



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC

Mike O'Rielly
Commissioner

July 17, 2019

The Honorable Albert Bryan, Jr.
Governor of the Virgin Islands of the United States
1105 King Street
Christiansted, San Croix, U.S.V.I. 00820

Dear Governor Bryan:

Congratulations on your new role as Governor of the U.S. Virgin Islands, and thank you for your recent letter seeking additional Commission resources to help rebuild the territory's communications infrastructure in the wake of the devastating hurricanes in 2017. On the matter of directing Commission resources toward rebuilding efforts, I look forward to reviewing any Commission items that come before me. However, I also want to draw your attention to another important matter regarding public safety: the unacceptable and harmful past practices of the Virgin Islands to divert consumer-paid 9-1-1 fees to other purposes.

According to the Commission's latest report utilizing 2017 data, the Virgin Islands diverted over \$1.2 million in 9-1-1 fees to other functions. Specifically, it is our understanding, based on the data filed with the Commission, that "by statute, 30 percent of the fees collected are distributed to the Department of Health and another 30 percent is distributed to the Virgin Islands Fire Service."¹ In 2017, a portion of these funds went to repairing ambulance vehicles, fire service equipment and facilities, and training and travel for non-9-1-1 personnel. Regardless of whether these priorities serve a meritorious purpose, such a funding diversion is an unacceptable breach of trust and responsibility, as the collection of this money is expressly authorized for a specific and critical purpose. Officials owe it to the emergency personnel tasked with answering critical calls and to the Virgin Islands' residents in need of emergency assistance to ensure that 9-1-1 fees go directly toward 9-1-1 services. This situation is even more problematic given the huge expenses of upgrading and modernizing 9-1-1 systems to next-generation capabilities.

As you are well aware, the Commission is considering whether to provide additional universal service fund (USF) dollars for both Puerto Rico and the Virgin Island's communications infrastructure. Until recently, Puerto Rico also had been guilty of 9-1-1 fee diversion, but officials there took the appropriate steps to rectify the situation. I would be happy to share with you my past correspondence with Puerto Rico's leadership on this matter and further discuss the process for coming into compliance with applicable Federal law.

¹ Tenth Annual Report to Congress on State Collection and Distribution of 911 and Enhanced 911 Fees and Charges, Federal Communications Commission, 2018, p.46-7

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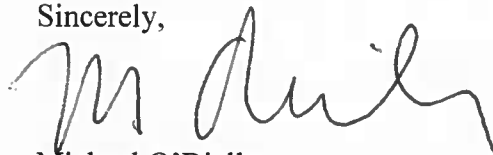
Page 2

July 17, 2019

As a steward of the ratepayer-collected monies used for USF disbursements, I would find it extremely difficult to support providing additional USF funding to the Virgin Islands without a firm commitment and a timeline from your administration detailing how you are prepared to put an end to fee diversion practices once and for all. Moreover, I am not alone in my desire to end 9-1-1 diversionary practices throughout the U.S. and its territories, as both FCC Chairman Pai and Commissioner Rosenworcel have been actively engaged with me on this important matter. Your guarantees and demonstrated compliance plan could go a long way toward alleviating Commission concerns, which if left unaddressed could put precious USF support at risk – an unacceptable outcome and not one that the Commission would take lightly.

I look forward to your prompt response and finding a satisfactory way to address the 9-1-1 fee diversion in the Virgin Islands expeditiously.

Sincerely,

A handwritten signature in black ink, appearing to read "M. Rielly". The signature is fluid and cursive, with a large initial "M" and a long, sweeping tail.

Michael O'Rielly