

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

In the Matter of)	
)	
Lifeline and Link Up Reform and Modernization)	WC Docket No. 11-42
)	
Connect America Fund)	WC Docket No. 10-90
)	
Universal Service Reform - Mobility Fund)	WT Docket No. 10-208
)	
Rural Health Care Support Mechanism)	WC Docket No. 02-60
)	
Universal Service Contribution Methodology)	WC Docket no. 06-122
)	
ETC Annual Reports and Certifications)	WC Docket No. 14-58
)	

EMERGENCY PETITION

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The affiliated communications companies operating under the Viya brand in the United States Virgin Islands (“USVI”), which are identified below and collectively referred to herein as “Viya,” hereby request that the Federal Communications Commission (“FCC” or “Commission”) adopt a comprehensive universal service relief package for the USVI following the devastation caused by Hurricanes Irma and Maria. The relief requested herein is consistent with and builds upon the similar relief that the Commission provided following Hurricane Katrina.¹

The Viya entities (collectively “Petitioners”) are:

- Virgin Islands Telephone Corp. and Innovative Long Distance, Inc., collectively doing business as Viya Telephone (and formerly doing business as Innovative Telephone or Vitelco), the incumbent local exchange carrier in the USVI and an interexchange carrier in the USVI, respectively (collectively “Viya Telephone”);

¹ *Federal-State Joint Board on Universal Service, et al.*, Order, 20 FCC Rcd 16883, 16893-95 ¶¶ 19-24 (2005) (“*Katrina Order*”)

- VI PowerNet, LLC, doing business as Viya Broadband (formerly doing business as VI PowerNet), a broadband Internet service provider and customer premises equipment provider;
- Vitelcom Cellular, Inc. doing business as Viya Wireless (formerly Innovative Wireless or Vitelcom), a mobile wireless provider in the USVI (“Viya Wireless”); and
- Choice Communications, LLC (“Choice”), a mobile wireless provider whose business will be combined with Viya Wireless.²

I. INTRODUCTION AND SUMMARY

The Commission has already used the *Katrina Order* as a model in providing relief from Hurricanes Irma and Maria by making clear that network recovery efforts in the USVI and Puerto Rico represent a permissible use of universal service support.³ The Commission also has recognized that the enormity of the reconstruction effort in the USVI calls for additional specific relief by allowing eligible telecommunications carriers (“ETCs”) in the USVI and Puerto Rico to receive up to seven months’ of high-cost support on an up-front, lump-sum basis to assist in the immediate reconstruction effort.⁴ Viya is enormously grateful for these quick and decisive efforts.

Given the magnitude of the network reconstruction challenge to the insular U.S. Territories following Hurricanes Irma and Maria, however, Viya is obliged to seek additional

² Viya Wireless and Choice are commonly controlled by parent company ATN International, Inc. (“ATN”). The Commission has consented to the transfer of control of certain Choice wireless licenses to Viya Wireless as part of ATN’s planned combination of Choice with Viya Wireless. See ULS File Nos. 0007764065, 0007764074. However, this transaction has not yet been consummated.

³ *Connect America Fund*, Order, FCC 17-129 (rel. Oct. 4, 2017) (“*Funding Advance Order*”).

⁴ *Id.*

relief.⁵ Specifically, as explained in more detail below, Viya requests that the Commission provide the following universal service relief to carriers and customers in the USVI impacted by Hurricanes Irma and Maria.

- Special Lifeline support to ensure that customers impacted by the storms that are not already Lifeline customers can retain access to telecommunications services despite the extensive damage to wireline facilities.
- Special Link Up support to ensure that current Lifeline customers in the USVI can retain their service despite the extensive damage to wireline facilities and wireless networks providing service to Lifeline customers.
- Waiver of the 45-day deadline to revise revenue projections filed in the August 1, 2017 FCC Form 499-Q so that the contribution obligations of carriers operating in the USVI align with their significantly decreased revenues resulting from the effects of the storms.
- Further extension of recently granted universal service filing deadlines and extension of additional universal service filing deadlines.

