



Comment FCC 18-57a Stage 2

Tier1 Access LLC (Tier1) respectfully provides Comments of on Proposed Rule Making for Stage 2 Funding for Long-Term Rebuilding (FCC Strategy) specifically for the U.S. Virgin Islands.

Tier1 looks forward to submitting a complete proposal for Long-Term Rebuilding once the FCC determines the method to be used in soliciting and awarding Stage 2 Funding.

Current Status

The honorable investments made by the FCC in Stage 1 that were awarded to the LEC VIYA has not addressed the fundamental issues of disaster recovery and restoration of core infrastructure. The funding has only provided for the replacement of an existing infrastructure that pertains to the original antiquated network which maintains an aerial connectivity in a prone hurricane zone. In addition to an antiquated network the local LEC, Viya, has stated many times to the major carriers ATT, CenturyLink and Sprint that they are still operating under Force Majeure and that they still do not have capacity nor access to enable them to provide restoration services. They have stated again and again that it will take them at least 6 to 9 months from the beginning of June 2018 to have their network fully operational. The lack of the Local Incumbent to provide network capacity, access, dial tone and local number portability to other carriers continues to place the territories at Risk. With no options to obtain connectivity and number portability, Next Generation Services such as (VoIP) have been eliminated from being deployed rapidly throughout the USVI. For the Local Incumbent to still be in a Force Majeure situation 9 months after the Disaster and not addressed complete restoration of its core infrastructure provides evidence that it does not have an Emergency Management nor Restoration Plan that currently works or will work in the Future. There has been an ongoing effort since October 2017 to provide Rapid deployment of Dial Tone via VoIP to the USVI that would provide for resiliency using the Virgin Islands Next Generation Networks World Class Broadband Fiber network which is Funded by the FCC and used by the majority of Broadband providers in the USVI.

The following provides direct comment to the points requested on FCC 18-51a:

Stage 2 Funding Analysis

28. We agree that there needs to be a long term solution that mitigates the eventual reoccurrence of another Natural Disaster and that provides a path forward for resiliency and redundancy and provides an alternate solution so as not to be single threaded under the current model.

29. We agree that the FCC needs to look at an accountable buildout that is tied to specific targets and advances fair and open competition.

30. While we appreciate the FCC commitment to provide increased funding over a 10 year period, we would be concerned that this funding not be directed as has been traditionally done in the past. With the continued rapid advancement in technology, we believe that it is in the best interest of the FCC to concentrate on Core Infrastructure initiatives that provide reduced connectivity costs and to be vendor neutral as this will be in the public's best interest and will allow for other carriers to provide services in a disaster should the current LEC Viya fail again. The current model is a single point of failure, uses antiquated and outdated technology and lacks carrier diversity and alternative paths for recovery to maintain a robust and reliable network that the public can rely upon.

31. We would disagree with the premises that "relief to carriers" is the proper outlook to the long term issues of Disasters and Rebuilding. All carriers should have Insurance to protect their investments and for the FCC to provide a windfall in the case where a carrier has not protected their investment should not be the role of the FCC. While there are additional costs involved in rebuilding damaged infrastructure and restoring service which would be of concern to the FCC, the FCC should not be in the business of providing funding dedicated to upgrading and perpetuating a failed communication model.

32. While we would tend to agree that there are different terms of support for Fixed and Wireless Services, we would disagree that these two classes should be looked at totally independently. There will always be the Critical Element of the underlying Communications Transports regardless of the final delivery of services. For the FCC to overlook the Transport issue encourages an anti-competitive environment that places a high cost of entry to new providers and requires redundant spending to support independent networks in the case of disaster restoration. Additional detailed comments will be addressed in the specific areas that follow.

33. We agree with the FCC that any funding needs to "ensure that services are rebuilt quickly and efficiently, while improving networks where feasible and protecting critical communications networks against future natural disasters." We have addressed this in depth in our response to Section 38.

Stage 2 Funding for Fixed Providers

34. We would disagree with the premises that fixed voice funding based on an "incentive-based mechanism" would achieve the long term goals of the FCC and would only perpetuate legacy systems and keeps in place a monopolistic system that stifles competition. Leveraging the previous FCC, Federal Government investments in the USVI buried multi-strand fiber via Virgin Islands Next Generation Network (viNGN) would limit the redundant spend for infrastructure across competing provider and the future need to support multiple systems during and after the next natural disaster.

