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May 31, 2019

FILED VIA ECFS

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **Broadband VI, LLC**
The Uniendo a Puerto Rico Fund and the Connect USVI Fund,
WC Docket No. 18-143
Ex Parte Presentation

Dear Ms. Dortch:

Broadband VI, LLC (“Broadband VI”) hereby responds to the May 16, 2019 ex parte letter filed by ATN International, Inc. on behalf of itself and its subsidiary Virgin Islands Telephone Corp. dba Viya (“Viya”).¹

Viya continues to cling to the notion that the Commission should simply hand over hundreds of millions of federal support to it, without entertaining competitive bids from other established broadband providers such as Broadband VI. Viya argues that “the award of support to another provider to serve any of the areas where Viya *is capable of* providing 25 Mbps down and 3 Mbps up . . . service would result in the use of universal service funds to overbuild a universal service-supported broadband network, contrary to Commission policy.”² But the Commission’s policies do not award support to a single incumbent simply because it may be “capable of “ offering a certain level of performance at the exclusion of other providers that may have a greater ability to offer better, more resilient service in a shorter amount of time. A competitive process based on clear criteria will yield better predictive results of expeditious, hardened broadband deployment than Viya’s conclusory statements about its “capability.”

¹ See Letter from L. Charles Keller, Counsel to ATN and Viya, to Marlene H. Dortch, FCC Secretary, WC Docket No. 18-143 (filed May 16, 2019) (“Viya Letter”).

² *Id.* at 2 (emphasis added); see also *id.* (repeating “is capable of providing” 25/3 Mbps service).



Conceding that the Commission may adopt a competitive process, as Broadband VI has proposed, Viya asserts that it should continue to receive its \$16.4 million in annual support and that the Commission could award approximately \$2.25 million annually to support deployment to the five percent of locations it does not serve.³ The Commission should not simply determine, based solely on Viya's word, that five percent of the "locations" somewhere in the USVI do not receive some unidentified level of service. That would risk millions of dollars of support on a vague process with ill-defined requirements and measurability.

Viya further argues that if "the Commission wishes to use a comparative process in areas where Viya already *is capable of* providing 25/3 Mbps service, the Commission must require participants to serve the entire USVI as a single service area. The economies of scale are too limited for a provider to carve out a viable business serving only a portion of the USVI."⁴ The hypocrisy in this statement is revealing. On one hand, Viya suggests that the Commission should make Connect USVI Fund support available to five percent of locations somewhere in the USVI, and on the other hand it says that support must be for deployment across the entire USVI. Viya also seeks to apply its analysis of the economies of scale to all other potential bidders without knowing their business model, technologies or network deployment plans. That said, Broadband VI has proposed that the Commission can choose to award Connect USVI Fund support for the entire Territory or to divide the support between St. Thomas/St. John and St. Croix.⁵

Rather than continuing to entertain Viya's various proposals – all designed to ensure that it, and only it, can receive all or a vast majority of Connect USVI Fund support – the Commission should act quickly to adopt the comprehensive and detailed comparative process proposed by Broadband VI.⁶

³ *Id.* at 2.

⁴ *Id.* (footnote omitted) (emphasis added).

⁵ See Letter from Michael Meluskey, CTO and Founder, Broadband VI, to Marlene H. Dortch, Secretary, FCC, WC Docket Nos. 18-143, 10-90 and 14-58 (filed Nov. 9, 2018) at 2, 6.

⁶ See Letter from Stephen E. Coran, Counsel to Broadband VI, to Marlene H. Dortch, Secretary, FCC, WC Docket No. 18-143 (filed Feb. 13, 2019).



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Pursuant to Section 1.1206 of the Commission's Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-referenced proceeding.

Respectfully submitted,

/s/ Stephen E. Coran

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