

Communications
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February 25, 2020

Hon. Geoffrey Starks, Commissioner
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Honorable Commissioner Starks:

First of all, thank you for hosting this Field Hearing in Puerto Rico with the purpose of discussing the “steps taken to improve the resiliency of communications networks since Hurricanes Irma and Maria, how communications networks and recovery efforts performed during recent earthquakes, and what additional actions are needed to ensure that communications networks are always available, particularly to meet public safety needs.”¹This is a good step towards accountability and transparency.

CWA represents working men and women in telecommunications, customer service, media, airlines, health care, public service and education, and manufacturing. In Puerto Rico, we represent almost 2,000 employees, mainly in the telecommunications sector. I currently serve as Staff Representative for our Telecommunications and Technologies Sector, but for 10 years, I held different responsibilities in Local 3010 in Puerto Rico, from Steward to Secretary-Treasurer to Local President. I lived in Puerto Rico during hurricanes Maria and Irma and I saw firsthand the impact of those disasters on our island.

In Puerto Rico, our Union represents the 9-1-1 Emergency Bureau, employees of AT&T Legacy (that mainly work with the Cable Station in Puerto Rico and the US Virgin Islands), AT&T Mobility, telephone installers, and all three local main networks, Telemundo, Wapa and Univision.

To begin, I want to briefly discuss the public safety issues that our country is facing.

In 2004, Congress approved the “Enhanced 9-1-1 Act of 2004”, which provides **that “funds collected on telecommunications bills for enhancing emergency 911 services are used only for the purposes for which the funds are being collected.”**² Sadly, Puerto Rico has seen horrible diversion of 9-1-1 funds in the past, with \$24 million dollars diverted.

¹ <https://www.fcc.gov/news-events/events/2020/02/commissioner-starks-puerto-rico-field-hearing-resilient-communications>

² *Enhance 9-1-1 Act of 2004*, 47 USC §942. The *New and Emerging Technologies 9-1-1 Improvement Act of 2008*, 47 USC §609, also requires that 9-1-1 funds are used for supporting the 9-1-1 emergency systems.

But if diverting funds isn't bad enough, since 2014, the 9-1-1 bureau has faced enormous cuts to its budget, and priorities have been shifted. This has led to understaffed Public Safety Answering Points, lack of critical administrative support, longer wait times in an emergency, and the inability to upgrade to next generation systems.

As an example, today, the mapping system is so outdated that roads like Highway 66, which has been in service since 2012, do not exist. Our text-to-9-1-1 capabilities are almost nonexistent, with only 10 stations available to receive such texts and with limitations. There is no plan for Next Generation 9-1-1 services, and no investment or funds for any technological improvements. Employees have faced deep cuts to their benefits and, other than increases in the public sector minimum wage to \$8.25, the workers have not received a wage increase since 2012. This has led to a massive exodus of specialized, trained and experienced employees, from dispatchers to experienced secretaries and IT personnel. All of this comes without any justification, since the Fiscal Board has said on numerous occasions that any of the fiscal plans' reductions and cuts do not apply to the 9-1-1.³

This crisis was evident during Hurricanes Maria and Irma. The lack of a structured plan, infrastructure, and funds made emergency communications a challenge. The 9-1-1 bureau didn't have any reserves to be able to respond adequately to our citizens. While we were able to dial and get a dispatcher, those dispatchers were not able to reach out to the rest of the emergency system. 9-1-1 was not able to reach out to ambulances and police, especially in remote areas. We had to wait until communications were restored, and/or satellite phones were provided to certain emergency agencies. Today, there is still no plan, even when we as a Union have suggested that the 9-1-1 bureau should have a network of satellite phones assigned to critical points to have a communications backup system, we still don't have one.

As a response, our Union, with the support of Senator Henry Neuman and Senator Jose Vargas-Vidot, presented Senate Bill 1059 to protect funding for the Emergency 9-1-1 Service and ensure that funds are properly used for staffing, reducing wait times, and implementing Next Gen 9-1-1. The bill was approved by the legislature and awaits the Governor's signature. This is the first step to improving our emergency systems.

More accountability from the FCC to each State and Territory is also necessary. The only requirement that States and Territories have to ensure proper use of 9-1-1 funds is a simple yearly report. There are no guidelines on how 9-1-1 funds should be used. For example, the Puerto Rico Department of Public Safety has authorized the use of 9-1-1 funds to buy a new SUV for the Secretary of Public Safety, vehicles for the State Forensic Unit, uniforms for the Emergency Management Team, and expenses that are not related to funding 9-1-1 services or for emergency response. In order to stop the diversion of 9-1-1 funds, we need guidelines for use of 9-1-1 funds and an audit process to ensure compliance and new rules and regulations and stronger penalties.

The second issue we would like to bring to your attention is the lack of accountability and transparency to the general public on the funds that have been made available to Puerto Rico.

