

August 4, 2003

William Lokey
Federal Coordinating Office
Federal Emergency Management Agency
U.S. Department of Homeland Security
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Sili Sataua, Ph.D.
Director of Education
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American Samoa Government
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Dear Mr. Lokey and Mr. Sataua,

Recently, Mr. Sataua contacted the Commission requesting temporary authorization for the Federal Emergency Management Agency (FEMA) of the U.S. Department of Homeland Security to use facilities supported by the universal service support mechanism for schools and libraries.¹ In a series of phone calls with FEMA, we learned that on May 19-21, 2003, heavy rains caused flash-flooding and major mudslides in the American Samoa, killing four people. The flash floods and landslides forced the closure of schools, roadways, and bridges and caused severe damage to many homes and businesses in the territory. On June 6, 2003, President George W. Bush declared a major disaster for the American Samoa territory (FEMA-1473-DR). The declaration covered damage to private and public property from heavy rains, flooding, and mud and landslides. Such a declaration opened the way for local governments, communities, and some non-profits to apply for federal disaster funds, which includes grants to help pay for temporary housing, home repairs and other serious disaster-related expenses.

Currently, the American Samoa State Educational Agency (SEA) receives universal service discounts on a T1 connection between the American Samoa territory and an Internet Service Provider (ISP) operated by the University of Hawaii. Because of the recent disaster in the American Samoa, it is appropriate to provide FEMA and American Samoa SEA Special Temporary Authority to make use of these services. So long as the universal service fund is reimbursed in full by FEMA for the portion of the services utilized for FEMA's disaster recovery efforts, such use would be consistent with section 254 of the Telecommunications Act (the Act).

¹ Electronic Mail from Sili Sataua, Director of Education, American Samoa Government to Katherine Tofigh, Federal Communications Commission, dated August 1, 2003 (11:12 p.m.).

After the disaster declaration, FEMA began receiving and processing claims, and organized a Disaster Field Office in Pago Pago, along with several Disaster Assistance Centers across the territory. FEMA estimates that it will receive over 5000 claims of individual assistance over the next two months. In order to expeditiously process claims from American Samoa, a high-speed data connection is necessary between American Samoa and an ISP, where FEMA would then be able to construct a virtual private network, allowing access to the protected FEMA network. At this time, no ISP operates in the American Samoa, and the closest ISP is located in Hawaii.

The American Samoa SEA maintains a T1 line to an ISP operated by the University of Hawaii, and the T1 is supported with discounts from the schools and libraries universal service support mechanism.² The T1 maintains 24 channels, with each providing 64 kilobits per second. Currently, the service provider receives reimbursement directly from USAC for the discounts provided on this service, a total of \$55,500 per month.³ American Samoa SEA then pays the service provider the non-discounted portion of the funding request.

FEMA informs the Commission that it requires use of 4 of these channels for 2 months in order to facilitate transfer of the disaster-related applications. Technicians would be able to adjust the American Samoa SEA's router to allow FEMA access to the 4 channels, while the remaining 20 channels would remain exclusively used by the consortium. American Samoa SEA informs the Commission that the T1 currently has excess capacity because of the summer school recess. FEMA proposes to reimburse the Universal Service Administrative Company in full for the 4 channels (one-sixth of the total funding request).⁴

By this letter, FEMA and American Samoa SEA are provided Special Temporary Authority to make use of 4 channels of the American Samoa SEA T1 line to Hawaii for a period of two months. In light of the recent disaster in American Samoa, giving permission to make use of this facility will serve the public interest by enabling FEMA to process expeditiously disaster claims and assistance.

Such use is consistent with section 254, so long as USAC is reimbursed in full for the portion of the services used by FEMA. Under section 254, support from the schools and libraries mechanism must be used for educational purposes.⁵ In this instance, because the FEMA portion of the services will be paid for by FEMA -- and the funds will effectively "flow-through"

² FCC Form 471, American Samoa SEA, filed January 22, 2003.

³ Letter to Sal Poloai, American Samoa SEA, from Schools and Libraries Division, Universal Service Administrative Company, dated June 30, 2003.

⁴ The only other alternative available to FEMA is the Samoan government's T1 line connected to an ISP in Hawaii that is used to offer commercial DSL services to residents of American Samoa. With over 2000 customers, the through-put is overwhelmed by existing customers, making the connection difficult for large data transfers due to the limited available bandwidth. FEMA has been informed by the Samoa Telecommunications Company that construction of a new T1 line would take approximately 2 months to complete. As such, this alternative is not viable.

⁵ See 47 U.S.C. § 254 (h)(1)(B).

USAC to the service provider -- support from the mechanism will not fund the 4 channels used by FEMA for disaster-related assistance. Thus, because the channels will not be supported by the discount mechanism, it is consistent with section 254 to allow FEMA to reimburse USAC for services on a temporary basis. FEMA and the American Samoa SEA shall coordinate payment for the services with George McDonald, Vice President, Schools and Libraries Division, USAC. Should FEMA need additional relief beyond two months from the date of this letter, FEMA and American Samoa SEA shall contact the Commission.

Sincerely,

Carol E. Matthey
Deputy Chief
Wireline Competition Bureau