

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554**

In the Matter of	)	
	)	
Lifeline and Link Up Reform and	)	WC Docket No. 11-42
Modernization	)	WC Docket No. 09-197
	)	WC Docket No. 10-90
To: Chief, Wireline Competition Bureau		

**REPLY COMMENTS OF BROADBAND VI, LLC**

Broadband VI, LLC (“Broadband VI”), by counsel, submits these Reply Comments in response to the Comments of Virgin Islands Telephone Corp. d/b/a/ Viya (“Viya Comments”) filed on March 14, 2019 in the above-referenced proceeding.

Viya requests that the Commission order Broadband VI to “expeditiously clarify” its request for a temporary waiver (the “Waiver Request”) of the Lifeline minimum service standard, and then to grant “additional expedited opportunity for public comment on the Waiver Request once the facts are clear.”<sup>1</sup> Viya cautions the Commission that its “decision on this petition will set precedent” and suggests that the Commission must approach the Waiver Request with an extra degree of caution.<sup>2</sup>

To the extent “clarification” is necessary, Broadband VI provides it here. Viya’s request for a further comment period is unnecessary and is intended to cause unnecessary delay. There is sufficient information in the record for the Commission to rule on the Waiver Request. Moreover, any precedential value of the Commission’s decision will necessarily be limited to the unique facts before it.

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<sup>1</sup> Viya Comments at 3.

<sup>2</sup> *Id.* at 7.

Viya claims that Broadband VI's request for a temporary short-term waiver of the Lifeline minimum service speeds is "inconsistent" with statements made by Broadband VI, in other contexts, that it has restored its network.<sup>3</sup> Viya states that "[e]ither Broadband VI is fully restored and does not need a waiver or its network remains significantly negatively impacted by the hurricanes and a waiver is warranted."<sup>4</sup> Viya fails to grasp that Broadband VI fully restored its network *to support the same 5/1 Mbps service it provided prior to the hurricanes*. To make this happen, Broadband VI executed an aggressive campaign that involved rebuilding and replacing damaged or destroyed towers, equipment, and dishes. It spent more than \$2 million of its own money to accomplish the complete restoration of *existing* service – that is, *service at the same levels that existed prior to the hurricanes* – remarkably quickly, i.e., within eight months, and much more quickly than Viya restored its own network after the hurricanes. Broadband VI's statements to this effect in various contexts, such as the Connect USVI Fund proceeding, are entirely accurate.

Broadband VI now seeks a brief extension, due to exceptional circumstances, of the requirement to provide Lifeline 15/3 Mbps speeds, and consent to instead provide 10/1 Mbps speeds until December 1, 2019. After the waiver expires, Broadband VI will satisfy any future minimum service standard speed that the Commission may establish. As Broadband VI explained in its Waiver Request, after focusing on the rapid post-hurricane restoration of at least some level of service to all of its customers, Broadband VI has now turned to rebuilding and upgrading the backhaul and access points which, upon completion, will allow Broadband VI to offer faster, more data-intensive services, including at the 15/3 Mbps Lifeline standard. Broadband VI therefore seeks a temporary waiver to allow it to continue to service a large

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<sup>3</sup> *Id.* at 2.

<sup>4</sup> *Id.*

number of low-income subscribers at 10/1 Mbps for a short period, while finalizing these upgrades. While 10/1 Mbps is of course slower than the current minimum service standard for speed, it remains a viable level of service for many broadband applications.

Viya complains that “there is a significant disparity between the broadband offerings that Broadband VI describes in the Waiver Request and the offerings currently available on Broadband VI’s website,” and questions the veracity of Broadband VI’s statement that its 10/1 Mbps broadband service is its most popular offering.<sup>5</sup> Viya protests that “[n]o 10/1 Mbps service is mentioned on the website,” and believes that this somehow requires further Commission inquiry.<sup>6</sup> Since July 2017, Broadband VI has been gradually deploying 10/1 Mbps speeds to the majority of customers who initially signed up for its 5/1 Mbps plan. Broadband VI has simply chosen not to announce the speed increase on its website yet, but plans on doing so in the near future. Viya’s insinuation of “discrepancies”<sup>7</sup> in information supplied by Broadband VI to the Commission is entirely inaccurate.

Lastly, Viya states that grant of the Waiver Request “has the potential to set precedent for future cases as increasing numbers of capacity-constrained wireless Internet service providers enter the universal service program with the Connect America Fund Phase II auction.”<sup>8</sup> The facts before the Commission are unique, and the limited relief granted will be compelled by the distinctiveness of those facts. The Virgin Islands suffered immense damage and hardship as the result of two successive hurricanes. After the storms, Broadband VI elected to prioritize the prompt restoration of some form of broadband internet service to its customers over attempting to rebuild networks to meet the Lifeline speed minimums. The result was the restoration (and

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<sup>5</sup> *Id.* at 8.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 10.

<sup>8</sup> *Id.* at 2; *see also id.* at 7.

expansion) of the same 5/1 Mbps service Broadband VI offered before the hurricanes, and now, the addition of 10/1 Mbps service for most of its initial 5/1 Mbps subscribers. Broadband VI seeks a brief extension of the time period during which it can repair and replace its network's backhaul and access points, thereby allowing it to provide the Lifeline-mandated 15/3 Mbps speed by December 1, 2019. These are highly unique facts, and grant of a waiver would obviously be premised upon and limited by them.

Respectfully submitted,

**BROADBAND VI, LLC**

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March 21, 2019

### **Declaration of Mike Meluskey**

I, Mike Meluskey, am making this Declaration in connection with Broadband VI's Reply Comments to which this Declaration is attached. I hereby declare under penalty of perjury that I have personal knowledge of the facts contained in the Reply Comments and that the statements of fact set forth in the Reply Comments are true and accurate to the best of my knowledge.

By: 

Mike Meluskey

March 21, 2019