunications and Information Administration’s (“NTIA’s”) notice and request for comment published May 30, 2018 in the above-captioned proceeding.<sup>1</sup>

Hughes is the largest provider of satellite broadband services globally and in North America, currently serving approximately 1.2 million users across the Americas. Hughes shares NTIA’s recognition of the importance of ensuring that all stakeholders, including particularly consumers, have access to accurate data about the availability of broadband throughout the country. The mandate in the Consolidated Appropriations Act of 2018 for NTIA to expand its efforts in this area is welcome, particularly given NTIA’s past success in initiating the National Broadband Map in 2009 through the State Broadband Initiative (SBI).

**Importance of Accurate Broadband Data.** The need for up-to-date information on broadband availability and service options is clear. The National Broadband Map, now administered by the Federal Communications Commission (FCC) has become woefully out of date, reflecting information as of December 2016. Significantly, the map does not reflect Hughes’s current service offerings, based off of its Gen5 satellite launched in March 2017 and offers consumer broadband services meeting the FCC’s 25/3 Mbps broadband speed threshold ubiquitously across the continental United States, southeastern Alaska, Puerto Rico, and the U.S. Virgin Islands.<sup>2</sup> The new Gen5 service was reported on both of Hughes’s Form 477 reports filed in 2017. Consumers need to

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<sup>1</sup> *Improving the Quality and Accuracy of Broadband Availability Data*, Docket No. 180427421-01, Notice and Request for Comment, 83 Fed. Reg. 24747 (May 30, 2018) (“Notice”).

<sup>2</sup> Hughes Press Release, “Hughes Announces HughesNet Gen5 High-Speed Satellite Internet Service,” Mar. 7, 2017. Available at: <http://sats.client.shareholder.com/releasedetail.cfm?ReleaseID=1016289>.

have an accurate picture of what broadband services are deployed in their communities in order to facilitate adoption.

Given the delays in updating the National Broadband Map, however, consumers utilizing it in June 2018 would not be informed of their true choices, including the availability of HughesNet Gen5 services at 25/3 Mbps throughout the country, as the service was launched in 2017. It is essential that the National Broadband Map be kept current with the most recent Form 477 data. Hughes therefore has urged the FCC to update the National Broadband Map with new information within a reasonable period of receipt, such as within ninety (90) days of the filing date of the relevant Form 477 reports.<sup>3</sup>

**Broadband Data Sources.** The Notice seeks comments on “new approaches, tools, technologies, or methodologies that could be used to capture broadband availability data, particularly in rural areas.”<sup>4</sup> Hughes supports NTIA’s efforts to identify additional data sources to improve the quality of broadband data and mapping. In addition to the official sources of broadband data, such as the FCC Form 477 data, broadband providers typically make information available on their websites about their coverage, speeds, and other service details. In many cases providers’ websites include maps of their coverage, and in other cases providers may make available search tools that allow look-ups of coverage availability. With the funding that NTIA was provided through the Consolidated Appropriations Act, NTIA could identify and collect these resources that are available online. This information could provide an additional source of data regarding the scope of broadband coverage.

**Improving Form 477 Data for Satellite Service.** In the Notice in this proceeding, NTIA raises two concerns about the FCC’s Form 477 data – (1) that its accuracy is compromised in rural areas by reporting at the Census block level, and (2) that it is not subject to an independent verification or validation process.<sup>5</sup> NTIA therefore seeks comment on additional sources of broadband deployment data and ways to validate existing data.<sup>6</sup>

With regard to the accuracy of the Form 477 data, in the FCC’s proceeding on this issue,<sup>7</sup> Hughes supports the FCC’s proposal to eliminate the option for satellite operators to file abbreviated fixed data deployment data for each state.<sup>8</sup> Under the current Form 477 reporting requirements, satellite operators are only required to provide the FCC with data from one sample census block for each state in which it provides

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<sup>3</sup> Letter from Jennifer A. Manner, Hughes, to Marlene H. Dortch, FCC, WC Docket No. 11-10 (filed June 19, 2018) (“Hughes Form 477 ex parte”).

<sup>4</sup> Notice, 83 Fed. Reg. at 2748.

<sup>5</sup> *Id.*

<sup>6</sup> *Id.* at 24749.

<sup>7</sup> *Modernizing the FCC Form 477 Data Program*, Further Notice of Proposed Rulemaking, FCC 17-103, ¶ 5 (August 24, 2017) (“Form 477 FNPRM”).

<sup>8</sup> Hughes Form 477 ex parte at 2.

ubiquitous coverage.<sup>9</sup> While reporting deployment data at the census block level, instead of a sample census block per state, would increase the regulatory burden on satellite operators, this burden is offset by the increased accuracy provision to consumers with additional data about the broadband services available in their communities.<sup>10</sup>

***Thresholds and Benchmarks.*** The Notice also seeks comment on “thresholds or benchmarks that should be taken into account when validating broadband availability,” and particularly notes “latency” and “technology type” as potential candidates.<sup>11</sup> The Notice asks about using these metrics to measure the accuracy of broadband data and as tools in “policymaking, program management, or research in broadband-related fields.”<sup>12</sup>

In considering such metrics, NTIA should carefully avoid minimizing the importance of any significant competitors in the consumer broadband marketplace. Satellite broadband providers, including Hughes, currently serve nearly two million American consumers. Evidence in FCC proceedings demonstrates that satellite broadband customers are just as satisfied with their service as are customers of other types of broadband service.<sup>13</sup> As noted above, both Hughes and its main competitor, ViaSat, provide service at or above the FCC’s broadband threshold of 25/3 Mbps. Given the important role that satellite broadband plays in the consumer broadband market, NTIA should not use thresholds or benchmarks in a way that would exclude or denigrate any legitimate provider in the marketplace.

Hughes commends NTIA for its efforts to improve the quality of broadband data and mapping and looks forward to working with the Administration further on this important issue.

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<sup>9</sup> FCC, *Form 477 Local Telephone Competition and Broadband Reporting Instructions* (Dec. 5, 2016), Section 5.4, “Fixed Broadband Deployment” at 17 (Dec. 5, 2016), <https://transition.fcc.gov/form477/477inst.pdf>.

<sup>10</sup> Hughes has, however, urged the Commission not to require the reporting of deployment data at a more granular level. Hughes agrees with other commenters that any increase in perceived granularity from reporting at a sub-census block level would not result in more accurate deployment data. Sub-census block reporting will merely result in more cumbersome filings, significantly increasing the reporting burden on all filers, eliminating any beneficial offsets, and further elongating the processing time of the 477 data into the National Broadband Map.

<sup>11</sup> Notice, 83 Fed. Reg. at 2474.

<sup>12</sup> *Id.*

<sup>13</sup> Letter from Jennifer A. Manner, Vice President, Regulatory Affairs, Hughes Network Systems, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (filed Oct. 26, 2015), *attached to* Letter from L. Charles Keller, Attorney for Hughes Network Systems, Inc. to Marlene H. Dortch, Secretary, FCC, WC Docket No. 10-90 (filed Oct. 26, 2016); Comments of ViaSat, Inc., WC Docket Nos. 10-90, 14-58, 14-259, at 5-6 (filed July 21, 2016) (“ViaSat CAF Comments”) (“ViaSat’s satellite broadband service ... now has an overall user satisfaction rating that is on par with that of leading cable-based broadband service providers”).

