

**PUBLIC – REDACTED FOR PUBLIC INSPECTION**

**Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

In the Matter of )  
 )  
VIASAT CARRIER SERVICES, INC. ) Docket No. P-2018-3004983  
 )  
 )  
Petition for Limited Designation as an )  
Eligible Telecommunications Carrier )  
to Receive Connect America )  
Fund Phase II Auction (Auction 903) )  
Support for Voice and Broadband Services )  
and Request for Expedited Consideration )

**VIASAT CARRIER SERVICES, INC. SUPPLEMENTAL RESPONSES**

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**VIASAT CARRIER SERVICES, INC. SUPPLEMENTAL RESPONSES**

Viasat Carrier Services, Inc. (“Viasat”), by its counsel, hereby respectfully submits responses to requests for information submitted by the Pennsylvania Public Utility Commission Bureau of Consumer Services (“BCS”) based on BCS’s review of Viasat’s Further Supplemental Responses submitted on September 17, 2019.<sup>1</sup>

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<sup>1</sup> See e-mail from Theresa Mingarell, Policy Analyst, BCS, to Amy J. Blumenthal, Counsel for Viasat (Oct. 1, 2019).

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**QUESTION: Is a Lifeline subscriber required, as a condition of service, to utilize anti-virus/firewall software as described in Viasat's Terms and Conditions paragraph 5.6, Security?**

**RESPONSE:**

In its Further Supplemental Responses, Viasat submitted a mock-up of Lifeline Terms of Service, appended to the current version of Viasat, Inc.'s<sup>2</sup> Customer Agreement (Residential).

Paragraph 5.6 of Viasat, Inc.'s Customer Agreement provides:

**5.6 Security.** You agree to take reasonable measures to protect the security of any devices you connect to the internet through the Service, including, without limitation, maintaining at your cost an up-to-date version of anti-virus and/or firewall software to protect your devices from malicious code, programs or other internal components (such as a computer virus, computer worm, computer time bomb or similar component). You expressly agree that if your computer or an internet connected device becomes infected and causes any of the prohibited activities listed in the Acceptable Use Policy, Viasat may immediately suspend your Service until such time as your computer is sufficiently protected to prevent further prohibited activities. You will be fully liable for all monthly fees and other charges under this Agreement during any period of suspension. Although Viasat has no obligation to monitor the Services or its network, Viasat and its authorized suppliers reserve the right to monitor bandwidth, usage, transmissions, and content from time to time in order to operate the Services, identify violations of this Agreement, or protect the Viasat network, the Services and other users of the Services. In all cases, you are solely responsible for the security of any device you choose to connect to the Service, including, without limitation, the security of any data stored or shared on such device(s).

Lifeline subscribers who may be unable to afford the cost of some versions of anti-virus and/or firewall software may avail themselves of free virus protection software, and Viasat customer service representatives will be able to assist Lifeline customers who have questions about this term of the Customer Agreement or about obtaining access to free anti-virus software. To make clear that maintaining an up-to-date version of anti-virus and/or firewall software is not an additional cost for service, Viasat will delete the phrase, "at your cost," from Section 5.6 of the mock-up.

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<sup>2</sup> Viasat is a wholly owned subsidiary of Viasat, Inc.

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**QUESTION: Per 47 CFR 95(e)(3), please provide a sample of Viasat's E911 warning sticker.**

**RESPONSE:**

Please see the attached sample E911 warning sticker, provided by Viasat, Inc. to its customers, (Attachment A). Note that Viasat's VoIP service is not nomadic. It is a fixed service tied to the customer's existing broadband Internet access service at the customer's residence. Thus, a customer will not be able to "move" the service to another location without first notifying Viasat and having the service installed at the customer's new location. Viasat customers can always update their 911 address information by contacting Viasat.

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**QUESTION: Please provide a mockup of details of voice and/or broadband offerings that includes rates and charges applicable to such plans, e.g. installation/registration/activation, equipment, included vs. optional features, battery backup, support service, cost, late payment charges, restoration fee, and other charges applicable to establish and maintain service.**

**RESPONSE:**

Viasat is currently conducting market research to determine the mix of services potential customers would prefer and the terms upon which the services are offered. Viasat will make services available based on customer demand in each market. As a result, Viasat has not yet determined specific details of all of its rates and services to be offered under the CAF II program.

Viasat will provide the same broadband and voice service offers to Lifeline customers that are available to non-Lifeline subscribers at the same rates, terms, and conditions. However, Lifeline subscribers will be eligible for the FCC's \$9.25 discount for all qualifying services.

Voice Offering

Viasat will only have one voice service; a VoIP offer that provides unlimited local, intrastate and interstate calling anywhere within the US and Canada for a flat monthly rate. This service will be available as an add-on to a broadband Internet access service or as a standalone service. Under the FCC's requirements, Viasat must price its CAF II-supported voice offer based on the FCC's urban rate survey benchmark. The FCC's 2019 average urban monthly rate floor for voice services is \$26.98/month and the reasonable comparability benchmark, two standard deviations above the urban average, is \$51.61.<sup>3</sup> Viasat's current plan is to price its standalone voice offer between \$35.00 and the FCC benchmark per month. The add-on voice service will be offered at a lower price (Viasat, Inc. currently provides voice for \$19.99 for the first six months and \$29.99 per month thereafter).

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<sup>3</sup> See *Wireline Competition Bureau Announces Results of 2019 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowances for ETCs Subject to Broadband Public Interest Obligations*, Public Notice, WC Docket No. 10-90, DA 18-1280, 33 FCC Rcd 12316 (2018) (available here <https://docs.fcc.gov/public/attachments/DA-17-1093A1.pdf>).

