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Free Press

October 23, 2019

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

RE: ***Amendments to Part 4 of the Commission's Rules Concerning Disruptions to Communications,*** **PS Docket No. 15-80;** ***New Part 4 of the Commission's Rules Concerning Disruptions to Communications*****, ET Docket No. 04-35;** ***Proposed Extension of Part 4 of the Commission's Rules Regarding Outage Reporting to Interconnected Voice Over Internet Protocol Service Providers and Broadband Internet Service Providers,*** **PS Docket No. 11-82;** ***Uniendo a Puerto Rico Fund and the Connect USVI Fund,*** **WC Docket No. 18-143**

Dear Ms. Dortch:

Free Press is troubled by the Commission's continued lack analysis and transparency around the immediate response and subsequent restoration of communications in Puerto Rico and the U.S. Virgin Islands following Hurricanes Irma and Maria in 2017. Even two years later the public still does not have a full accounting of why the collapse of communications networks occurred and how to keep it from happening again.

We request for the Commission to undertake a thorough analysis of its part 4 rules in light of the incomplete investigations of recent hurricane- and wildfire- related incidents. These events have exposed significant and recurring vulnerabilities in telecommunications infrastructure for first-responders and consumers alike. Additionally, in order to conduct a comprehensive analysis, we ask the Commission to consider the questions as described by a Free Press Report[1] and a recent Congressional request to the Government Accountability Office to further investigate the matter.[2]

After Hurricane Maria struck Puerto Rico and the U.S. Virgin Islands, the islands experienced extensive communications outages presenting the Commission with one of the most widespread and prolonged communications outages in U.S. history. The outages prevented people from calling for help or having access to important, life-saving information from disaster-response authorities.[3]

Thoroughly analyzing the communications outage in Puerto Rico presented the Commission with an opportunity to put preventative measures in place to mitigate the loss of communications during

1 *See generally* Free Press, Connecting the Dots: The Telecommunications Crisis in Puerto Rico (May 2019) (Connecting the Dots) (attached as Appendix A).
2 *See* Letter from Frank Pallone, Chairman, U.S. House Committee on Energy and Commerce, to Gene Dodaro, Comptroller General, U.S. Government Accountability Office at 2-3 (Oct. 3, 2019) (Pallone Letter).
3 Between 3,000 and 5,000 people died as a result, making it also one of the deadliest tragedies in U.S. history. *See* Sophie Kleeman, "New Estimate Puts Puerto Rico's Hurricane Maria Death Toll at Nearly 5,000," Vice (May 29, 2018, 6:00 PM).

and post-natural disasters across the U.S. and its territories. However, we have shown, through comments in several proceedings, the Commission's failure to comprehensively examine these widespread and prolonged communications outages.[4]

Free Press and other public interest commenters have previously rebutted calls to conceal service-related information which allow for use or independent verification and assessment by third-parties.[5] For example, a recent filing by the Puerto Rico Telecommunications Bureau (PRTB) reveals the need for both additional data from the Commission, and to create a fulsome record. The PRTB describes a belief that "DIRS should be mandatory"[6] and how it issued an Administrative Order to access more detailed information—though without specifying exactly the type of information—from the carriers on their recovery of critical telecommunications infrastructure.

Due to the Commission's failure, Free Press and others have relied on alternate means to gain more information, including a public records request to the FCC and FEMA regarding the Commission and carriers' performance in the aftermath of the hurricanes.[7] Yet, we still do not have sufficient information to fully address the following open questions:

- "How effective and accurate was the information the FCC collected through DIRS and does that information hold insights on how each telecom provider restored services?"[8]
- "Did inaccuracies or lack of access to information slow down or impede subsequent recovery efforts? How can the FCC remedy the way it addresses such obstacles?"[9]
- "Should DIRS, and another arrangement with industry discussed below, continue to be entirely voluntary?"[10]
- "How did Puerto Ricans rely on these aggregated DIRS reports to make decisions for their families?[11] Considering that publicly available DIRS information provides only the

[4] *See, e.g.,* Comments of Free Press, *Response Efforts Undertaken During 2017 Hurricane Season, et al.*, PS Docket No. 17-344, et al. (filed Sept. 17, 2018); Letter from Joseph Torres, Senior Director of Strategy and Engagement, Free Press, to Marlene H. Dortch, Secretary, Federal Communications Commission, WC Docket No. 18-144 (filed July 20, 2018); Comments of National Hispanic Media Coalition and Free Press, *Response Efforts Undertaken During 2017 Hurricane Season, Bridging the Digital Divide for Low Income Consumers*, PS Docket No. 17-344 & WC Docket No. 17-287 (filed Apr. 17, 2018).

[5] *See, e.g.*, *Comments of Establishing the Digital Opportunity Data Collection, Modernizing the FCC Form 477 Data Program*, WC Docket Nos. 19-195, WC Docket No. 11-10 at 12 n.22 (filed Sept. 23, 2019) (asserting that the Commission "should have a general policy of making the data it collects available to the public[,]" "except in certain circumstances such as when the data are competitively sensitive[,]" and "the FCC should implement a process to make additional data that is not accessible by the public available to academic researchers and others").

[6] Letter from Sandra Torres Lopez, Chairwoman, Puerto Rico Telecommunications Regulatory Bureau, to Marlene H. Dortch, Secretary, Federal Communications Commission, PS Docket Nos. 15-80 & 04-35 (Nov. 20, 2018).

[7] *See* Letter from Carmen Scurato, Senior Policy Counsel, Free Press, to Federal Communications Commission (filed Nov. 8, 2018); *available at* https://www.freepress.net/sites/default/files/2019-05/free_press_foia_request_11_09_18.pdf.

[8] Connecting the Dots at 11.

[9] *Id*.

[10] *Id*.

[11] Some evidence from post-Hurricane Maria Puerto Rico indicates that consumers could benefit from the disclosure of more and actionable publicly accessible DIRS information. The Commission's practice of publishing truncated, daily DIRS reports produced documents which were subsequently circulated on social media by members of the public attempting to ascertain their ability to contact friends or family. Free Press collected stories and visited Puerto Rico in

percentage of cell sites operating in a given area, how would the public and on-the-ground first responders benefit from having access to more accurate coverage maps and outage information?" [12]

- "[O]ne of the benefits to communications providers of the voluntary [DIRS] is that it 'better ensures that [providers] will be able to serve their communities, providing them with critical updates and risk communications information.' [. . .] Was DIRS effective for this purpose in the aftermath of Hurricane Maria? In what ways could DIRS be a more meaningful source of information for the public of critical network outages during emergencies and natural disasters?" [13]
- "The FCC approved additional funding to accelerate the restoration of communications networks damaged and destroyed by [the hurricanes], [h]ow is the FCC tracking the funds and ensuring that the funds are being used as intended?" [14]

We also request the Commission hold public hearings in Puerto Rico, so the agency's policies can be informed by Puerto Ricans directly impacted by the loss of communication services on the islands rather than solely by assurances of self-interested carriers.[15] The stories reinforced why the ability to communicate is truly a life and death matter, especially during and after a disaster.

Providing access to more, not less, data will allow first responders, state and local authorities critical potentially-lifesaving situational awareness, and in turn advocates, researchers and the public with a means to hold its government officials accountable.[16]

October 2018 with allies to hear from residents in Vieques and Comerío on how the loss of communications impacted their lives. We heard how the loss of communications constrained people's ability to find help because they were unable to receive information on where to search for food or water and were afraid to leave their houses due to mudslides in the area. We also heard stories that there were no media outlets informing them of where it was safe to travel, find medical care, or seek out loved ones. To address these concerns, the Commission must explore ways for these reports to provide more and better actionable information to people. For example, the reports do not reveal how cell tower outages translate to network availability in a given area, even if described with rough contours based on aggregated data, and wireline service outages were regularly described with no useful specificity through simple superlatives for the entire island. *See*, *e.g.*, Federal Communications Commission, "Communications Status Report for Areas Impacted by Hurricane Maria" (rel. Dec. 6, 2017) (describing wireline service as "generally nonexistent.).