II. BACKGROUND

A. Hurricanes Irma and Maria

On September 6, 2017, Hurricane Irma hit St. Thomas, St. John and St. Croix in the USVI with sustained 185-mile-an-hour winds, toppling trees and power lines, damaging and destroying structures, and causing island-wide electrical outages that will likely last for months.⁶ Various news reports identified Hurricane Irma as one of the strongest storms ever recorded in the Atlantic Ocean. It resulted in at least 84 deaths, including 45 across the Caribbean and 39 in

⁵ Although this Petition is formulated as a request specific to the USVI, Viya believes that the salient facts apply with equal force to Puerto Rico. Viya has no objection to the extension of the relief requested herein to all areas affected by Hurricanes Irma and Maria.

⁶ See, e.g., Camilla Schick et al., “The Storm Reaches Puerto Rico: ‘There Is Nothing Like This,’” New York Times (Sept. 6, 2017), <https://www.nytimes.com/2017/09/06/world/americas/hurricane-irma-update.html>.

the United States.⁷ According to the Commission’s September 18th Communications Status Report on Hurricane Irma, the storm massively damaged the mobile communications infrastructure on St. Thomas and St. John, leaving the majority of cell sites out-of-service, and also damaged infrastructure on St. Croix, leaving about a quarter of cell sites out of service.⁸ USVI residents on these islands continue to lack access to adequate water, electricity, and other basic services.⁹

President Trump declared the USVI to be a major disaster area on September 7, 2017.¹⁰ Further, as additional reports detailed the extent of destruction, the President subsequently expanded the disaster relief resources available under this declaration on September 10, 2017.¹¹

Following Hurricane Irma, on September 20, 2017, Hurricane Maria decimated Puerto Rico and the U.S. Virgin Islands. St. Croix was in the powerful eyewall of the storm, and the storm did extensive further damage to St. Thomas and St. John, which were in the process of

⁷ See e.g., James Oliphant, “About 1.5 million, mostly in Florida, without power in Irma’s wake,” Reuters (Sept. 15, 2017), <https://www.reuters.com/article/us-storm-irma/about-1-5-million-mostly-in-florida-without-power-in-irmas-wake-idUSKCN1BQ1C6>; Madison Park, Emanuella Grinberg, & Ray Sanchez, “Hurricane Irma leaves ‘nuclear landscape’ in Caribbean,” Cable News Network (Sept. 13, 2017), <http://www.cnn.com/2017/09/13/americas/irma-impact-caribbean/index.html>.

⁸ FCC, Public Safety and Homeland Security Bureau, “Hurricane Irma Communications Status Report for Sept. 18” at 6 (Sept. 18, 2017), <https://www.fcc.gov/document/hurricane-irma-communications-status-report-sept-18>.

⁹ See, e.g., Brianna Sacks & Cora Lewis, “‘It’s Like A Bomb Went Off’: What Life Is Like On The US Virgin Islands After Hurricane Irma,” BuzzFeed (Sept. 11, 2017), https://www.buzzfeed.com/briannasacks/irma-devastes-us-virgin-islands?utm_term=.moexy7wMO#.qa6gQ9WRq.

¹⁰ Press Release, President Donald J. Trump Approves U.S. Virgin Islands Disaster Declaration, White House Press Office (Sept. 7, 2017), <https://www.whitehouse.gov/the-press-office/2017/09/07/president-donald-j-trump-approves-us-virgin-islands-disaster-declaration>.

