

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

Public Services Commission

IN RE:)	
)	Docket No. 668
LAN COMMUNICATIONS, CORP. PETITION FOR)	Order No. <u>50A</u> /2018
ELIGIBLE TELECOMMUNICATIONS CARRIER)	
DESIGNATION IN THE U.S. VIRGIN ISLANDS)	
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AMENDED ORDER

WHEREAS, on June 26, 2018, the Virgin Islands Public Services Commission (hereinafter “Commission” or “PSC”) received a Petition from LAN Communications, Corp. (hereinafter “LAN”) requesting designation as an Eligible Telecommunications Carrier (hereinafter “ETC”) in the United States Virgin Islands in order to be eligible to receive support from the federal universal service fund (“USF”); and

WHEREAS, LAN requested that its petition for designation as an ETC should also be considered as an application for a Certificate of Authority to offer local exchange telecommunications services throughout the U.S. Virgin Islands; and

WHEREAS, on August 7, 2018, the Federal Communications Commission (hereinafter “FCC”) released a public notice regarding Stage 1 restoration funding for the Uniedo a Puerto Rico Fund and the Connect USVI Fund allocations; and

WHEREAS, on August 8, 2018, the Commission received the Report and Recommendations from its Technical Consultant, Georgetown Consulting Group (hereinafter “GCG”); and

WHEREAS, on August 15, 2018, the Virgin Islands Telephone Corporations d/b/a Innovative d/b/a Viya (hereinafter “Viya”) submitted Comments on Dockets 668 and 669: LAN Communications Corp. and Broadband VI, LLC. Viya suggested that the Commission limit its consideration of LAN and BBVI Petitions to Stage 1 of the Connect USVI Fund only and defer designation for Stage 2 until the FCC clarifies its Stage 2 rules funding and while giving the Commission more time to further review and investigate the “complex implications” raised by Stage 2 distribution; and

WHEREAS, on August 18, 2018, GCG submitted a response letter concerning Viya’s August 15, 2018, Comments regarding the Petitions for ETC Designation filed by LAN and BBVI. GCG recommended that Viya’s proposal be rejected due to its inconsistency with the structure of the federal Telecom Act of 1996 that is currently in place; and

WHEREAS, on August 20, 2018, the Commission received additional letters from Viya regarding their comments on Dockets 668 and 669; and

WHEREAS, on August 21, 2018, the Commission met in regular session at its both offices on St. Thomas and St. Croix, United States Virgin Islands; and

WHEREAS, after review and deliberation, the Commission voted to **GRANT** LAN ETC designation and a Certificate of Authority to provide local exchange telecommunications services throughout the U.S. Virgin Islands, subject to the following recommendations provided by GCG:

NOW THEREFORE, the Commission finds and **ORDERS** that, LAN's Petition for Designation as an Eligible Telecommunications Carrier in the United States Virgin Islands is **GRANTED on the following findings, terms and conditions**:


1. The Commission finds that LAN has met all of the statutory and regulatory conditions for designation as an unrestricted ETC;
2. The Commission finds that LAN has met all of the requirements and hereby is granted a Certificate of Authority to provide competitive local exchange services throughout the U.S. Virgin Islands;
3. The Commission finds that granting the unrestricted ETC designation is in the public interest;
4. 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;
5. 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;
6. 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;
7. The ETC Designee must comply with the FCC's USF reporting requirements and must provide a copy of any FCC reports to the PSC. Records supporting the FCC and PSC reports must be retained for ten years.
8. The ETC Designee must file copies of any FCC awards of Stage 2 Connect USVI funds with the PSC.

9. 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.
10. LAN's petition 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. Within 30 days of approval of the ETC designation, the Company must provide a plan to the PSC to implement a Lifeline program. This plan should include the pricing, terms and conditions for BIAS, a description of proposed outreach and a commitment to comply with the FCC's rules on Lifeline enrollment, certification and verification.
11. The ETC designation is for an indefinite period of time. The Company 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, the Company is subject to any penalties and forfeitures that may be imposed by the FCC if the Company files for relinquishment in less than one year from the date the ETC designation is granted.

So Ordered.

For the Commission,

Date: August 18, 2018
Nunc Pro Tunc



Raymond G. Williams, Chair