

18-143; 10-90; 14-58 **SUNSHINE PERIOD**

**BLACKBURN**

Federal Communications  
Commission

OCT 7 2019

Office of the Secretary

September 25, 2019

Honorable Ajit Pai  
Chairman  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW  
Washington, DC 20554

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Electronic Mail: [Ajit.Pai@fcc.gov](mailto:Ajit.Pai@fcc.gov)

**Re: Requesting that FCC remove the proposed amendment to Part 54 of Title 47 of the Code of Federal Regulations that would add a new Section 54.1401 to a new Subpart N to part 54, We must create a new framework to truly storm-harden our networks and expand broadband services to underserved communities in rural areas.**

Dear Chairman Pai:

Today, I am writing with a sense of urgency before the September 27 FCC Commission vote on the draft Order regarding the second stage of the *Uniendo a Puerto Rico and Connect USVI Funds*. Blackburn was not aware that the proposed Order effectively bans Neutral Wholesale Operators like us, until the Draft Order was issued, so we apologize beforehand for the timing of this petition. It is of our belief that an unintended result of finalizing the Draft Order, as currently proposed, would work against the spirit of these funds.

The intention of the initiative is to provide approximately \$950 million in funding to "storm-harden, improve, and expand" broadband networks in Puerto Rico and the Virgin Islands. We are **proposing amendment to Part 54 of Title 47 of the Code of Federal Regulations that would add a new Section 54.1401 to a new Subpart N to part 54 that reads as follows:**

*§ 54.1405 Stage 2 fixed support application process.*

*Provider Eligibility. A provider shall be eligible to submit an application for support from Stage 2 of the fixed Uniendo a Puerto Rico Fund or of the fixed Connect USVI Fund if it had its own fixed network and provided broadband service in Puerto Rico or the U.S. Virgin Islands, respectively, according to its June 2018 FCC Form 477 data. A provider must obtain eligible telecommunications carrier designation no later than sixty (60) days after public notice of selection to receive fixed support. Any entity that is awarded support but fails to obtain ETC designation within sixty (60) days shall be considered in default and will not be eligible to receive high-cost funding.*

The Puerto Rico Telecommunications Bureau (PRTB) has been hard at work on Puerto Rico's efforts to recover from the devastation of Hurricanes Irma and Maria and on its efforts to plan for the future foundation laying to make the island safer and more resilient than has been. Needless to mention that its public commitment to think creatively and proactively to help restore the networks to the island has also been more than evident than ever. In sum, we praise its efforts and tenacity in achieving only the best funding opportunities and public policy programs for Puerto Rico.

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Nonetheless, Blackburn is both a new entry and is positioned as a Neutral Wholesale Operator without services to end customers in Puerto Rico. By limiting participation to providers that had existing fixed network facilities and made broadband service available in Puerto Rico as of June 2018, the confirmation of the aforementioned Draft Order will have an unintended consequence of limiting the potential impact on Puerto Rico's communications infrastructure, and access thereto. The order effectively bans new entries as well as Neutral Wholesale Operators that will produce a less efficient utilization of the deployed infrastructure and as such doing a disservice in not ensuring that American citizens living in Puerto Rico will be able to fully participate in the digital economy and remain connected when they need it the most.

Our company was recently awarded the project to design, build, operate, and maintain a fiber optic cable and wireless (LTE-5G) network along both PR 22 and PR 5 highways to provide broadband connectivity and telecom services to the adjacent areas along the highway corridor home of 40% of the island population. This project will also provide terrestrial redundancy, as well as the redundancy routes. The road runs parallel and to the north of multiple island towns located in the center of the island, which currently do not have access to broadband services. Last but not least, the project will be a showcase for the upcoming 5G, IoT, edge computing, and smart highways and cities initiatives in Puerto Rico. The infrastructure will be available to all operators in Puerto Rico.

In addition, Blackburn is a developer of a project to deploy an exclusive submarine cable with local routes and backhaul capabilities along the south coast of the Island. The project is the result of the post hurricane analysis that evidenced a potential catastrophic risk of a major earthquake in the Milwaukee (also known as Puerto Rico) Trench running parallel to the north coast of the island. All 12-submarine cables connecting the island to the world land in the north coast and will be affected by both the tectonic moves and the resulting tsunamis. Indeed, the island felt the effects of a 6.3 level earthquake two days ago followed by three aftershocks, of magnitude 5.8 and 4.6 within less than an hour, and 4.7 level earthquake aftershock last night. The Boriken cable, and its recently acquired partners will not only provide diverse high-speed connectivity but will greatly enhance Puerto Rico positioning as the hub of internet connectivity and broadband capacity between Latin America, Central America, the Caribbean with North America that are not being delivered through existing networks.

The natural disaster experiences and the low (18%) penetration of Fixed Broadband demonstrates that *Uniendo a Puerto Rico and Connect USVI Funds* should support the types of initiatives that Blackburn is undertaking. Puerto Rico requires new thinking, a longer-term strategy, and creative solutions as a means of implementing additional redundancy and infrastructure resiliency on the island.

Congress has requested the FCC to create a new framework to expand broadband services to underserved communities in rural areas. In order to achieve that objective, we respectfully request that the Federal Communications Commission allow new entrants and Neutral Wholesale Operators to participate in this process. Qualifications for new entrants could include authorization by both the FCC and the PRTB.

We are available to meet with you and your designated representative immediately and person to answer any questions or request of additional information that you may have.

Sincerely,

DocuSigned by:



9/25/2019

Alejandro G Asmar

CEO

Blackburn Technology LLC

Guaynabo

Puerto Rico

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