¹¹ Press Release, President Donald J. Trump Amends U.S. Virgin Islands Disaster Declaration, White House Press Office (Sept. 10, 2017), <https://www.whitehouse.gov/the-press-office/2017/09/10/president-donald-j-trump-amends-us-virgin-islands-disaster-declaration>.

beginning their recovery from the damage inflicted by Hurricane Irma.¹² Hurricane Maria's 155-mile-per-hour winds destroyed much of the electrical and communications infrastructure on St. Croix, as well as undoing the restoration efforts undertaken by Viya on St. Thomas and St. John following Hurricane Irma. Indeed, the FCC's first Communications Status Report following Hurricane Maria revealed that the combined destructive forces of Hurricanes Irma and Maria left more than three quarters of the cell sites in the USVI out of service.¹³ Further, as a result of hurricane damages, the two USVI PSAPs still remain unable to retrieve Phase I and Phase II location information for wireless callers and Automatic Number Identification (ANI)/ALI for VoIP Callers.¹⁴ The Commission further noted that it had received reports that "large percentages of consumers are without either cable services or wireline service (one company reported that 100% of its consumers are out of service due to lack of commercial power). There are at least 18 switches that are out of service due to either SS7 or toll isolation."¹⁵

In anticipation of Hurricane Maria, President Trump approved a USVI declaration of emergency on September 18.¹⁶ In addition, after Hurricane Maria hit the USVI, he declared USVI to be a major disaster area on September 21, 2017, thereby qualifying the USVI to receive

¹² Travis Fedschun & Nicole Darrah, "Hurricane Maria surges toward Puerto Rico, US Virgin Islands," Fox News (Sept. 20, 2017), <http://www.foxnews.com/world/2017/09/20/hurricane-maria-takes-aim-at-puerto-rico-us-virgin-islands-as-category-5-storm-strengthens.html>.

¹³ FCC, Public Safety and Homeland Security Bureau, "Hurricane Maria Communications Status Report for Sept. 21" at 6 (Sept. 21, 2017), http://transition.fcc.gov/Daily_Releases/Daily_Business/2017/db0926/DOC-346919A1.pdf.

¹⁴ *Id.* at 2.

¹⁵ *Id.* at 7.

¹⁶ Press Release, President Donald J. Trump Approves U.S. Virgin Islands Emergency Declaration, White House Press Office (Sept. 18, 2017), <https://www.whitehouse.gov/the-press-office/2017/09/18/president-donald-j-trump-approves-us-virgin-islands-emergency>.

federal relief resources.¹⁷ In the wake of these disasters, Chairman Pai has affirmed that “the FCC stands ready to do whatever we can to help with th[e] task” of restoring the hurricane-damaged communications networks.¹⁸

B. Hurricane Damage to Petitioners’ Facilities and Restoration Efforts

Prior to the damage cause by Hurricanes Irma and Maria, Choice operated a 3G CDMA mobile network and Viya Wireless operated a 3G UMTS mobile network. Further, Viya Wireless was in the process of deploying a new 4G UMTS/LTE network. Substantial portions of these wireless networks were rendered inoperable by the storms. Petitioners have made restoring service to these wireless networks a priority because they can be brought back online more quickly than the local wireline network, and there is a current pressing need for some form of communications to be restored in the USVI in the near term. Viya Wireless is communicating with Commission and Federal Emergency Management Agency (“FEMA”) staff on a daily basis regarding its efforts and successes in bringing these wireless networks back online—initially to assist first responders and ultimately for the benefit of USVI residents and businesses.

Viya’s efforts have been hampered, however, by the continuing lack of commercial electric power in the USVI – a situation that is likely to continue for an extended period of time. Even before the storms, Petitioners began moving generators into place to provide backup power to cell sites and switching centers. Given the insular character of the USVI, however, it has proven difficult to procure sufficient fuel to run generators to power even the portions of the wireless networks that remain operational. Further, Viya’s generators are beginning to fail

¹⁷ Press Release, President Donald J. Trump Approves U.S. Virgin Islands Disaster Declaration, White House Press Office (Sept. 21, 2017), <https://www.whitehouse.gov/the-press-office/2017/09/21/president-donald-j-trump-approves-us-virgin-islands-disaster-declaration>.