[12] Connecting the Dots at 11.

[13] Pallone Letter at 3.

[14] *Id.*; *see also Uniendo a Puerto Rico Fund and the Connection USVI Fund, et al.*, Statement of Commissioner Jessica Rosenworcel, at 2 (rel. Sept. 26, 2019) ("[T]he FCC has spent over $100 million in universal service funds [] to boost the restoration of communications . . . . However, comb through the text of this decision, and it's apparent the FCC does not have a clear picture of where those funds were spent and what the current state of communications facilities looks like on the ground. We should know with precision what was spent and where. And we should fashion what we do today around all of that information. But we do not. That's regrettable. It's an invitation for waste because it fails to ensure we are directing funding to areas with the greatest need."). The Commission itself recently required participation in DIRS for Stage 2 Uniendo a Puerto Rico Fund recipients "because during Hurricane Maria, the major incumbent local exchange carrier and cable providers in Puerto Rico and the USVI did not provide detailed information in DIRS, hindering effectiveness." *Uniendo a Puerto Rico Fund and the Connect USVI Fund, et al*., WC Docket Nos. 18-143, 10-90 & 14-58, Report & Order & Order on Reconsideration ¶ 138-40 (2019).

[15] *See* Connecting the Dots at 22-27; Joseph Torres, "Puerto Ricans Speak Out About Islands' Communications Crisis," Free Press (Oct. 18, 2018), *available at* https://www.freepress.net/our-response/advocacy-organizing/stories-field/puerto-ricans-speak-out-about-islands-communications.

[16] As an initial matter, the Commission should determine the significant public interest in providing a means for researchers and other public interest advocates to inspect disaggregated information; permitting greater access to

We demand a prompt and comprehensive review of the sufficiency of the current outage reporting system and a full investigation of post-Hurricane Maria Puerto Rico and the U.S. Virgin Islands to fully inform these proceedings.

Respectfully Submitted,

___/s/_____
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October 23, 2019

first-responders and state and local emergency response entities to relevant and timely outage information; and providing more aggregated information in any daily DIRS reports to consumers.

APPENDIX A

CONNECTING THE DOTS

photo credit: Dr. Michael Izard-Carroll

The Telecommunications Crisis in Puerto Rico

Free Press

MAY 2019

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> *"Communication was down for weeks, making it hard for everyone to stay sane, calm, and collected. Thus... our mental health decreased, worse than what it already was."*
>
> —Patricia in Bayamón, Puerto Rico (Jan. 31, 2018)

Acknowledgements

REPORT AUTHORS

Leo Fitzpatrick, Carmen Scurato and Joseph Torres

The Free Press Puerto Rico working group made this report possible. Members include Teresa Basilio Gaztambide, Lucia Martínez, Nilda Muhr, Yesenia Perez-Algarin and Misty Perez Truedson.

> *"For me, not having any cellphone connection or access to internet in the immediate aftermath of the storm was worse than not having electricity or water service. We had little idea what had happened in the rest of the country."*
>
> —Maritza Stanchich in San Juan, Puerto Rico (Jan. 31, 2018)

Introduction

The ability to communicate during and after a disaster is a life-and-death matter. And few disasters better exemplify this need than Hurricanes Irma and Maria, which devastated Puerto Rico in September 2017.

Hurricane Irma struck on Sept. 6 and left more than a million people without power while weakening Puerto Rico's already fragile infrastructure. Then on Sept. 20, Hurricane Maria — a Category 4 storm — destroyed the islands' infrastructure. It left nearly the entire population without power and knocked out Puerto Rico's communications networks.

Between 3,000–5,000 people died, making Maria one of the deadliest disasters in U.S. history.[1] And the inability of Puerto Ricans to make calls or access life-saving information contributed to the death toll.

Nazario Lugo, president of Puerto Rico's Association of Emergency Managers, captured the crisis in an interview with the Associated Press in March 2019: "The biggest crisis after Maria was communication … that unleashed an endless number of problems."[2]

The tragedy that continues to unfold in Puerto Rico isn't just the result of the storm. The word "natural" — often used to describe a disaster like Hurricane Maria — should be removed from any descriptions of what happened on the islands.

The disaster can't be separated from the history of more than 100 years of U.S. colonialism in Puerto Rico, a history of wealth extraction, systemic racism and economic exploitation that left the islands' critical infrastructure — including the communications networks — fragile and vulnerable.

Colonialism has also led to the willful neglect of Puerto Ricans' basic needs. This has been the case in the wake of Hurricanes Irma and Maria, where the focus has been on debt repayment and austerity measures to "reduce costs" rather than on rebuilding and ensuring access to critical services. Meanwhile, the Federal Emergency Management Agency and other government entities — including the Federal Communications Commission — have failed to respond adequately to the disasters that unfolded.

The FCC, the government agency responsible for ensuring that the media and telecom companies it regulates serve the public interest, has yet to conduct a vigorous investigation into the failure of the islands' communications infrastructure, which was a major factor in the death toll.

This report's goal is to call attention to the critical need to examine and investigate all of the causes for the collapse of the communications networks. There are dozens of key questions posed throughout this document that Congress must demand answers to if we are to ensure a crisis like this isn't repeated.

It's deeply troubling how little interest the FCC has shown in analyzing what went wrong and using this information to shape its policies on communication rights and public safety.

So far, the FCC has failed to:

- Convene an independent commission — as it did after Hurricane Katrina — tasked with thoroughly investigating the communications blackout.
- Directly engage with the affected communities in Puerto Rico through field hearings to inform the agency's policies.
- Be forthcoming and transparent with information regarding its work to restore communications after the 2017 hurricanes.
- Adequately respond to the gravity of the communications crisis in Puerto Rico as it has to crises in other parts of the United States.
- Abandon its efforts to dismantle the Lifeline program, which would directly undermine Puerto Ricans' ability to afford telephone and broadband services.
- Hold telecom companies accountable for the amount of time they took to restore services.
- Implement sufficient measures to identify potential misuse of the federal funds the FCC set aside for recovery work.
- Take necessary steps to ensure that telecom companies deliver on promises to accelerate reconstruction.
- Provide access to Spanish-language translations for all Puerto Rico-related material.

This is why we're calling on Congress to ensure the FCC adopts policies that address the underlying causes of the prolonged outage in Puerto Rico. Affected communities should be part of the design and governance of their local communications infrastructure and funds should be allocated to support self-sustaining and resilient communities.

> *"We did not have electricity at our house in San Juan until January 11. Therefore, our access to our landline telephone service was limited."*
>
> —Sheila Ward in San Juan, Puerto Rico (Jan. 31, 2018)

The Perfect Storm: Colonialism and Government Apathy Meet Hurricanes Irma and Maria

Understanding the history of colonialism in Puerto Rico is essential to creating policies that will address the economic, political, social and racial inequities shaping the islands' reconstruction efforts. These inequities played a central role in the tragedy of Hurricanes Irma and Maria. And they're why the fight for a just reconstruction of Puerto Rico is a critical racial-justice issue.

Puerto Rico has been a colonial possession of the United States for more than a century. During this time, the federal government has imposed predatory economic policies that have allowed U.S. companies to extract enormous profits from the islands at the expense of Puerto Ricans and Puerto Rico itself.

That legacy of colonialism continues to this day. In 2016, Congress passed legislation that created an unelected fiscal-oversight board tasked with restructuring Puerto Rico's debt, which had ballooned to $120 billion after federal tax breaks[3] for U.S. companies operating in Puerto Rico ended in 2006.

Unlike other cities in the United States, Puerto Rico doesn't have the legal recourse to declare bankruptcy. The islands lost that right in 1984 due to an amendment inserted into a bankruptcy bill.[4] Now, the fiscal-oversight board is implementing punitive austerity measures that will further punish Puerto Ricans trying to recover from a historic tragedy.