In October 2017, the FCC approved up to \$77 million to restore connectivity in Puerto Rico and USVI. This funding was provided to carriers with up to seven months' worth of support

³ See letters from the FOMB dated September 17, 2018 and June 26, 2019

from the FCC's Universal Service Fund. It is important to note that this funding was an advance of regular USF funding, not additional funding. The FCC noted this funding should be used to repair telecommunications infrastructure and restore service to customers.⁴

In May 2018, the FCC approved up to \$204 million in funding through the Connect USVI fund in additional funding (in addition to the \$77 million from Oct. 2017), including \$13 million for immediate restoration efforts. The remaining funds are available for a 10-year term for fixed and mobile broadband.⁵

In September 2019, Chairman Pai circulated an Order to provide \$950 million for broadband networks in Puerto Rico and USVI. This will be the second phase of the FCC's funding in the Uniendo a Puerto Rico Fund and the Connect USVI Fund. It follows the \$130 million the FCC has provided since 2017.⁶

But compliance on the use of these funds is not enough. Right now, the FCC is failing to convene an independent commission, like it did after Hurricane Katrina, to investigate the communications blackout. The lack of adequately trained and experienced personnel in Puerto Rico, available equipment to support the network recovery work, enough inventory in the telecommunications warehouses, the negligence in network maintenance - especially in rural areas - and the lack of a detailed recovery plan are some of the things the FCC needs to investigate fully and independently to ensure our telecom providers are really prepared to respond to emergencies.

The FCC order of September 2019 only mentions that telecom companies are subject to "random compliance audits," but the FCC has not implemented "sufficient measures to identify potential misuse of the federal funds the FCC set aside for recovery work," nor has it taken "necessary steps to ensure that telecom companies deliver on promises to accelerate."⁷ We believe that the FCC should be "more transparent, provide clear and measurable requirements for funds allocated to network-recovery work, and hold telecom providers accountable for unreasonable delays to ensure recovery efforts accelerate the restoration of services and increase network resiliency."⁸ Transparency also requires that telecom companies provide updated information to the customers about the steps they have taken to improve the networks.

As an example of lack of transparency in 2013, \$32 million was assigned to Hawaiian Telecom and to the Puerto Rico Telephone Company as part of the Connect America Phase I funding.⁹ There has been no report, public inquiry, or audit that shows how those funds were used and if the Connect America goals were actually met. This must change in order for the public to regain trust in the FCC and the telecommunications providers.

Finally, we cannot let this opportunity pass without mentioning our serious concerns about the proposed sale of AT&T Mobility of Puerto Rico and the Virgin Islands to Liberty Latin America (LLA).

⁴ FCC Release, Oct. 2017

⁵ [FCC Order, May 29, 2018](#)

⁶ [FCC Release, Sept. 4, 2019](#)

⁷ Free Press Connecting the Dots The Telecommunications Crisis in Puerto Rico, May 2019 report:

https://www.freepress.net/sites/default/files/2019-05/connecting_the_dots_the_telecom_crisis_in_puerto_rico_free_press.pdf

⁸ *Id.*

⁹ http://transition.fcc.gov/Daily_Releases/Daily_Business/2013/db1031/DA-13-2103A1.pdf

CWA represents employees of AT&T Mobility in Puerto Rico and the US Virgin Islands, and other workers in the telecommunications industry. CWA members are also customers of broadband companies and have an interest in ensuring robust, financially stable providers and quality service. CWA remains concerned that the AT&T-LLA transaction will result in hundreds of lost jobs, and that Liberty Latin America (LLA) and its subsidiary, Liberty Cablevision of Puerto Rico (LCPR), may not have the financial ability to invest and maintain the transferred companies.

The Commission has previously evaluated the impact of employment reduction on service quality as part of its public interest analysis and it should do so in the AT&T/LLA transaction. This evaluation is important to ensure adequate employment for a smooth transition and quality service, especially when LLA operations support system (OSS) takes over management of AT&T's customers.

Furthermore, having enough skilled workers is critical to broadband deployment.

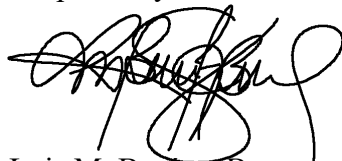
LLA has been silent on restructuring plans post-2020. CWA encourages the Commission to request LLA's organizational restructuring plans beyond 2020, in addition to the "competitively sensitive" employment data, as this information is directly relevant to LLA's future performance and the Commission's decision regarding LLA's ability to ensure a seamless transition for AT&T customers. We do recognize that LCPR executives have met with the Union and many issues have been discussed, but real clear commitments are necessary.

CWA believes that the significant investment-intensive integration efforts required by this transaction pose risks to service quality and are relevant to the Commission's analysis. The Commission should require that the Applicants detail their assumptions and plans, including multi-year synergies, employment levels, transaction-related investments, projected cash flows, and detailed LCPR financial statements.

The proposed AT&T-LLA transfer threatens considerable harm to the public interest with possible loss of jobs and corresponding decrease in service quality. The Commission should also investigate the impact of this transaction over FirstNet service commitment; the compliance of AT&T with the Uniendo a Puerto Rico Fund and the Connect USVI Fund that AT&T committed to use in Puerto Rico before the transaction is approved and to inquire what are LLA commitments over 5G deployment and over the promises to accelerate reconstruction and to avoid any future telecommunications crisis.

I am available for questions and comments.

Respectfully,

A handwritten signature in black ink, appearing to read "Luis M. Benitez-Burgos". The signature is stylized and cursive, with a large loop at the end.

Luis M. Benitez-Burgos
Communications Workers of America