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Viasat’s current proposed voice pricing is as follows:

<b>Voice Service</b>	
Minutes	Unlimited local, intrastate and interstate calling within US and Canada
Features	Voicemail, call screening (caller ID, blocking, auto-forwarding, block and auto-message), call forwarding, find me-follow me, call handling (do not disturb, ring phone)
<b>Stand Alone Voice Service</b>	
Monthly Service Fee	FCC acceptable range for 2019: \$26.98 - \$51.61 Viasat proposed range: \$35.00 - \$51.61 Viasat proposed initial rate: <b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Standard Installation Fee	Stand-alone standard installation fee range: <b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Minimum Service Term	Stand-alone minimum service term range: <b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Voice Equipment Lease	<b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
<b>Add-on to Internet Voice Service</b>	
Monthly Service Fee	<b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Standard Installation Fee	<b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Minimum Service Term	<b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Voice Equipment Lease	<b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>
Equipment Lease	<b>CONFIDENTIAL</b> <b>CONFIDENTIAL</b>

Each year, the FCC conducts a [survey](#) of the fixed voice and broadband service rates offered to consumers in urban areas. The FCC uses the survey data to determine the local voice rate floor

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and reasonable comparability benchmarks for fixed voice and broadband rates for universal service purposes. Because the FCC's urban rate survey benchmark may change each year, Viasat's pricing for voice services may also change for new customers each year in accordance with these changed requirements.

### Broadband services

All of Viasat's awards are for the Baseline tier. Under the FCC's requirements, the Baseline service tier requires that bidders commit to provide at least one service offering that provides at least 25 Mbps downstream and 3 Mbps upstream (25/3 Mbps) and a minimum usage allowance of 150 GB per month, or that reflects the average usage of a majority of fixed broadband customers, whichever is higher.<sup>4</sup> The minimum monthly usage allowance for 2019 is 215 GB.<sup>5</sup> As permitted by the FCC,<sup>6</sup> Viasat may offer service plans with different speeds and/or usage caps depending on market and consumer demand.

For a broadband service that provides 25 Mbps downstream and 3 Mbps upstream and offers a monthly usage allowance of 200 GB per month, the FCC's 2019 benchmark is \$77.65.<sup>7</sup> Viasat will not charge customers for data overage.

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<sup>4</sup> *Connect America Fund et al.*, Report and Order and Further Notice of Proposed Rulemaking, WC Docket Nos. 10-90, 14-58, 14-259, FCC 16-64, 31 FCC Rcd 5949, paras. 2, 24-25 (2016) (available here <https://docs.fcc.gov/public/attachments/FCC-16-64A1.pdf>). See also *Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903*, Public Notice, FCC 18-6, 33 FCC Rcd 1428, para. 12 (2018) (available here <https://docs.fcc.gov/public/attachments/FCC-18-6A1.pdf>).

<sup>5</sup> See *Wireline Competition Bureau Announces Results of 2019 Urban Rate Survey for Fixed Voice and Broadband Services, Posting of Survey Data and Explanatory Notes, and Required Minimum Usage Allowances for ETCs Subject to Broadband Public Interest Obligations*, Public Notice, WC Docket No. 10-90, DA 18-1280, 33 FCC Rcd 12316 (2018) (available here <https://docs.fcc.gov/public/attachments/DA-17-1093A1.pdf>).

<sup>6</sup> *Connect America Fund Phase II Auction Scheduled for July 24, 2018; Notice and Filing Requirements and Other Procedures for Auction 903*, Public Notice, FCC 18-6, 33 FCC Rcd 1428, para. 13 (2018).

<sup>7</sup> *Id.* Please see <https://www.fcc.gov/general/urban-rate-survey-data-resources> for additional information about these requirements.

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Viasat’s current proposed broadband service pricing is as follows:

<b>Internet Access Service</b>	
Minimum Speeds	25 Mbps downstream and 3 Mbps upstream
Minimum Usage Allowance	FCC minimum for 2019: 215 GB
Monthly Service Rate	FCC max allowable rate for 2019 (25/3 Mbps and 200 GB): \$77.65 Viasat proposed initial rate: \$77.65
Minimum Service Term	<b>CONFIDENTIAL</b> [REDACTED] <b>CONFIDENTIAL</b>
Upfront Fee	Standard installation fee range: <b>CONFIDENTIAL</b> [REDACTED] <b>CONFIDENTIAL</b>
Equipment Lease	<b>CONFIDENTIAL</b> [REDACTED] [REDACTED] [REDACTED] <b>CONFIDENTIAL</b>

As noted, the FCC’s urban rate survey benchmark changes each year, so the price and data usage cap may change from year-to-year. In such case, Viasat’s supported offers will change consistent with the new requirements.

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Respectfully submitted,  
Viasat Carrier Services, Inc.

By:           /s/ Amy Blumenthal          

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Dated: October 17, 2019

**Attachment A**

**E911 Warning Sticker**

**FCC REQUIRED NOTICE (PLACE THIS LABEL ON OR NEAR YOUR VOIP EQUIPMENT):** The Viasat® Voice service and this equipment are supported by Viasat's satellite network, which will be unavailable from time to time due to power outages, equipment and network failures due to weather and other events. **DURING THESE TIMES, EMERGENCY 9-1-1 SERVICES WILL NOT BE AVAILABLE, OR MAY BE INTERRUPTED.** Your Customer Agreement prohibits you from moving your Viasat Voice equipment to a new service address. If this device is moved to a new address, your 9-1-1 service may not operate properly because 9-1-1 operators may not be able to identify your location in an emergency.