¹⁸ See FCC Press Release, “Chairman Pai Statement on Hurricane Maria” (Sept. 21, 2017), https://apps.fcc.gov/edocs_public/attachmatch/DOC-346833A1.pdf.

because they were not designed to run continuously for weeks at a time, which has been necessitated by the lack of power for the past month. The lack of transport to the USVI has also hampered Petitioners' efforts to get additional generators, as well as repair crews, positioned on the islands. Further, theft of both generators and fuel also has been a consistent problem.

C. Economic Impact of Hurricanes Irma and Maria

With less than a month having passed since the devastating one-two punch of Hurricanes Irma and Maria, it is not yet possible to fully evaluate the storms' economic impact, but it is clearly devastating. The USVI remains largely without electricity or potable running water. Most structures on the islands suffered damage, and a high percentage of dwelling units are uninhabitable. Many people are staying in makeshift shelters or remaining in structurally unsound, damaged homes or apartments because they have nowhere else to go. Food and other supplies are dangerously scarce, with many island residents subsisting on the depleted rations distributed most days by federal and local emergency officials.

Both of the hospitals in the Territory were severely damaged, likely beyond repair; all patients have been evacuated, and there are no significant medical facilities available in the USVI at this time. Most schools also were gravely damaged, and the few schools that remain intact are serving as emergency homeless shelters. No classes have been held in the four weeks since Hurricane Irma, and it is unclear when they will resume.

In addition, the lack of power has frozen the economy. All banks are closed, checks cannot be cashed, and ATM usage is restricted because there is insufficient cash available to adequately stock the ATMs. Most businesses remain shuttered; even businesses housed in structures that remain standing cannot operate without electrical power.

Before the hurricanes, the median household income in the USVI was approximately 30 percent lower than in the mainland U.S., and the poverty rate, at 46 percent, was more than three

times the U.S. average. The USVI government – the USVI’s largest employer – was financially distressed before the storms hit, facing per-capita government debt at nearly 130 percent of the levels in Puerto Rico, which is going through a form of bankruptcy. Further, the USVI government lacks adequate access to the bond markets because it stopped reporting to credit agencies prior to the hurricanes. Moreover, around one-third of the USVI’s economy depended on tourism in recent years, but tourism is unlikely to rebound quickly given the devastation of the islands’ natural beauty and tourist infrastructure.

The lack of off-island transportation also has severely hampered relief and restoration efforts. The airport on St. Thomas re-opened recently, but it can only accommodate a few flights per day due to extensive storm damage. The St. Croix airport remains closed at this time, although it may soon re-open on a limited basis. Further, boat transportation is slow given that St. Thomas lies more than 1,100 miles from Miami and the closest U.S. point to the USVI – Puerto Rico – also was severely damaged by Hurricane Irma.

D. Prior FCC Universal Service Hurricane Relief

In 2005, Hurricane Katrina struck the Gulf Coast of the United States, causing significant damage in Louisiana, Alabama, and Mississippi, including infamous widespread flooding in New Orleans. In response, the Commission quickly formulated an extraordinary package of universal service relief, including special support for affected areas through the Lifeline, Link Up, E-rate, and Rural Health Care programs.¹⁹ The Commission noted the widespread damage and destruction of wireline and wireless communications facilities, PSAPs, schools, and health care providers.²⁰ The Commission “conclude[d] that these steps were necessary to assist the disaster recovery efforts related to Hurricane Katrina” and that the supplemental universal

¹⁹ See generally *Katrina Order*, *supra*.

