

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

PUBLIC SERVICES COMMISSION

IN RE:)	Dockets No. 589 & 664
)	Order No. <u>60</u> /2018
CHOICE COMMUNICATIONS, LLC)	
PETITION FOR RECERTIFICATION)	
OF ITS ELIGIBILITY TO RECEIVE UNIVERSAL)	
SERVICE FUNDS)	
<i>DOCKET 589</i>)	
)	
<i>AND</i>)	
)	
VITELCOM CELLULAR, INC APPLICATION)	
FOR DESIGNATION AS A LIFELINE ELIGIBLE)	
TELECOMMUNICATIONS CARRIER IN THE)	
UNITED STATES VIRGIN ISLANDS)	
<i>DOCKET 664</i>)	
)	

ORDER

WHEREAS, on July 31, 2018, Choice Communications, LLC (hereinafter “Choice”) and Vitelcom Cellular, Inc. (hereinafter “Vitelcom”) (collectively “Company”) filed a combined request with the Virgin Islands Public Services Commission (hereinafter, “PSC” or “Commission”) for recertification of its eligibility to receive Universal Service Funds (hereinafter “USF”) pursuant to section 54.314 (a) of the Federal Communications Commission (hereinafter “FCC”) rules; and

WHEREAS, in 2017, Choice started to migrate its customers to Vitelcom; and

WHEREAS, during the transition, Choice and Vitelcom operated as a combined wireless telecommunications service provider; and

WHEREAS, the transition was delayed by Hurricanes Irma and Maria, but was completed in August 2018; and

WHEREAS, effective March 30, 2010, Choice received its designation as an Eligible Telecommunications Carrier (hereinafter “ETC”) until such time as it petitions, and receives approval from, the PSC to relinquish its designation; and

WHEREAS, both Choice and Vitelcom qualified to receive Stage 1 federal Connect USVI funds for the restoration and hardening of the wireless network; and

WHEREAS, the date for release of Stage 1 Connect USVI funds is not known with certainty and may extent into 2019; and

WHEREAS, on September 17, 2018, the Commission received a report and analysis from its technical consultants, Georgetown Consulting Group, Inc. (hereinafter "GCG"), recommending the approval of Vitelcom and Choice's ETC recertification; and

WHEREAS, on September 25, 2018, the Commission met in regular session at its office located at No. 1003 Estate Ross Suite 4, Barbel Plaza, St. Thomas United States Virgin Islands and at the Virgin Islands Board of Education's office on the island of St. Croix, United States Virgin Islands; and

WHEREAS, the PSC received testimony from Viya and GCG; and

WHEREAS, upon review and deliberation the Commission voted to adopt the Technical Consultants' report and recommendations and recertify Vitelcom and Choice's ETC Designation to receive USF in the United States Virgin Islands; and

NOW THEREFORE, it is hereby **ORDERED** that the Technical Consultants' report be adopted and the combined request of Choice Communications, LLC and Vitelcom Cellular, LLC for recertification of its Universal Service Fund eligibility in the United States Virgin Islands is **APPROVED on the following terms and conditions**:

1. The Company must file copies of any FCC awards of Stage 2 Connect USVI funds with the PSC.
2. The Company must comply with any obligations imposed on it under independent territorial law and federal law as it currently exists or may come to exist in the future.
3. The Company's request is subject to the following conditions:
 - a. The Company must comply with the FCC's USF reporting requirements and provide a copy of any FCC reports to the PSC.
 - b. By August 1, 2019, and August 1 of every year thereafter for which the Company receives federal USF under the Connect USVI fund or any other high-cost program, the Company must file a report with the PSC showing the use of funds during the previous calendar year. This report must provide the total USF received and identify the specific projects that were funded by USF together with the amounts expended, the localities served, the start and completion dates of each project, the status of the project if not completed and the number of subscribers affected.
 - c. Records supporting the FCC and PSC reports must be retained for ten years.

- d. Choice must file a petition for relinquishment of its ETC designation as soon as it receives Stage 1 Connect USVI funds and complies with any FCC requirements related to those funds.

So Ordered.

For the Commission,



Date: **October 18, 2018**

Raymond L. Williams, Chair