35. We would agree that the present circumstances require the FCC to revisit the past treatment of high-cost support for fixed networks. This question goes far beyond the traditional thinking of the role of the traditional Telecommunication provider in the changing world of the Digital Revolution. This also extends to Wireless Providers as well. The days of the Fixed Land Line and the high-cost of this model is obsolete and migration to high speed networks has become the modern paradigm. The LEC's current antiquated infrastructure being rebuilt at taxpayers' expense, having the same exposure to disaster and with complete restoration being unknown is proof that the current model has failed. It should be noted that while the LEC has been down the Virgin Islands Next Generation Network (viNGN), the governmental arm of the Virgin Island government and funded by the FCC, has been substantially restored and for the most part fully functional throughout the 2017

hurricane season with minimal interruptions. viNGN's core network is sound and designed for a disaster in mind.

36. We would agree that the changing circumstances should have the FCC looking at all possible alternatives. To perpetuate the High-Cost model of a 100 year old technology is not consistent with the new digital paradigm. Providing funding to a failed system and an infrastructure that has a failed disaster recovery plan is inconsistent with any requirements to serve the public interest.

37. With respect to the Funding ratio we feel that the proposed 80/20 split seems appropriate. We would however point out that the 10 year proposal is seems counter to the ultimate desired effect of restoring services so the market forces can provide for the long term sustainability and advancement of technology. Viya, the LEC, is the only local provider due to the fact that it has systematically blocked competition from entering the market. As the Incumbent LEC with a rural exemption, a Wireless Cellular Provider and Cable Operator, Viya has a monopolistic hold on the Telecommunications market with an immense responsibility to the public that has failed to provide an acceptable level of disaster planning and recovery. There has been an alternative telecommunications effort to provide Next Generation VoIP services for Emergency Management, Government, Business and Residential users that has been ready to turn up since October 2017 and will provide immediate restoration of services via the operational Broadband network.

38. With respect to the FCC's request for comment on "how to best promote our aim of providing support quickly and efficiently to speed the rebuilding, improvement, and expansion of service" we would propose the following premise.

USVI Proposed USVI Restoration Plan

The FCC should be looking at the USVI situation from an FEMA/Homeland Security, Emergency Management aspect to best prepare for the next hurricane.

The main driver with communication, now and in the future, is the Communications backbone available in the area. In this respect, the Federal Government has invested in a world class broadband network known as the Virgin Islands New Generation Network (viNGN). This network is composed of multi-pair fiber rings on St. Croix, St. Thomas, St. John and Water Island along with the only Island to Island multi-pair fiber ring. Most of this infrastructure is currently under ground and survived the 2017 hurricanes allowing broadband services to be restored infrastructure will be quickly. The Stage 1 funding provided by the FCC will allow for all of these core communications ring to be underground and hardened. The strategic deployment of viNGN's fiber network is within reach of all critical assets that need to be protected in the event of a natural disaster.

Since October 2017, Tier1 Access LLC, Level 3/CenturyLink, viNGN and the Bureau of Information Technology (BIT) have been trying to deploy a Next Generation VoIP solution to restore Dial Tone to Governmental Facilities and Emergency Management Services. This has been hampered by the inability of the Local Incumbents (Viya) failure to have the required Emergency Capacity mandated by Virgin Islands law and has claimed Force Majeure in defense of its failure. From a restoration standpoint the FCC's Stage 1 funding to Viya should have been able to correct this problem within the last 9 months but this has not been a priority for the LEC.

This overall failure of the Local Incumbent inability to restore core network services while the complete restoration of Broadband Transport Services provided by viNGN provides the way forward as the vast majority of the Government, Business and Residential customers have had Broadband Services

restored for months. This being the case, all of these users could currently have Dial Tone via VoIP if it weren't for the fact the LEC has failed to provide Universal Service, Number Portability, Equal Access and has been unable to restore its critical infrastructure in a timely fashion.

It has become clearly apparent that the major obstacle to Wired Service restoration is the availability of interconnection to the PSTN and the ability to port telephone numbers. To this end the FCC should be looking at funding the current stakeholders of the only VoIP initiative that has been underway for the last 9 months but has been unable to deploy services due to the failure of the LEC to restore core services and provide number portability.

