



September 10, 2024

The Honorable Alan Davidson
Administrator
National Telecommunications and Information Administration
U.S. Department of Commerce
1401 Constitution Ave., NW
Washington, DC 20230

RE: Comments on Proposed Broadband Equity, Access, and Deployment Alternative Broadband Technology Guidance

Dear Administrator Davidson:

Thank you for the opportunity to provide comments on the proposed Broadband Equity, Access, and Deployment (BEAD) Alternative Broadband Technology Guidance. We, Viasat, offer the following comments for consideration and would welcome the opportunity to discuss our comments during an in-person meeting.

As background, Viasat is a global communications company that connects homes, businesses, governments, and militaries with high-speed broadband services and secure networking systems. We are able to extend critical broadband connectivity to the unserved and underserved at a much lower cost per home served than other technologies, quickly extend service to the hardest to reach communities (typically within a day), and provide consistently high-quality and reliable broadband services.

Viasat is focused on providing all Americans with affordable broadband connectivity and we proudly demonstrated this during the COVID-19 pandemic, whereby we were able to provide many millions of hours of critical broadband and real-time applications, such as telemedicine, distance learning, video streaming, video conferencing, voice, interactive applications, social networking, web (including online sales), messaging (including email), file transfer, security, cloud services, and internet of things applications.

Viasat is supportive of U.S. Government funding and policies to provide all Americans with affordable broadband connectivity and was in favor of Congress approving \$42.45 billion for the BEAD Program established by the Infrastructure Investment and Jobs Act (IIJA). That said, Viasat has previously submitted comments to NTIA containing technical data and recommendations to encourage NTIA to allow Governors to assess all technologies capable of connecting their citizens without imposing weighting criteria that unduly constrains states from implementing performant and cost-effective communications solutions for users¹. Specifically, Viasat continues to be concerned that NTIA is preselecting technology solutions and providers based on stating specific satellite orbits and performance requirements in the Notice of Funding Opportunity (NOFO) Guidance and emphasized with the Proposed BEAD Alternative Broadband Technology Guidance. Viasat believes NTIA should be implementing a technology neutral Alternative Broadband Technology program that promotes a fair and open competition and is in the best interest of all Americans for which Congress intended for the \$42.45 billion.

¹ Viasat Letter in Response to NTIA BEAD NOFO, April 14, 2022

Viasat appreciates NTIA's proposed guidance to consider Alternative Broadband Technologies to meet the constraints of Extremely High Cost Per Location Threshold (EXCPLT) sites; however, we note concerns with NTIA's decision to specifically identify satellites located in Low Earth Orbit (LEO) as being eligible, vice including all technologies capable of delivering the requirements detailed by Congress in the IJA: speeds of "100 megabits per second for downloads and 20 megabits per second for uploads"; a latency standard "sufficiently low to allow reasonably foreseeable, real-time, interactive applications"; and "with network outages that do not exceed, on average, 48 hours over any 365-day period."

As noted above, Viasat previously provided NTIA a report "Assessment of GSO Satellite Capabilities vs. Alternative Internet Access Technologies," prepared by Roberson & Associates ("Roberson Report"), to demonstrate how geostationary satellite (GSO) delivered broadband is a proven, reliable way to expand broadband connectivity that surpasses the "gold standard" for broadband consumers' technical requirements for critical broadband applications.²

In addition, we wish to highlight for NTIA that many advancements in communications network architectures that have begun to emerge since the release of NTIA's BEAD NOFO Guidance that warrant consideration. In particular, NTIA's proposed guidance for Alternative Technologies would serve to exclude states from being able to leverage hybrid network approaches that are designed to simultaneously leverage a multitude of networks (fiber, cellular, LEO, MEO, GSO, etc.) and provide a network-of-networks that benefits from the unique attributes of each respective technical approach.

Specifically, next generation hybrid networks such as Viasat's NexusWave solution, are capable of providing enhanced performance and resilience for users while improving operational efficiency³. We believe states will benefit from considering hybrid networking approaches over the course of the BEAD program, as such approaches will continue to evolve rapidly, and note that GSO satellites play a critical role in hybrid networks given they maintain a greater field-of-view and enable more flexible supply and demand matching than other communications technologies. As such, we urge NTIA to modify the proposed guidance for Alternative Technology to allow for the participation of GSO satellites in BEAD. This approach would give states the ability to assess all single path and hybrid communications technologies when identifying the best solution(s) for a particular site and would better futureproof the BEAD framework to allow for innovative hybrid solutions.

The above considerations allowing for GSO satellites to participate are also relevant when asking what happens if these limited LEO providers do not submit an acceptable proposal, or refrain from submitting a proposal at all. In these scenarios, the unfortunate user would continue to be underserved or unserved entirely under the proposed guidance – the precise situation that Congress is trying to address with the \$42.45 billion.

Viasat questions the guidance concerning "reserve capacity" on LEO networks to meet BEAD performance requirements, along with the guidance to reimburse LEO provider(s) for stranded "reserved capacity", which would imply that these limited LEO providers are able to fully monetize any capacity they can characterize as having been created to enable BEAD service delivery. This "reserve capacity" suggestion appears to be designed to account for the smaller field-of-view inherent with LEO satellites, which will bear significant additional costs for the states. While this approach would be financially advantageous to a handful of LEO providers, it also further disadvantages competing solutions -- such as GSO satellites -- that are more capable of matching supply with demand at scale.

² Assessment of GSO Satellite Capabilities vs. Alternative Internet Access Technologies, Roberson and Associates, LLC, 2, 12. 16 (April 7, 2022).

³ <https://www.inmarsat.com/en/solutions-services/maritime/services/nexuswave.html>

Viasat appreciates the opportunity to offer comments on the BEAD Alternative Broadband Technology Guidance and urges NTIA to further modify its guidance to support technology neutral solutions, as detailed above. Viasat would welcome the opportunity to have further in-person discussions with NTIA concerning BEAD and implementing technology neutral solutions to successfully execute what Congress intended and provide all Americans with access to reliable and affordable broadband services.

Thank you for your time and consideration.

Sincerely yours,

A handwritten signature in black ink, appearing to read "J. Reeves", with a stylized flourish at the end.

John Reeves
Managing Director, Viasat Government Affairs