The U.S. government has failed to provide the kind of economic support needed for the recovery and reconstruction of the islands. Puerto Rico has received less federal relief in the wake of Hurricanes Irma and Maria than other parts of the United States that suffered significant hurricane-related damages in 2017.

In addition, President Donald Trump reportedly told congressional leaders that Puerto Rico should not receive further federal assistance for programs like food stamps.[5]

Trump has also repeatedly lied about how much federal assistance Puerto Rico has received and has made racist statements about Puerto Ricans.[6] His message is clear: Puerto Ricans don't deserve help, an attitude that's reflected in his administration's failure to respond adequately to the disaster on the islands.[7]

This refusal to respond appropriately extends to the FCC.

Just Reconstruction Efforts Must Include Just Access to Communications

The FCC has failed to conduct a comprehensive investigation that examines all of the factors that led to the collapse of the islands' communications networks — or to hold telecom providers accountable for the slow pace of service restoration.

While the FCC has allocated more than $100 million in new federal funding to restore communications services and build more resilient networks on the islands, the Commission has failed to put in place an adequate oversight process to ensure that the telecom companies receiving this funding spend the money for its intended purposes.

The FCC has a history of investigating communication failures and holding public hearings following disasters. It's historically done so to inform its policymaking and prevent such failures from happening again. For example, this is what the FCC did after Hurricane Katrina devastated communications in Louisiana and other Gulf states.

Chairman Ajit Pai's indifference to the communications crisis in Puerto Rico speaks volumes about the islands' colonial status. When Pai visited Puerto Rico, he met with telecom-company officials but failed to hold a single public hearing.

By contrast, consider Pai's urgent response in October 2018 after Hurricane Michael struck the Florida Panhandle. Pai immediately ordered his agency to investigate the failure of telecommunications providers to quickly restore service. The chairman's decisive action came just weeks before Election Day, which saw Republican candidates in that region running in close gubernatorial and senatorial races.

Chairman Pai has failed to show the same urgency with Puerto Rico. This is unacceptable.

Over the past year, Free Press has called on the FCC to appoint an independent commission to investigate the causes of the islands' communications failure. And last November, we submitted Freedom of Information Act requests to both the FCC and FEMA to learn more about how our government agencies responded to the islands' communications crises. FEMA is as critical as the FCC to rebuilding the communications networks due to the agency's central role in coordinating disaster-recovery efforts.

To date, only the FCC has provided documents, with an initial production of 52 consumer complaints received on April 30, 2019. The agency has claimed it will take years to provide all of the complaints it has received, and this delay is further evidence of how it's failing to prioritize Puerto Ricans' essential communication needs.

> *"People in Puerto Rico pay a lot for cellphone and internet. They are US Citizens, they deserve to be treated the same way [as] the people that live in the US mainland."*
>
> —Sonia Acevedo in Alexandria, Virginia (Feb. 12, 2018)

The Voices of Puerto Ricans Must Be Heard

It's crucial that we hold the FCC accountable so we understand why communications networks in Puerto Rico collapsed and how that breakdown has impacted the lives of the people on the islands. Congress has an essential role to play in ensuring the FCC fulfills its responsibilities in this regard.

Since Hurricane Maria hit, Free Press has worked to ensure the voices of Puerto Ricans are heard and prioritized when it comes to policies adopted to restore and rebuild Puerto Rico's telecommunications infrastructure. This is a personal issue for many Free Press staffers who are Puerto Rican and have family living on the islands.

Last year, we submitted comments to the FCC that included heartbreaking stories that Puerto Ricans shared with us on how the islands' communications crisis prevented them from learning whether their loved ones were alive or able to access the help they desperately needed **(see appendix)**.

Free Press and Resilient Just Technologies also traveled to Puerto Rico and held story circles — intimate community gatherings — to allow participants to share their stories on how the loss of communications affected their lives. Residents of Comerío and Vieques discussed how the communications blackout limited their mobility, their ability to find food, water and medical care, and their capacity to seek out their loved ones.[8]

What Congress and the FCC Must Do to Help Puerto Rico Build a Resilient Communications System

As U.S. government actions — and inactions — have worsened a massive humanitarian crisis, it's the FCC's duty to investigate what went wrong and to adopt policies that prevent the islands' communications networks from collapsing in the future.

In this report, Free Press shares essential actions Congress should compel the FCC to take in Puerto Rico and offers key policy suggestions that can be applied to future disasters anywhere in the country:

- **The FCC, in coordination with other federal agencies or Congress, must form an independent commission** to conduct a comprehensive and expedited investigation of every major or prolonged communications outage, regardless of where it occurs in the country. The Commission must produce a detailed report for each discrete outage that includes a critical assessment of agency actions, or inactions, and provides clear, actionable recommendations or proposed regulations to prevent the recurrence of such outages.
- T**he FCC must immediately and directly engage with affected communities**, hold public field hearings in such communities, and provide access to potentially life-saving information in languages appropriate for these communities.
- **The FCC must apply its expertise and promulgate regulations**, including recommending actions or regulations for other federal, state or territorial agencies, to a) address the known underlying causes of prolonged outages and b) engage in a longer-term examination and rulemaking to strengthen resilient-network infrastructure.
- **The FCC must be more transparent**, provide clear and measurable requirements for funds allocated to network-recovery work, and hold telecom providers accountable for unreasonable delays to ensure recovery efforts accelerate the restoration of services and increase network resiliency.

> *"In the beginning of the hurricane the hospital my mom worked at was filled with people who were on the floor crying over the fact that their homes were more than likely destroyed and that their families were still in their homes and [they had] no way of being able to contact them."*
>
> —Hector Santana in Carolina, Puerto Rico (Jan. 31, 2018)

Timeline of Events and Related Oversight Questions

As Congress works to address Puerto Rico's urgent and unmet needs, Free Press offers the following timeline of events along with key questions for lawmakers to ask the FCC about rebuilding resilient communications networks for the islands.

2017

SEPTEMBER. Hurricane Irma unleashes tropical storm-force winds in Puerto Rico, knocking out electricity for 1.1 million people. Two weeks later, Hurricane Maria makes landfall as a Category 4 storm. As a result, Puerto Rico experiences one of the most extensive and lengthy communication blackouts in modern U.S. history.[9] Right away 95 percent of cell sites are knocked out of service; two days after landfall, 97 percent of radio stations remain off the air, and not a single TV station is broadcasting.[10] **Subsequent reports indicate that the lack of power and accessible communications contributed to the 3,000–5,000 lives lost and hindered recovery work.**[11] The FCC activates the Disaster Information Reporting System (DIRS), a web-based system launched in 2007 in response to Hurricane Katrina that telecom carriers use to report communications-infrastructure status and situational-awareness information during a disaster to coordinating agencies and first responders. DIRS functions on an entirely voluntary basis.

OCTOBER. Free Press joins a letter commending the FCC for advancing $76.9 million to restore communications services and urges the implementation of additional measures to swiftly restore communications.[12] The agency forms an internal Hurricane Recovery Task Force to: coordinate across bureaus and offices throughout the FCC; support the restoration of communications services following the 2017 hurricane season; and focus on the "challenges facing Puerto Rico and the U.S. Virgin Islands."[13]

Then-Ranking Member Frank Pallone Jr. of the House Energy and Commerce Committee calls for a "Commission level review" to strengthen the Wireless Resiliency Cooperative Framework based on his own constituents' experiences following Superstorm Sandy (2017 Pallone Wireless Framework Letter).[14] The framework is an industry-led, self-policing and voluntary guidance that defines the actions wireless providers agree to take following a disaster.