The plan developed by the stakeholders originally looked at only the restoration of Dial Tone using the resiliency of the Core Broadband Network capability provided by viNGN. This Core Network directly touches most government facilities and was back in operation within days of the disaster and provided the only real alternative to rapidly restore communications to the territory. The ability to utilize this critical resource for restoration of Dial Tone became problematic due to the inability to port 340 area code numbers. To resolve this issue that has a dependency on a critical resource it has become clear that relying on a LEC that has an inherent conflict of interest is contrary to the ultimate objective of providing cost effective, rapid recovery capabilities.

We, along with the stake holders, have come to the conclusion that the logical course of action embodies that the following aspects:

1. Provide redundant and independent telecommunications interconnection points on St. Croix and St. Thomas
2. Replacement of Current PSAP Equipment with Current I3 technology with direct connectivity to allow for continuity of services and dedicated connectivity for EMS and FEMA
3. Leverage viNGN assets to provide a carrier neutral OC-192 fiber ring for Legacy Telecom
4. Complete viNGN direct fiber deployment to Governmental Agencies to provide hardened Broadband and Telecommunication capabilities under Governmental control
5. Provide fiber interconnection to other critical Emergency Services (Hospitals, EMS)
6. Provide for Fiber extension to Wireless Carriers physical assets (Towers) for redundant capabilities
7. VoIP Services to replace expensive legacy copper and provide easy portability in the event of future disasters

The Key Stakeholders being brought together bring unmatched expertise in Telecommunications, Broadband Networking and Governmental Operation

Level 3/CenturyLink is an American multinational telecommunications and Internet service provider company that provides core transport, IP, voice, video, and content delivery for medium-to-large Internet carriers in North America, Latin America, Europe, and selected cities in Asia and is the third-largest telecommunications company in the United States in terms of lines served.

viNGN is the trusted wholesale broadband internet transport provider that has passed annual federal and USVI audits without any discrepancies and could act as a custodian of the funds as a trusted and proven government owned entity.

The US Virgin Islands Bureau of Information Technology is the Governmental Agency with responsibility for Technology deployment and coordination throughout the Government of the USVI.

Tier1 Access LLC is the only Telecommunication Company in the US Virgin Island that, on its own initiative, has systematically brought the key stakeholders together and has a solution ready to deploy as soon as the Number Portability Issue is resolved. It is the only active ETC working towards breaking through the barriers put in place by the Local Incumbent Telecommunications Carrier. Had these anti-competitive barriers not been in place, the USVI would be well on the way to complete restoration of Dial Tone as of today.

In addition, this approach provides all of the base layer required for Fiber to the Home (FTTH) and allow for rapid build out for the Last Mile off of the viNGN middle-mile network to ensure cost competitive market that will help reduce Telephone, Cable, Internet prices and bring VoIP to rural and economically disadvantaged areas. It also provides the base transport layer and core telecommunication switching needed by Wireless Providers to effectively provide uninterrupted service and the opportunity for competitive access to the 304 Rate Centers.

39. We would disagree with the premise that a competitive proposal process similar to a request for proposal will accomplish the underlying goals for Wire Line Services. From a Wire Line perspective there are only two initiatives that have been ongoing forward by registered telecommunication providers in the USVI since the August 2017 hurricanes. The ILEC has received Stage 1 Funding and has failed to achieve the restoration goals in favor of its own interests and, as previously noted, 6 to 9 months out from completing its core restoration. This leaves only one alternative that is ready for immediate deployment that embodies the restoration goals and long term disaster mitigation strategy. This has been developed by key stakeholders that has been ready for deployment for over 6 months and provides the technical expertise, proven governmental accountability and governmental support. There is only one ETC that has been working independently on solutions with key stakeholders and we would suggest that the most expeditious way forward is a direct negotiation to establish obligations and goals while providing the proper oversight and accountability.

Tier1 Access LLC is the only Registered Telecommunications Provider in the US Virgin Islands that both pre and post hurricane has been actively working with US Virgin Islands Stake Holders to attempt to bring together a comprehensive plan to address rapid comprehensive Wire Line service restoration via VoIP while leveraging existing assets to the future of Telecommunications, Broadband Internet and FTTH in the Territory.

Respectfully,

Don Bickowski
Managing Director
Tier1 Access LLC
3275 Fox Run Est.
Eureka, MO 63025
Cell: 314-565-0542