

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
)	
Petition of USTelecom for Forbearance)	WC Docket No. 18-141
Pursuant to 47 U.S.C. § 160(c) to)	
Accelerate Investment in Broadband)	
and Next-Generation Networks)	

**REPLY COMMENTS OF
WORLDNET TELECOMMUNICATIONS, INC.**

WorldNet Telecommunications, Inc. (“WorldNet”) submits these reply comments in response to the comments filed in this proceeding on May 9, 2019, regarding the incorporation and use in this proceeding of data from the Commission’s business data services (“BDS”) proceedings. In short, WorldNet joins the many parties that oppose the Commission’s proposal to incorporate and use of the BDS data in this proceeding.

To begin with, incorporation and use of the BDS data in this proceeding would be specifically inappropriate as applied to Puerto Rico. The BDS data pre-dated the 2017 hurricanes that fundamentally changed the marketplace and basic economic conditions that currently exist in Puerto Rico.¹ Whether or not the hurricanes changed the location and availability of certain types of facilities, the hurricanes definitely changed underlying assumptions about demand, investment priorities, investment incentives, and similar considerations for Puerto Rico that were not at issue when the Commission last evaluated the BDS data.

¹ See, e.g., P.R.’s slight economic growth expected to ‘run out of fuel,’ economist firm says, Newsismybusiness.com (May 28, 2019) (<https://newsismybusiness.com/p-r-s-slight-economic-growth-expected-to-run-out-of-fuel-economist-firm-says/>) (reporting a recent projection that modest growth for Puerto Rico’s economy in 2019 (0.5%) and 2020 (0.8%) will give way to nearly no growth in 2021 (0.3%) and 2022 (0.01%), with the study’s authors opining that “[a]fter factoring the lack of a coherent plan to drive the economy; population decreasing at exponential rates; and the return to public debt payments, the chances of another debt do-over are increasing rapidly. It is worth restating the obvious message: that without a strong economy, policy and political decisions lose support.”).

Beyond the disconnect between the BDS data and the current state of Puerto Rico, as a general matter, WorldNet joins those that have pointed out that the Commission's proposed incorporation of the BDS creates obvious legal and procedural issues.

To start, the Commission's own rules require that the Commission adjudicate the USTelecom petition solely based on the data and support provided in the petition, not based on a record supplemented with data that was not included with or incorporated by the petition. Moreover, even if it were appropriate to backfill the record in this proceeding with the BDS data, the timing of the Commission's proposal to do so is procedurally problematic. We are now a year into a proceeding that has less than three (3) months left before it is to be resolved. The BDS data is voluminous, and its access is subject to restrictions that do not make it readily available to all potentially affected by this proceeding. The Commission's proposal to incorporate the BDS data into this proceeding at this late date, therefore, leaves many at a significant disadvantage to thoughtfully or fairly evaluate and comment on that data in the context of this proceeding. Indeed, the Commission's proposal creates an inherent and unfair advantage to the parties already familiar with the BDS data, giving them an effective head start of years over those new to the data.

As a company that was not involved in the BDS proceeding, WorldNet is one of those parties that is disadvantaged by the Commission's current proposal to incorporate voluminous BDS data into this proceeding at such a late date. And, as such, WorldNet is currently not in a position to provide full comment on the BDS data. As set forth herein, however, one need not even get into the data to see the impropriety inherent in the Commission's proposal to import and rely on it here.

For these reasons, WorldNet hereby joins those opposing the Commission's proposed incorporation and use of the BDS data in this proceeding.

Respectfully submitted,

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