NOVEMBER. FCC Chairman Pai visits the islands to survey the damage and meets with government officials coordinating recovery efforts. He also meets with various representatives from communications entities, including AT&T, Claro, Liberty, Open Mobile, T-Mobile and Verizon — but fails to hold a single public hearing.[15]

DECEMBER. The pace of recovery is excruciatingly slow: Less than 5 percent of TV stations are back on the air; 66 percent of radio stations are still out; and cable and landline phone services are, in the FCC's own words, "generally nonexistent."[16]

These are the questions that remain unanswered:

- *How effective and accurate was the information the FCC collected through DIRS and does that information hold insights on how each telecom provider restored services?*
- *Did inaccuracies or lack of access to information slow down or impede subsequent recovery efforts? How can the FCC remedy the way it addresses such obstacles?*
- *Should DIRS, and another arrangement with industry discussed below, continue to be entirely voluntary?*
- *How did Puerto Ricans rely on these aggregated DIRS reports to make decisions for their families? Considering that publicly available DIRS information provides only the percentage of cell sites operating in a given area, how would the public and on-the-ground first responders benefit from having access to more accurate coverage maps and outage information?*

DECEMBER. The FCC's Public Safety and Homeland Security Bureau opens an inquiry into the "resiliency of the communications infrastructure, the effectiveness of emergency communications, and government and industry responses to the 2017 hurricane season."[17]

These are the questions that remain unanswered:

- *Why has the FCC refused to assemble an independent panel like the one it convened after Hurricane Katrina?*
- *Why has the agency failed to examine whether stakeholders actually applied the lessons learned from past investigations?*
- *What is the composition of the agency's Hurricane Recovery Task Force? How often does it meet and what activities is it undertaking? What is the task force's role in responding to the 2017 Atlantic hurricane season?*

2018

JANUARY. The Government Accountability Office releases a report on the industry-led Wireless Resiliency Cooperative Framework.

In response to extensive network outages following Superstorm Sandy, the FCC opened a rulemaking proceeding in 2013 to "promote transparency to consumers as to how mobile wireless networks compare in maintaining operations during major emergencies" to spur providers into improving network resiliency.[18] After a fierce backlash from providers, the agency closed the 2013 proceeding and adopted the industry-proposed framework in place of regulations protecting the public.

The GAO report on the framework finds the FCC doesn't have a means to evaluate the progress of the initial implementation of the framework; the FCC and industry's broad goals for the framework don't have any specific metrics to assess progress toward these goals; and the FCC didn't have plans to communicate information about the framework to public-safety officials and other stakeholders.[19] The report recommends "[m]ore robust measures and a better plan to monitor the framework [to] help [the] FCC collect information on the framework and evaluate its effectiveness."[20]

The FCC agrees with the GAO's recommendations.

MARCH. Chairman Pai again visits the islands with unidentified members of his internal Hurricane Recovery Task Force. The related press release and subsequent mentions of the visit include no information on the makeup or activities of the group.[21] FCC Commissioner Jessica Rosenworcel also visits Puerto Rico and speaks with members of communities most impacted by the hurricane.[22]

These are the questions that remain unanswered:

- *Why has the FCC publicized the chairman's visits to Puerto Rico but withheld important details about the task force's policy priorities, or even its membership?*
- *Who serves on the task force, what has it done, and who has it interacted with in government and industry?*

The FCC proposes a $954-million plan for rebuilding telecom networks in Puerto Rico and the U.S. Virgin Islands.

Hurricane Maria's severity forces the agency to track and publish DIRS outage reports for 182 days — the longest, by a wide margin, for any U.S. disaster-recovery effort since DIRS' creation.

APRIL. Free Press and the National Hispanic Media Coalition (NHMC) file joint comments in the FCC's inquiry, highlighting stories from Puerto Rico and the Puerto Rican diaspora and demanding that the agency fully engage with Puerto Ricans by holding field hearings on the islands, publishing key documents in Spanish, and giving the public information on the task force.

Free Press and NHMC also call on the FCC to consider how its plan to gut the Lifeline program would disconnect many Puerto Ricans — who participate in the subsidy program at *twice the national average*.[23]

These are the questions that remain unanswered:

- *Why did the FCC largely ignore the reasonable requests issued by Free Press and NHMC?*
- *Why didn't the FCC and FEMA have the Spanish-language expertise to communicate critical public-safety information?*
- *Why is the FCC still considering its 2017 proposed changes to Lifeline — a program expanded under President George W. Bush in response to the displacement Hurricane Katrina caused — given that this plan would directly undermine families in Puerto Rico who are still living under precarious conditions?*

The FCC's Public Safety Bureau holds a single public workshop on its inquiry — in Washington, D.C. — to "identify communications information needs of government and consumers to improve preparation and response efforts during crises." The FCC invites federal, state, local and territorial government representatives to attend and includes a panel of consumer groups — but excludes industry stakeholders, the very carriers the agency is supposed to regulate.[24]

This exclusion insulates the providers from exposure to public scrutiny. As a result, there's no opportunity to learn about the conversations these carriers had with the FCC on restoring and rebuilding the islands' communications networks. Excluding these providers also allows the FCC to avoid public discussion of potential regulation that could hold the carriers accountable.

For example, during the event, the FCC presses the consumer panel to discuss one tangible "improvement" for a *crowdsourced* disaster-information application. Such thinking reveals how the FCC may consider shifting responsibility for disaster readiness and situational awareness from the FCC and industry to members of the public, despite the enormous quantity of actionable information already in the hands of these actors during disasters.

At the workshop, Jarrett Devine, the regional emergency communications coordinator for FEMA Region I, provides an important observation:

> We've heard a lot of things today. Folks saying "voluntary." Folks saying "trend analysis" … This is life-safety equipment. We have to do better. Post-disaster, we have an extremely fragile environment with a vulnerable population. This "voluntary" word needs to go away. We have commercial entities selling themselves as public-safety grade. If you are going to make a profit saying you are serving the community with public-safety grade communications, then you need to be able to prepare an answer and response as to where your communications are available. Specifically post-disaster response events.[25]

These are the questions that remain unanswered:

- *Why did the FCC shield these regulated entities from public questioning and take the industry's assertions at face value?*
- *How has Chairman Pai's myopic deregulatory agenda allowed industry to ceaselessly avoid regulatory scrutiny, even on public-safety matters?*
- *Why has the FCC resisted shifting from the voluntary approach of DIRS and the Wireless Resiliency Cooperative Framework (see June below) to one that mandates first-responder access to communications services during and after a disaster, consumer information on outages and service-restoration estimates, and improving telecom-network resiliency?*

JUNE. Rep. Nydia Velazquez of New York introduces the National Commission of the Federal Response to Natural Disasters in Puerto Rico Act of 2018, which would convene a commission to consider a broad array of factors that impacted the disaster response, including the adequacy of the islands' telecom networks. The bill remains in committee through the conclusion of the legislative session.

The FCC opens a proceeding for comments on the creation of the $954-million Uniendo a Puerto Rico Fund and the Connect USVI Fund, which plans to divvy out hundreds of millions of dollars over 10 years to accelerate telecom recovery in Puerto Rico and the U.S. Virgin Islands.[26] The FCC forgives the earlier $76.9-million advance in funds to Puerto Rico and the U.S. Virgin Islands announced in October and allocates approximately another $100 million for Puerto Rico.

Notably, the bulk of the total simply renames existing commitments from long-standing Universal Service Fund programs that predate the hurricanes. These programs support buildout of telecom infrastructure to areas that are otherwise too expensive to serve. Barring any pending changes from the FCC, the programs will continue to use a methodology that's independent of Hurricane Maria specifically or disaster relief generally.

In addition, the FCC doesn't include any coordinated oversight measures, metrics or requirements to ensure funds are used to *accelerate* recovery of telecommunications.

The Public Safety Bureau opens a proceeding seeking comments on the effectiveness of the Wireless Resiliency Cooperative Framework. Even though the unique devastation of the 2017 hurricane season revealed the vulnerability of Puerto Rico's communications infrastructure — and first responders and consumers alike advocated for more resilient networks — the FCC is only now considering whether the voluntary framework is appropriate or effective.

However, the inquiry stops short of asking whether the voluntary framework should be replaced with a mandatory one.

