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

RE: Notice of Ex Parte Statement of Support, *Comments of Neptuno Media, Inc.*, Wireline Competition Docket Nos. 18-143, 10-90, 14-58.

Dear Secretary Dortch:

On September 18, 2018, Luis Romero, President and CEO of Optivon, Inc. based in Puerto Rico, and I met with Dr. Jay Schwartz, Wireline Advisor to the Chairman, and Michael Carowitz, Special Counsel to the Chairman, regarding Stage 2 of the Uniendo a Puerto Rico Fund and the Connect USVI Fund. The following is a summation of the meeting.

I. Introduction

Optivon, Inc. ("Optivon" or the "Company") is an interexchange carrier, competitive local exchange carrier, VoIP Interconnected carrier, and a 214 international carrier. Optivon is a leading provider of wireless and other telecommunications services such as IP telephony in the U.S. and most particularly Puerto Rico, and it is a significant interstate voice long distance carrier for Puerto Rico. Since 2004, Optivon has been a leading developer in VoIP enabled cloud communications services, such as Cloud PBX and Cloud ACD. Optivon's diverse offering of services allows the Company to provide custom communication solutions to businesses of all sizes and to create support systems that best meet their needs.

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In the wake of the 2017 hurricane season, which caused catastrophic damage in Puerto Rico and the U.S. Virgin Islands, the Commission opened this docket and issued a proposed rulemaking ("NPRM") seeking comment on how to best provide immediate and long-term funding for the restoration of communications networks in the region.¹

We offer this statement of support of the Comments of Neptuno Media, Inc. based on our experience serving business throughout Puerto Rico, both before and after the 2017 hurricane season.²

We strongly support Neptuno's position that the Commission must, if it is to achieve its goal, adopt a technology-neutral Stage 2 funding process and for the related position that all fixed providers, wireless and wireline, including those that serve businesses exclusively, must have the opportunity to participate in the Stage 2 funding process.

II. Optivon Agrees That Stage 2 Funding Should be Technology-Neutral

Neptuno argues that the Commission should ensure that the Stage 2 funding process does not favor one technology over another.³ Optivon agrees. Specifically, we agree with Neptuno's statement that the "process must be technology-neutral and allow participation by both wireline and wireless providers, both large and small."⁴

Clearly, the Commission's central goal of restoring full and effective communications services on the Island cannot be achieved by a rule or policy that holds that some technologies are superior to others and are to be promoted. As Neptuno points out: a technology-neutral process would "encourage meaningful and thoughtful competition among participating providers to make proposals to the Commission that highlight and utilize the

¹ *In the Matter of The Uniendo a Puerto Rico Fund and the Connect USVI Fund; Connect America Fund; ETC Annual Reports and Certifications*, Order and Notice of Proposed Rulemaking WC Docket Nos. 18-143, 10-90, 14-58; FCC 18-57 (rel. May 29, 2018) ("NPRM").

² Comments of Neptuno Media, Inc. D/B/A Neptuno Networks (July 26, 2018) ("Neptuno Comments").

³ Neptuno Comments at 3.

⁴ *Id.*

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most advantageous aspects of their business models, technologies, and services.”⁵

The Commission has offered no public interest reason for leaving out mobile and fixed technologies such as 5G, licensed and fixed unlicensed microwave spectrum, trunked mobile radio, and satellite links, among others. The result of the proposal to omit these technologies is that technologies which existed and served Puerto Rico well prior to the Hurricane and which continue to provide service in its aftermath are threatened with artificial obsolescence by Agency fiat. That result would not serve the public interest for a number of reasons, not least of which is that it would undermine the objective of restoring and indeed enhancing resilient telecommunications systems.

For similar reasons Optivon agrees with Neptuno’s principle that fixed wireless carriers “represent a critical element in restoring and expanding service in the region in connection with the Uniendo a Puerto Rico and Connect USVI funds.”⁶ As Neptuno points out this is especially true given the “faster recovery of wireless-based networks as compared to wireline-based networks” during post-storm restoration efforts.⁷ Neptuno correctly identifies that one key aspect of the quick repair times for wireless-based networks is that such networks do not incur, in comparison to wireline networks, extensive repair costs. The Commission ought not to assume that this is the only time it may be faced with the need to authorize USF funds following natural disasters and should recognize that fixed wireless services do contribute to a quick recovery when such disasters occur.

III. All Providers, Including Those Serving Only Business Customers, Should be Fully Eligible to Participate in the Stage 2 Funding Process

Optivon agrees with Neptuno’s statement that “[a]ll providers, including those serving only or primarily residential customers, only or primarily business customers, or a mixture of both should be fully eligible to participate.”

⁵ *Id.*

⁶ *Id.* at 4.

⁷ *Id.* at 5.

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The Commission may not appreciate the formal and informal efforts of Puerto Rico to develop, maintain and now restore business development on the island and the centrality of the jobs that these efforts create to the wellbeing of the island and its citizens. Both through the Government and private sector efforts, Puerto Rico has regularly and consistently pursued growth of business on the island and the support of businesses, both large and small, that are based there.

As an illustration, since 1942, the Puerto Rico Industrial Development Corporation has worked with the government, businesses and the citizens to expand and enhance the opportunities for business to be based in or maintain facilities in Puerto Rico. Puerto Rico's businesses rely on telecommunications for the basic functioning of their businesses and for a number of reasons, the need for efficient, cost effective service is particularly acute. For example, Puerto Rico's businesses provide necessary food and water, the ability for residents to withdraw cash from an ATM, buy repair tools, submit insurance claims, and conduct many other important transactions all depend on the communications infrastructure serving businesses. The need for businesses based on the island to be able to communicate effectively with the outside world should be equally obvious.

In addition to providing jobs and important services to the surrounding community, businesses also serve a public safety function and need to be able to communication with hospitals, police, and other emergency personnel. Therefore, we strongly agree that excluding business-only providers would be detrimental to recovery efforts.

Finally, Optivon agrees with Neptuno and the Commission's proposal to limit participation in the Stage 2 Funding Process to providers that offered services in Puerto Rico or the U.S. Virgin Islands prior to the 2017 hurricanes. We agree with Neptuno that "existing providers with established track records present a smaller risk of defaulting on their service obligations."⁸ However, as

⁸ *Id.* at 7; NPRM at 42.

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noted above, eligibility should not be limited to providers that "served as least some residential locations."⁹

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "James Arden Barnett, Jr.", written in a cursive style.

James Arden Barnett, Jr.
Rear Admiral, USN (Retired)

cc: Dr. Jay Schwartz
Michael Carowitz

⁹ NPRM at 42.