

**GOVERNMENT OF THE VIRGIN ISLANDS
OF THE UNITED STATES**

Public Services Commission

IN RE:)	
)	
APPLICATION OF VITELCOM CELLULAR, INC. D/B/A)	Docket No. 664
VIYA WIRELESS FOR MODIFICATION OF ITS)	Order No. <u>40</u> /2018
DESIGNATION AS AN ELIGIBLE)	
TELECOMMUNICATIONS CARRIER TO PARTICIPATE)	
IN THE CONNECT USVI FUND)	
_____)	

ORDER

WHEREAS, on April 11, 2017, the Virgin Islands Public Services Commission (hereinafter “Commission” or “PSC”) received an Application from Vitelcom Cellular, Inc. d/b/a/ Innovative Wireless (hereinafter “Vitelcom”) requesting designation as an Eligible Telecommunications Carrier (hereinafter “ETC”) throughout the United States Virgin Islands (hereinafter “USVI”) for the purposes of Lifeline service only; and

WHEREAS, on May 23, 2017, the Commission received the Report and Recommendations from its Technical Consultant, Georgetown Consulting Group (hereinafter “GCG”); and

WHEREAS, in PSC Order No. 55/2017, the Commission approved Vitelcom’s ETC designation subject to the recommendations included in the GCG report; and

WHEREAS, on June 5, 2018, the Commission received notice from Vitelcom Cellular, Inc. d/b/a/ Viya Wireless (hereinafter “Vitelcom” or “Viya Wireless”) advising the Commission of their intent to file an Application to Modify Viya Wireless’ existing Lifeline-only ETC status to include eligibility to receive federal high-cost support; and

WHEREAS, on June 7, 2018, Viya Wireless filed an Application for Modification of its ETC designation to participate in the Connect USVI fund; and

WHEREAS, on June 15, 2018, the Commission met in regular session at its office on St. Thomas and via teleconference at the Virgin Islands Port Authority Conference Room on St. Croix, USVI; and

WHEREAS, after review and deliberation, the Commission voted to **GRANT** Viya Wireless’ Application for Modification of its ETC designation subject to the recommendations included in the GCG report;

NOW THEREFORE, the Commission finds and **ORDERS** that, Viya Wireless' Application for Modification of its ETC designation in the USVI is **GRANTED on the following findings, terms and conditions**:

1. The Commission finds Vitelcom Cellular, Inc. has met the requirements for a Certificate of Authority to provide telecommunications services throughout the USVI.
2. The Commission finds that granting the unrestricted ETC designation is in the public interest.
3. The ETC Designation shall encompass the entire territorial area of the USVI within the scope of the authority of the USVI PSC as it exists today or may come to exist in the future.
4. The ETC Designation shall require the ETC Designee to provide voice and other supported services as a common carrier and comply with all common carrier obligation required under independent territorial law and federal law as it exists today or may come to exist in the future.
5. The ETC Designation requires the ETC Designee to comply with all applicable network reliability, network security, and applicable service quality standards required under independent territorial law and federal law as it exists today or may come to exist in the future.
6. The ETC Designee must file copies of any FCC awards of Stage 2 Connect USVI funds with the PSC.
7. The ETC Designation requires the ETC Designee to comply with any obligations imposed on the ETC Designee under independent territorial law and federal law as it currently exists or may come to exist in the future.
8. Vitelcom's petition is subject to the following conditions:
 - a. Vitelcom must comply with any FCC or VI PSC requirements concerning E911 service when implemented in the USVI.
 - b. Vitelcom must file a copy of any updates to its federal compliance plan as required under the new FCC *Lifeline Reform Order*.
 - c. Vitelcom must provide to the PSC copies of the annual reports filed with the FCC and USAC pursuant to Section 54.416.
 - d. Coincident with the filing of the annual reports referenced in Recommendation 3, Vitelcom must provide to the PSC a report of the total number of Lifeline subscribers served as of December 31 of each year starting December 31, 2017.
 - e. Vitelcom must promptly submit to the VI PSC any additional information or reports that that VI PSC may reasonably request from time to time.

- f. Vitelcom must comply with the record retention requirements contained in Title 30 §47(d).
9. The ETC designation is for an indefinite period of time. Vitelcom must formally request relinquishment of its ETC designation if it no longer wishes to participate in the federal USF program per 47 CFR 54.205. However, Vitelcom is subject to any penalties and forfeitures that may be imposed by the FCC if the Vitelcom files for relinquishment in less than one year from the date the ETC designation is granted.

So Ordered.

For the Commission,

Date: **September 18, 2018**



Raymond J. Williams, Chair