JULY. FEMA releases a report noting that the loss of communications in Puerto Rico impeded the agency's response and recovery efforts: "FEMA and supporting federal agencies struggled to gain situational awareness and assess the status of critical infrastructure, in part due to communications outages across Puerto Rico."[27]

These are the questions that remain unanswered:

- *Why did the FCC — the expert agency on telecom matters — fail to recognize and address the clear threat to first responders' ability to communicate during and after a disaster?*
- *Why did FEMA's assessment fail to further explore the causes of the communications outage and its effect on recovery work?*
- *Why did the FCC fail to conduct a similar self-critique?*

Free Press submits a letter on the proceeding on the Uniendo a Puerto Rico Fund that expresses concern that without more robust accountability measures, money will be used to offset already planned deployments or simply end up in shareholders' pockets.[28] Free Press also flags an investor call in which a telecom CEO expresses skepticism about the company's ability to fully restore its network in Puerto Rico.

The FCC suggests no meaningful changes to the Wireless Resiliency Cooperative Framework (aside from suggesting that other entities, such as backhaul providers, be enveloped into this voluntary framework).

AUGUST. The FCC releases an initial round of $64.2 million from the Uniendo Fund to telecom providers that serve Puerto Rico. To date, the agency has not disclosed what accountability processes, resiliency requirements or measures will be used to determine how the funds will accelerate recovery and promote network resiliency.

These are the questions that remain unanswered:

- *Is the FCC keeping track of how the additional funds are spent? If so, how has the money contributed to network resiliency?*
- *What measures are in place to ensure that these funds are being used to expedite recovery?*

The FCC's Public Safety Bureau concludes the 2017 hurricane-response inquiry by releasing a paltry 36-page report (the "2017 Hurricane Season Report").[29] **The report fails to reflect the gravity of one of the most catastrophic communications crises and deadliest hurricanes in U.S. history.** The report also fails to determine whether any FCC-regulated entity should be held accountable for the slow restoration of service and includes only information that was already publicly available.

These are the questions that remain unanswered:

- *Why did the FCC fail to conduct a self-critical review as it did after prior disasters?*
- *Did the FCC's Public Safety Bureau have sufficient staff and resources to conduct a comprehensive examination on par with the staff and resources involved in the Hurricane Katrina investigation?*
- *Did FCC staff in the Public Safety Bureau provide an honest critique of FEMA or their own agency's response to the hurricanes, or are such insights best captured through an independent commission?*
- *Why didn't the existing internal Hurricane Recovery Task Force prepare the 2017 Hurricane Season Report, as it was well-situated to discuss its own activities and to note how the various agency bureaus and offices coordinated their hurricane response? If task-force members contributed in unacknowledged ways, how did they do so?*
- *Why didn't the 2017 Hurricane Season Report provide any useful details about the task force's activities?*

SEPTEMBER. The Government Accountability Office releases a report revealing how woefully unprepared FEMA was in responding to the disaster in Puerto Rico.[30]

On the first anniversary of Hurricane Maria, Free Press joins a coalition of Puerto Rican advocates, racial- and social-justice organizations, and media and telecom experts to urge Chairman Pai to convene an independent commission to conduct a comprehensive investigation of the communications crisis in Puerto Rico.[31] Alongside allies, Free Press hosts a Facebook Live discussion on Maria's impact and the future of communications.[32]

Free Press files comments calling on the FCC to gather more complete and accurate data to better coordinate the work needed to build resilient networks and disburse recovery funds effectively. We urge the FCC to conduct a deep and thorough analysis of its current policies to address the resiliency of communications networks.[33]

OCTOBER. Free Press teams up with Resilient Just Technologies, the Center for Embodied Pedagogy & Action and other organizations in Puerto Rico to host small-group discussions in Comerío and Vieques to hear Puerto Ricans talk about how the loss of communications has impacted them. Residents discuss how the loss of communications limited their mobility as well as their ability to find food or water or medical care or seek out their loved ones.[34]

In the wake of Hurricane Michael, Chairman Pai admonishes telecom providers for their slow response to the week-and-a-half-long telecom outage in the Florida Panhandle and demands that the Public Safety Bureau investigate the matter. Free Press criticizes Pai for failing to show the same urgency in response to Hurricane Maria. Pai is more critical of telecom providers in Florida than he is about the communications crisis that continues to affect Puerto Rico more than a year after the storm made landfall.[35] Wireline and wireless service remains spotty and in some parts of the islands not all services are restored to the level available prior to Hurricane Maria.

A year after then-Ranking Member Pallone of the House Energy and Commerce Committee first wrote to the FCC on the matter (see 2017 Pallone Wireless Framework Letter above), he requests a rulemaking to expand and make enforceable the Wireless Resiliency Cooperative Framework (2018 Pallone Wireless Framework Letter).[36]

These are the questions that remain unanswered:

» *Why was the FCC's response to Hurricane Michael so different from its response to Hurricane Maria?*

» *Why did it take several letters from Congress starting in 2017 — and several massive disasters — to prompt Chairman Pai to move toward engaging in his agency's public-safety charge against carriers and the Wireless Resiliency Cooperative Framework?* [37]

NOVEMBER. The FCC relaunches an examination of the Wireless Resiliency Cooperative Framework after Hurricane Michael and long after allowing its related June inquiry to sit dormant. This time, the agency demands information from telecom providers on how they responded to both the 2017 and 2018 hurricane seasons. While such an inquiry is welcome, it comes more than 400 days after Hurricane Maria's landfall, and 74 days after the FCC closed its inquiry into the 2017 season.

Various providers' responses are cursory or heavily redacted. The information the providers offer is general in nature and doesn't allow the public, or advocates acting on its behalf, to assess the resiliency and restoration of carriers' networks or to compare variations in disaster response from one state or territory to the next or over time from one hurricane to the next.

These are the questions that remain unanswered:

- *Why didn't the FCC conduct this review earlier, and why didn't the agency demand the carriers provide more comprehensive information on its response to the 2017 and 2018 hurricane seasons?*
- *What prompted the FCC to conduct this review after Hurricane Michael but not after Maria?* [38]
- *Why was it necessary for the FCC to re-launch an inquiry that was already open and allowed to sit dormant following one of the most destructive disasters?*

Free Press files Freedom of Information Act requests with the FCC and FEMA, seeking a clearer understanding of each agency's role in response to Hurricane Maria and ensuing recovery efforts. The FCC should have completed this type of inquiry on its own initiative by convening an independent commission when the 115th Congress was in session, ideally in coordination with congressional investigations.[39] Free Press requests consumer complaints in the aftermath of the 2017 and 2018 seasons and records of the FCC's actions — with a particular focus on the task force's work.

The FCC later tells Free Press that the requested information will take **years** to produce.

These are the questions that remain unanswered:

- *Why didn't the FCC request this kind of information after receiving either Rep. Pallone's 2017 or 2018 Wireless Framework letters, and why wasn't the information Free Press requested included as part of the FCC's 2017 hurricane report in the first place?*
- *Why hasn't the FCC proactively analyzed the consumer complaints that came from hurricane-stricken Puerto Rico? Why did the FCC fail to cite the Hurricane Maria-related consumer complaints in its 2017 hurricane report or relevant dockets?*

DECEMBER. The FCC expands its inquiry on the Wireless Resiliency Cooperative Framework to include the role of backhaul and power companies in promoting resilient telecom systems. The FCC fails to assess how telecom providers performed during the 2017 and 2018 hurricane seasons or implement new requirements to improve network-infrastructure resilience.

While we welcome the FCC's newfound desire to more comprehensively analyze the problem of network resiliency, the fact that the agency expanded the inquiry to entities it doesn't regulate while asking nothing more from the entities it does regulate is telling.

Essentially, this act shifts attention elsewhere and sidesteps any accountability from telecom providers for failing to mitigate the long delay in restoring communications in Puerto Rico. Instead, this inquiry represents a continuation of the agency's belated examination of telecom issues directly impacting public health and safety in Puerto Rico.