²⁰ *Id.*, 20 FCC Rcd at 16884-85 ¶¶ 2-3.

service programs were “consistent with section 254 of the Act, and the provision of universal service generally, for they will help ensure that needed telecommunications and information services will continue to be available throughout our nation on an affordable basis despite the impact of this national tragedy.”²¹

III. REQUEST FOR RELIEF

The relief requested in this Petition is largely modeled on the relief that the Commission granted in the *Katrina Order*, with some additional provisions related to the unique circumstances in the USVI resulting from the successive Category 5 hurricane strikes of Irma and Maria. As was the case following Hurricane Katrina, the instant situation demands “swift and decisive action ... to ensure that E-rate program participants, communities, health care providers, and low-income consumers continue to have access to needed telecommunications and information services.”²²

A. Special Lifeline Relief

Recognizing that Hurricane Katrina had eliminated many customers’ access to the wireline network as a result of the damage to the wireline network from the storm, the displacement of people away from the fixed location of their wireline connections, or both, the Commission in the *Katrina Order* provided a special benefit of \$130 through the Lifeline program for which participating carriers were required to make available to any customer a wireless handset and at least 300 voice minutes of use.²³ For customers that already had a handset, carriers were expected to provide more minutes.²⁴

²¹ *Id.* at 16886 ¶ 5.

²² *Id.*

²³ *Id.* at 16888-89 ¶¶ 11-12.

²⁴ *Id.*

Consistent with the *Katrina Order*, Viya requests that the Commission provide additional Lifeline support to aid the victims of Hurricanes Irma and Maria. This support could be modeled on that proposed in a recent filing related to damage caused by Hurricanes Irma and Maria in Puerto Rico, consisting of an enhanced Lifeline discount equal to that available in Tribal Areas (a total of \$34.25 per month) available to facilities-based ETCs.²⁵ In exchange for this support, carriers should be required to provide a minimum of 750 voice minutes (including service within the USVI, Puerto Rico, and the contiguous U.S.), unlimited SMS, and 2 GB of high-speed mobile data service. The benefit also should include a one-time \$30 handset credit, which is consistent with the inclusion of support for a free wireless handset in the Katrina relief package.²⁶ Carriers should be required to provide a free handset that is at least 3G capable and permit customers to apply the one-time \$30 credit to another handset of the customer's choice. The Commission also should permit carriers to apply the device credit and monthly service credit, at the customer's election, to a MiFi device and data service plan in the event that the customer places a greater value on data services.

The Commission should follow the model of the *Katrina Order* and make the benefit available to all customers who are eligible for benefits from FEMA as a result of Hurricane Irma, Hurricane Maria, or both.²⁷ In the *Katrina Order*, the Commission modified the definition of

²⁵ See Emergency Request by PRWireless, Inc. for Waiver and Other Relief, WC Docket No. 10-90 *et al.* (filed Oct. 4, 2017) ("PRWireless Petition").

²⁶ *Katrina Order*, 20 FCC Rcd at 16884 ¶ 13 ("Under the unique and devastating circumstances caused by the hurricane and its aftermath, we conclude that the provision of this support, including a free wireless handset, is consistent with the purposes of section 254 because it is reasonably necessary to ensure that low income consumers have immediate access to telecommunications services.")

²⁷ See *Katrina Order*, 20 FCC Rcd at 16891-92 ¶¶ 17-18, citing 44 C.F.R. § 706.113. FEMA eligibility is not based on income, but requires displacement from one's home or significant damage to one's home exceeding available insurance benefits. See *id.*

“household” to recognize that “many families that normally live together as one household have been separated due to the hurricane and the evacuation process.”²⁸ The Commission therefore counted each adult and dependents living in the same dwelling (even temporarily) as a separate “household” for purposes of the hurricane relief benefit.²⁹ Given that the damage to the housing stock in the USVI and the resulting dislocation is at least as great as it was in the areas affected by Hurricane Katrina, the Commission should do the same here. In addition, to ensure that customers dislocated by the storms and lacking access to the wireline network due to displacement, network damage, or both can retain access to “telecommunications and information services”³⁰ even in the wake of these extraordinary natural disasters, the Commission should further modify the one-per-household rule to allow households to obtain one benefit for voice service and one benefit for broadband data services per household. To retain consistency with section 254, the Commission could limit such support to ETCs.³¹

This benefit will provide important support that is necessary to minimize the extent to which the damage caused by Hurricanes Irma and Maria cuts off customers’ access to necessary telecommunications and information services, as required by section 254. As discussed above, large numbers of customers in the USVI are displaced from their homes and thus unable to access their wireline service. In any event, Viya Telephone’s wireline network is severely damaged, and Viya expects the full restoration of the wireline network to take a considerable

²⁸ *Katrina Order*, 20 FCC Rcd at 16889 ¶ 12.