These are the questions that remain unanswered:

- *Why has the FCC gone to great lengths to excuse the telecom providers for any responsibility in the months-long telecommunications blackout in Puerto Rico?*
- *Given the Trump administration's widespread efforts to obscure its role in the excruciatingly slow recovery efforts in Puerto Rico, how can rigorous congressional oversight produce more information on the telecom aspect of the recovery efforts?*

2019

FEBRUARY. House Energy and Commerce Chairman Pallone submits a letter demanding a status update from the FCC on its current workload and backlog, including FOIA requests. On the same day, the agency contacts Free Press regarding our pending FOIA request.[40]

APRIL. Almost six months after filing its FOIA request, Free Press receives the initial production, which is comprised of 52 consumer complaints from Puerto Rico for a period after Hurricane Maria. The FCC doesn't provide carriers' responses to these complaints.

The comments from consumers offer a small window into a much larger problem: **Providers promised automatic refunds and relief for the extensive loss of services but failed to deliver.**

These are the questions that remain unanswered:

- *Why has the FCC failed to cite or acknowledge these consumer issues publicly, including in its 2017 Hurricane Season Report?*
- *Why did the FCC fail to launch a more skeptical investigation of the carriers when it began receiving these complaints?*

MAY. The FCC releases a report on its investigation into communications providers' preparation for and response to Hurricane Michael.[41] The investigation criticizes the lack of coordination among wireless and landline service providers, power crews and municipalities in restoring communications in the wake of the storm.

Furthermore, the Public Safety Bureau identifies a credibility issue: "the effusive praise given by [Wireless Resiliency Cooperative] Framework signatories that commented in this docket *simply does not ring true*, in light of the lengthy wireless outages in Bay and Gulf Counties.... At least tens of thousands [of] wireless customers had to wait days, unnecessarily, for their mobile phone service to be restored while their provider held off entering into roaming arrangements" (emphasis added).[42]

While the report doesn't go far enough, it nonetheless reveals the FCC's ability to provide a critical analysis of telecom companies' conduct. Such analysis was woefully absent from the agency's report on the 2017 hurricane season. The agency's condemnation of *days-long* outages in Florida contrasts its lack of outrage over the *months-long* outages millions of Puerto Ricans experienced.

These are the questions that remain unanswered:

- *Given how the FCC raised concerns in the Hurricane Michael report over the carriers' failures in Florida, will the agency revisit the conduct of carriers operating in Puerto Rico — and approach it with greater skepticism?*
- *Why was the tone of the FCC's 2019 Hurricane Michael report so different from the tone of its 2017 Hurricane Season report? And why did the FCC provide a critical analysis of the effects of Hurricane Michael and no critical analysis of the impact of Hurricane Maria?*

Next Steps

Puerto Rico needs a comprehensive and community-governed plan to build a resilient communications system. To create such a plan, the FCC needs to first conduct a full independent investigation of the communications crisis in Puerto Rico.

Free Press recommends the following actions:

- **The FCC should promulgate regulations —** and recommend related actions or rules for other federal, state and territorial agencies — to address the underlying causes of the prolonged outage in Puerto Rico.
- **The FCC must engage in a long-term examination and rulemaking** to strengthen the resiliency-network infrastructure not just in Puerto Rico but throughout the United States.
- **Congress and the FCC should provide more funding for restoration efforts** and offer coordination and oversight to ensure those funds accelerate restoration and incorporate network resiliency. Lawmakers and agency officials should mandate that affected communities are part of the design and governance of their local infrastructure and that funds are allocated to support self-sustaining and resilient communities.
- **Congress should hold hearings to provide robust and regular oversight** of the FCC's response to Hurricane Maria and recovery efforts in Puerto Rico.
- **Congress should launch an investigation focused on what happened in Puerto Rico** and should mandate the creation of an **independent FCC commission** to examine the roots of the communications crisis.
- **Congress should use its subpoena power to ensure the prompt delivery of all requested documents from the FCC and FEMA** in response to FOIA requests from Free Press and existing congressional-information requests.
- Lawmakers should request reports from both the **Government Accountability Office and the Congressional Research Service** on the history of telecom in Puerto Rico. These reports should analyze how the islands' colonial status contributed to the 2017 disaster.
- **The FCC should abandon its Lifeline proposals**, which would directly harm Puerto Ricans and other disaster survivors.
- **Lawmakers should hold industry accountable** by requiring regular reports to Congress, clear and public guidance and monitoring from the FCC, and publicly available data for advocates to a) identify potential misuse of the funds set aside for recovery work and b) ensure that telecom companies deliver on their promises to accelerate reconstruction.
- **The FCC and other relevant agencies must provide Spanish-language translations** of all Puerto Rico-related material, and the FCC should create a Spanish-language consumer-complaint portal.

Appendix

Puerto Ricans Share Their Stories on How Puerto Rico's Communications Crisis Impacted Their Lives After Hurricane Maria

In the absence of adequate FCC outreach, Free Press and the National Hispanic Media Coalition invited their members and the public to share their experiences of losing communications during and after Hurricane Maria through a public comment-collection tool on the Free Press website.

Beginning on Jan. 29, 2018, Free Press reached out to its members and asked: "What's your story about the impact Hurricane Maria has had on Puerto Ricans' ability to access communications services?"[43] Despite the extreme hardships that many Puerto Ricans faced — and despite the lack of access to basic necessities, including communications services — many people sent feedback via this tool with the hope that the FCC would hear them and heed their concerns.

For instance, Sandralis Rivera of Woodland Park, New Jersey, said on Jan. 31, 2018:

> My grandfather died 4 days after the hurricane hit [Puerto Rico]. … We weren't able to find out about his death until 3 days later in a brief 3 min. phone call. The lack of service had us extremely concern[ed] over the welfare of my grandmother who was in an elderly home without any power nor access to cell service. It took at least 3 weeks before I was able to speak to my in-laws and my cousins. Up until last week, when I visited [Puerto Rico], I experienced several dropped calls and no internet[.]

This tragic story is all too common and is an important piece of the larger story of the communications crisis — a story the FCC failed to hear due to its indifference and subpar outreach. Many commenters noted in January 2018 that providers had only recently restored reliable communications services — more than four months after Hurricane Maria struck.

Many stories of uncertainty and heart-wrenching silence from loved ones came to the fore as power and service were slowly restored and some survivors were finally able to speak for themselves by submitting their stories through Free Press' comment tool. One commenter noted the difficulty caused by the timing and conduct of the FCC's proceeding:

> How can the FCC possibly ask for comments regarding the impact of Hurricane Maria on Puerto Rico when many of [the] citizens of the island still remain without power or internet[?] Is the FCC actually going [to] the … island and knocking on doors? Is the FCC going to drop fliers on the island that citizens can mail back to them? [44]

Such outreach does not relieve the Commission of the obligation to do more and learn from the people it serves. But the comments we collected tell a powerful narrative about the hardships suffered by people disconnected from their communication services and from each other in the wake of the storms.

» **Patricia in Bayamón, Puerto Rico (Jan. 31, 2018):**

> Communication was down for weeks, making it hard for everyone to stay sane, calm, and collected. Thus … our mental health decreased, worse than what it already was. … My boyfriend's family still does not have home internet access thanks to the hurricane. Many areas that provide internet (theirs being Claro, the telephone company) were severely damaged thanks to water coming in the central buildings.

» **Michael Slayder in Luquillo, Puerto Rico (Jan. 29, 2018):**

> Ever since the Hurricane hit us I wasn't able to contact my friends for about two weeks before my parents took a very long trip to the center of the island which was crowded with cars and people where a few stores had signal for everyone to communicate with, I got in contact with my friends from the US but I haven't heard anything from the ones here in Puerto Rico due to school being closed and me not knowing where they live.

» **Luis Lugo in Adjuntas, Puerto Rico (Feb. 12, 2018):**

> As of today, the AT&T tower has not been replaced or rebuilt, leaving us with a mediocre service. *However, last weekend there was a service outage with one of Claro's fiber-optic cable, leaving all Claro customers in Adjuntas without phone or internet service until today. I feel that the telecommunication companies have left the people in the mountain area behind.* My parents had AT&T postpaid accounts. *One of the numbers was transferred to Claro and the other was not paid because of the lack of service from AT&T, who refused to give us a fourth month of credit* (emphases added).

» **Hector Santana in Carolina, Puerto Rico (Jan. 31, 2018):**

> In the beginning of the hurricane the hospital my mom worked at was filled with people who were on the floor crying over the fact that their homes were more than likely destroyed and that their families were still in their homes and [they had] no way of being able to contact them.

» **Maria Colon in San Juan, Puerto Rico (Feb. 2, 2018):**

> I live in the San Juan metropolitan area. My mother lives on the west side of the island. I was not able to communicate with her for 5 days. I couldn't access any reception and her land line was completely out of service. Due to lack of gas and road obstructions I couldn't get to her. I [must] say *those were the most difficult days since she is elderly and depends on the phone to let her needs known.* Finally, I was able to go see her in person (emphasis added).
>
> When I go visit her, as of today, the communications are difficult and at times I need to go out of my community to get reception. *It is extremely urgent and important that the FCC investigates and reassure[s] the Puerto Ricans, USA citizens, that this will never happen again* (emphasis added).

» **Otoniel Cajigas in Aguada, Puerto Rico (Jan. 29, 2018):**

> On September 19, 2017 my family [and] I were about to go sleep knowing that early in the mornings we will begin to feel the impact of the hurricane Maria at our home in Bo Espinal, Aguada, PR. To our surprise before any wind or rain began there was a power outage (which later we lived [through] for 75 straight days), which caused that around 2 or 3 am we end up without any broadband internet access at our home (ISP Liberty Cable), but at least we still had the cellphone. ... [H]owever around 4:30 [or] 5:00 am we also [lost] any cellular signal from our provider (AT&T and Tmobile). At this point we decided to try capturing local channels, however none [were] available, therefore we tried the radio...[no] FM radio was available in the spectrum, so we switched to AM. *[F]inally we were able to locate one local radio station: 1340AM. Unfortunately, even while they were trying to provide information to the audience, they were blind as well. [N]o information was received from any government agency, neither status of the Hurricane and how much additional time we should expect to receive [the] impact* (emphasis added).
>
> [A]t around 7:00AM [on] September 21st we wake up to our new reality, no running water, no electricity, but worse than that No communications at all... basically it passed 1 week before we heard that the communications provider Claro had part of their cell towers working, therefore we looked for people with their service to load a cell phone in order to communicate with our family members out in US mainland. AT&T cellular signal took almost a month to begin working for calls and SMS, *however ... data service wasn't available until 6 weeks, but very unstable and extremely slow* (emphasis added).
>
> 3 months later the service [stabilized] and was near to normal, however broadband service for home wasn't available. Finally, on day 75 our neighborhood was re-energized, therefore *I began contacting Liberty to get estimates on when should I get the service back, but there weren't any estimates given.* Finally, last week, January 23, 2018 the [fiber] cable was installed at the neighborhood, however my coax cable from the fiber to my home was cut, so I contacted Liberty to get it replaced. *I have contacted them more than 5 times and thru all possible channels however I'm still without the service and they aren't even providing any installation date.* So this is a summary of our story so far... (emphases added).

» **Sheila Ward in San Juan, Puerto Rico (Jan. 31, 2018):**

> We did not have electricity at our house in San Juan until January 11. Therefore, our access to our landline telephone service was limited. Concerning the cell phone, it was about 10 days before I could talk well with my husband. I was off island and he was in PR for Hurricane Maria.

» **Maritza Stanchich in San Juan, Puerto Rico (Jan. 31, 2018):**

> For me, not having any cell phone connection or access to internet in the immediate aftermath of the storm was worse than not having electricity or water service. We had little idea what had happened in the rest of the country, as only one radio station was left operating (WAPA).
>
> Once I managed to get hold of a newspaper (by driving about half an hour to the newspaper with a friend), I learned that the mayors and authorities of five municipalities of the country's southwest had achieved no contact with the governor or emergency officials, this [was] five-six days after the storm.
>
> In addition, I knew personally of someone living nearby who contracted potentially life-threatening leptospirosis but could not seek medical attention from the hospital military ship in port because doing so required a referral, yet there was no way to call or reach his doctors for one.

» **Gerardo Talavera in Brookline, Massachusetts (Jan. 29, 2018):**

> It was me and my uncle putting our phones outside, against anything we thought could work as an antenna. No service for days, no reliable service for weeks. It was an absolute nightmare to let everyone know we were OK. *Communication was at such a premium that when PREPA offered an internet 'oasis' it was flooded with people trying to get on WiFi. Such things should never happen again* (emphasis added).

The communications blackout also harmed people on the U.S. mainland who had friends and family in Puerto Rico. Here are some of their comments:

» **Sonia Acevedo in Alexandria, Virginia (Feb. 12, 2018):**

> Most of my family lives in the ... southeast of the Island, to be exact in the town next to where the hurricane Maria landfall. It wasn't until 12 days after Maria... that I was able to talk with my mom. She had to drive at least 30-40 min far from my town, park in the shoulder of a highway to be able to talk with me and my sister. The 10 min or so that... the call [lasted] it was very difficult to understand what she was saying because the signal was bad. It wasn't until a week later that I was able to talk with her again. I went to the Island [in the beginning] of November and I had no signal all the time. Almost 5 months after the hurricane communications still bad. I used to talk with my parents almost every day. Now if we are lucky, we talk twice a week. *People in Puerto Rico pay a lot for cellphone and internet. They are US Citizens, they deserve to be treated the same way [as] the people that live in the US mainland* (emphasis added).

» **Ahmad Moradi in Fort Lauderdale, Florida (Jan. 30, 2018):**

> As an Expat who lives in PR, communication is vital to our business operation. We cannot conduct business when struggle continues with lack of power, Internet, and other related services.

» **N. L. in Long Grove, Illinois (Jan. 30, 2018):**

> Six months following Hurricane Maria and we still are not able to directly communicate with our friends in parts of the mainland and Vieques[.]

» **Magdaliz Figueroa in Silver Spring, Maryland (Feb. 11, 2018):**

> My immediate family, my parents, my mom and sister had phone signal on and off during the whole ordeal they live in Bayam[ó]n... and I am more than thankful for that because I will have gone crazy if I wouldn't have listen from them for 14 or 20 days like it happened to so many of my friends here....
>
> My friend decided to go stay with her parents in her hometown of Cidra[.] They didn't have any radio or cellphone signal [and] didn't know what was happening. ...*[W]ith no communications they couldn't know if the hurricane passed or if it was still there* (emphasis added).
>
> [T]he death toll of the aftermath of the hurricane is more [than] 1,000 people[.] [T]he mayor of Orocovis walked for a day or more with a corpse just to be able to get signal on a cellphone [for the corpse to] be pick[ed] up. There are thousands of stories like the ones I just wrote here. Still to this day there're people without power, water and phone signal[.] [I]t's been 5 months, and all I can think is that the 2018 hurricane season will start in a few months.

» **Sandra Wilkes in Perth Amboy, New Jersey (Jan. 29, 2018):**

> It took two whole weeks to try to communicate with my parents. Those two weeks were heart wrenching not knowing if my parents were safe as [images] of devastation were spreading. They couldn't use their cellphone because the cell towers were down and landlines were destroyed.

» **Clarinda Low in New York City (Feb. 2, 2018):**

> For several people I know, even in San Juan, internet services have been very spotty at best. Because phone service is even worse, this has interrupted every aspect of life. *Professors are unable to communicate with students, parents [are] unable to communicate with their children['s] schools, information flow in general has come to a standstill* (emphasis added).