²⁹ *Id.*

³⁰ 47 U.S.C. § 254(b)(3).

³¹ 47 U.S.C. § 254(e). Alternatively, if the Commission sees a need, it could provide an expedited pathway, as it did in the *Katrina Order*, for non-ETC carriers to become certified to provide the hurricane-specific benefit. *See Katrina Order*, 20 FCC Rcd at 16893 ¶¶ 19-20.

amount of time. A special Lifeline program will allow wireless networks to act as a “lifeboat” for customers of Viya’s wireline network, ensuring continuity of service pending restoration of wireline service. Given that the timeline for network restoration in the USVI is unclear at this point and likely to be lengthy, this relief should be available for at least six months, though it may become clear in the future that it needs to be extended for an additional three months or longer.

B. Special Link Up Relief

According to Universal Service Administrative Company (“USAC”) data, there are currently about 2,600 Lifeline customers in the USVI, and they are served by three Lifeline providers – Viya Telephone, Choice, and Telrite Corporation. As discussed above, there has been extensive damage to all wireline and wireless networks serving the USVI and, as a result, some or all of these networks may be unavailable for an extended period of time. Consequently, it may be necessary for Lifeline carriers to connect these customers to new service in order to ensure that these customers do not lose their connectivity. To the extent that USVI customers must change carriers in order to maintain continuity of service, they should be eligible for a special Link Up benefit of \$30 per customer in order to ensure that these customers can retain their Lifeline service, even if they have to switch carriers in order to do so.

The Commission currently only provides Link Up benefits for customers on Tribal Lands based on the theory that facilities-based ETCs “are building telecommunications infrastructure on Tribal lands, which have significant telecommunications deployment and connectivity challenges.”³² The USVI following Hurricanes Irma and Maria currently faces deployment and connectivity challenges that significantly exceed Tribal areas on the mainland. Moreover, USVI

³² *Lifeline and Link Up Reform and Modernization, et al.*, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 6656, 6767 ¶ 254 (2011).

residents currently face shortfalls with respect to basic resources, including food, water, housing, and cash, as well as widespread unemployment in at least the near term. Thus, for the same reason that Link Up benefits are available in Tribal lands, a Link Up benefit should be provided in this instance to help offset the burden of on-boarding additional new Lifeline customers from other networks onto Viya's network.

C. Waiver of Filing Deadline to Correct Contribution Obligations

In acknowledgement of the fact that carriers in the USVI currently are collecting little revenue, if any, from customers, the Commission should waive the 45-day deadline for revisions to the fourth quarter Form 499-Q, which was due on August 1, 2017, so that unwarranted universal service contributions do not become a barrier to hurricane restoration efforts.

The Commission assesses universal service contributions based on projected collected end-user revenues from telecommunications and interconnected VoIP, and USAC bills contributors based on the projected revenues reported by contributors on their FCC Forms 499-Q, with an annual true ups based on Form 499-A.³³ The Commission applies a 45-day deadline for revisions to revenue projections reported on FCC Form 499-Q.³⁴ Thus, the deadline for revisions to fourth-quarter revenue projections filed August 1, 2017 Form 499-Q filings was September 16, 2017. However, just ten days before, on September 6, 2017, Hurricane Irma hit the USVI. Viya was sufficiently focused on the restoration of service following that disaster that it initially did not recognize the extent of the impact that the storm would have on its revenues. Moreover, Viya could not have predicted the impact of Hurricane Maria, which hit four days later on September 20, 2017.

³³ 47 C.F.R. §§ 54.709, 54.711.

³⁴ *Federal-State Joint Board on Universal Service et al.*, Report and Order and Second Further Notice of Proposed Rulemaking, 17 FCC Rcd 24952, 24972, ¶ 36 (2002).

The two storms have driven Viya's end-user revenues down to near zero. The lack of power and closure of local post offices and banks has eliminated carriers' ability to render and deliver bills, as well as customers' ability to offer payment. Even if carriers could render and deliver bills, few customers could access them by mail or internet and few could pay them. Moreover, most businesses remain shuttered because of storm damage, lack of power or both. As a result, most USVI businesses and residents currently are without income and therefore could not pay telecommunications bills even if they received the bills and the banks were open.

Thus, good cause exists for this waiver.³⁵ Hurricane Irma was the strongest storm ever recorded in the Atlantic Ocean, and its direct hit to the USVI caused widespread devastation. Viya immediately undertook the enormous logistical challenges of assessing and trying to repair the overwhelming damage to its networks, which fully occupied its on-island resources. Moreover, Viya's financial situation was further adversely affected by Hurricane Maria, which hit just six days after the revision deadline. The significant impact of these natural disasters represent good cause to waive the 45-day deadline to allow contributors in the USVI to revise their revenue projections on their fourth quarter Forms 499-Q to reflect the significant negative impact on revenues wrought by the storms. Moreover, grant of this waiver will further serve the public interest by preventing an obligation to pay universal service contributions during fourth quarter on revenues that carriers projected on or before August 1. These revenues will not be realized because of the natural disasters, which, in turn, will reduce the amount of money that carriers have available to fund relief and restoration efforts.

³⁵ See 47 C.F.R. §§ 1.3, 1.925(b)(3).

D. Extension of Universal Service Filing Deadlines

In the wake of Hurricane Irma, the Commission issued a waiver extending by 90 days (until December 6, 2017) the deadline to send de-enrollment notifications to Lifeline customers for non-usage.³⁶ Viya commends and thanks the Commission for this action. The Commission correctly recognized that disruption from the storm would make it difficult or impossible for Lifeline subscribers to receive or respond to de-enrollment notifications, and therefore provided carriers with a means to avoid forcing customers who are trying to rebuild their lives to re-apply for the program.³⁷ Of course, less than two weeks after the Commission issued that waiver, Hurricane Maria struck the USVI with nearly equal force, undoing all of the restoration efforts of Viya and other carriers and causing extensive additional damage – not just to carriers’ networks but to customers’ homes, routines, jobs, and lives.

As a result of the additional damage caused by Hurricane Maria subsequent to the grant of the 90-day waiver, Viya requests an additional waiver of at least 180 days (i.e., 270 days in total from the date of the original waiver, immediately after Hurricane Irma) before de-enrollment efforts must begin again. The dislocation caused by these two back-to-back storms to the already fragile economy of the USVI cannot be overstated. During this time, there is significant risk, if not a likelihood, that a Lifeline customer’s apparent non-usage is a function of the effects of the disasters rather than a conscious choice. The Commission’s reasons for granting the initial waiver were sound, and subsequent circumstances strongly support extending it for these same reasons.

In light of the dislocation caused by the storms, Viya also requests extension of any other universal service deadlines which may fall during the nine-month period following Hurricane

³⁶ *Lifeline and Link Up Reform and Modernization*, Order, DA 17-860 (WCB rel. Sept. 7, 2017).

³⁷ *Id.* at ¶¶ 5-6.

Irma's landfall. This could include, for example, any E-rate or Rural Health Care invoicing deadlines.

IV. CONCLUSION

Viya respectfully requests that the Commission provide the requested relief as discussed above.

Respectfully submitted,

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