» **Marta Landrieu in New York City (Jan. 30, 2018):**

> My family, sister, cousins [and] other close relatives live in Patillas and Guayama areas [most devastated] by Maria. Today, months after Maria most are still without electricity and no access [to] the internet. ...One cousin, [struggling with] multiple cancers, was unable to reach anyone nor use the internet to receive updated information/news as to her town's condition and for information on the distribution of needed water, food that would reach her remote area. FEMA irresponsibly was/is asking folks to file their claims on the internet and was closing its doors to those who were unable to do so.

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11. See Milken Institute School of Public Health, George Washington University, Ascertainment of the Estimated Excess Mortality from Hurricane Maria in Puerto Rico (2018); Nishant Kishore et *al*., "Mortality in Puerto Rico After Hurricane Maria," 379 *New England Journal of Medicine* 162, 162-170 (2018); see also Nidhi Prakash, "A New Study Says Nearly 6,000 Died In Puerto Rico After Hurricane Maria. The Government Still Says 64 People Died," BuzzFeed News, May 29, 2018 (noting that the collapse of the cell networks "prevented many people from seeking help if they were unwell," and those "who relied on home oxygen and dialysis machines or refrigeration for diabetes medication were left vulnerable, cut off from medical professionals and unable to call for help"); Danica Coto, "Puerto Rico Unveils New Emergency Preparations After Maria," Associated Press, Sept. 11, 2018 (noting the recent installation of direct emergency lines to nursing homes to address the fact that many of the people who died as a result of Maria were elderly), https://www.apnews.com/b6651a23cc51481497f7f64eafc4bf78.
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17. See "Public Safety and Homeland Security Bureau Seeks Comment on Response Efforts Undertaken During 2017 Hurricane Season," PS Docket No. 17-344, Public Notice, 32 FCC Rcd 10245 (Dec. 7, 2017).
18. "Improving the Resiliency of Mobile Wireless Communications Networks; Reliability and Continuity of Communications Networks, Including Broadband Technologies," PS Docket Nos. 13-239 & 11-60, Notice of Proposed Rulemaking, 28 FCC Rcd 14373, 14373-74 ¶¶ 1, 3 (2013).

19. See GAO, "FCC Should Improve Monitoring of Industry Efforts to Strengthen Wireless Network Resiliency," December 2017: https://www.gao.gov/assets/690/688927.pdf.

20. *Id.*

21. See FCC press release, "FCC Chairman Announces Visit to Puerto Rico & U.S. Virgin Islands in March," Feb. 21, 2018: https://docs.fcc.gov/public/attachments/DOC-349352A1.pdf.

22. See Sharon Minelli Pérez, "La FCC Fiscalizará el Uso de los Fondos para las Telecomunicaciones," *El Nuevo Dia*, March 8, 2018: https://www.elnuevodia.com/negocios/economia/nota/lafccfiscalizaraelusodelosfondosparalastelecomunicaciones-2404761.

23. See Joint Comments of Free Press and the National Hispanic Media Coalition, PS Docket No. 17-344 & WC Docket No. 17-287, filed April 17, 2018: https://www.freepress.net/sites/default/files/2018-04/joint_comments_nhmc_freepress_2017_hurricane_season.pdf.

24. See Public Safety and Homeland Security Bureau Announces Workshop to Identify Critical Information Needs to Improve Communications During Disasters, Public Notice, DA 18-292, released March 23, 2018: https://docs.fcc.gov/public/attachments/DA-18-292A1.pdf; see also FCC's Public Safety and Homeland Security Bureau announces the agenda for the April 13, 2018 public workshop to identify critical information needs to improve communications during disasters, Public Notice, DA 18-357, released April 10, 2018: https://docs.fcc.gov/public/attachments/DA-18-292A1.pdf.

25. *Id.*

26. See Uniendo a Puerto Rico Fund and the Connect USVI Fund, Order and NPRM, WC Docket Nos. 18-143, 10-90, 14-58, FCC 18-57, May 29, 2018: https://docs.fcc.gov/public/attachments/DA-18-670A1.pdf.

27. See Federal Emergency Management Agency, "2017 Hurricane Season FEMA After-Action Report" (2018): https://ecfsapi.fcc.gov/file/10720156823712/FP%20Rosenworcel%20Ex%20Parte%20re%20Puerto%20Rico%20-%20July%2020%202018.pdf.

28. See Letter from Joseph Torres, Free Press, to FCC Secretary Marlene H. Dortch, WC Docket No. 18-143, filed July 20, 2018.

29. See "2017 Atlantic Hurricane Season Impact on Communications Report and Recommendations," Public Safety Docket No. 17-344, Aug. 24, 2018: https://docs.fcc.gov/public/attachments/DOC-353805A1.pdf.

30. See U.S. Government Accountability Office, GAO-18-472, "2017 Hurricanes and Wildfires: Initial Observations on the Federal Response and Key Recovery Challenges," 32 (2018): https://www.gao.gov/assets/700/694231.pdf.

31. See Letter from Free Press *et al*. to FCC Chairman Ajit Pai, PS Docket No. 17-344 & WC Docket No. 18-143, filed Sept. 20, 2018: https://www.freepress.net/sites/default/files/2018-09/Call_for_Independent_Commission_on_Puerto_Rico.pdf.

32. See Free Press, "Reflections on Hurricane Maria: Communications in Puerto Rico," https://www.facebook.com/freepress/videos/992587910924018/ (last visited March 5, 2019).

33. See Comments of Free Press, PS Docket No. 17-344 *et al*., filed Sept. 17, 2018: https://www.freepress.net/sites/default/files/2018-09/free_press_puerto_rico_recovery_comments.pdf.

34. See Free Press, "Puerto Ricans Speak Out About Islands' Communications Crisis," Oct. 18, 2018: https://www.freepress.net/our-response/advocacy-organizing/stories-field/puerto-ricans-speak-out-about-islands-communications.

35. Free Press press release, "Chairman Pai's Call for an Investigation of Communication Failures in Florida Contrasts His Inaction in Puerto Rico," Oct. 24, 2018, https://www.freepress.net/news/press-releases/free-press-chairman-pais-call-investigation-communication-failures-florida

36. See Letter from Rep. Frank Pallone Jr. to FCC Chairman Ajit Pai, OL 17-18, Oct. 26, 2018: https://docs.fcc.gov/public/attachments/DOC-355997A2.pdf.

37. Congress created the FCC to "promot[e] safety of life and property through the use of wire and radio communications." 47 U.S.C. § 151 and it "is required to consider public safety . . . its enabling act." Nuvio Corp. v. FCC, 473 F.3d 302, 307-08 (D.C. Cir. 2006).

38. See Letter from Joseph Torres, Free Press, to FCC Secretary Marlene H. Dortch, PS Docket No. 18-339 & WC Docket Nos. 09-197, 11-42 & 17-287, filed Dec. 17, 2018.

39. See Letter from Carmen Scurato, Free Press, to the FCC, filed Nov. 9, 2018 https://www.freepress.net/sites/default/files/2019-05/free_press_foia_request_11_09_18.pdf.

40. See Letter from Reps. Frank Pallone Jr. and Mike Doyle to FCC Chairman Ajit Pai, OL 18-17, Feb. 4, 2019.

41. See "October 2018 Hurricane Michael's Impact on Communications: Preparation, Effect, and Recovery," Public Safety Docket No. 18-339, May 9, 2019: https://docs.fcc.gov/public/attachments/DOC-357387A1.pdf.

42. *Id.*

43. See Free Press, "Cuente su historia: La FCC necesita saber sobre el impacto del huracán María en los servicios de comunicación en Puerto Rico," (last visited April 16, 2018): https://act.freepress.net/act/internet_fcc_pr_spanish/; "Free Press, Tell Your Story: The FCC Needs to Know About the Impact of Hurricane Maria on Communications Services in Puerto Rico" (last visited March 6, 2018): http://act.freepress.net/letter/internet_fcc_pr/.

44. Comment of Michael Brossi, Framingham, Massachusetts (Feb. 1, 2018).