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Congress of the United States
House of Representatives

Washington, DC 20515-5501

December 21, 2011

The Honorable Julius Genachowski
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Genachowski:

I am writing to express concern over the economically-damaging impact that the FCC's Universal Service Fund ("USF")-Intercarrier Compensation Reform Order ("Order") and the new rules adopted by the FCC in the Order will have on existing and future telecommunications services and infrastructure in the U.S. Virgin Islands. Providers in the U.S. Virgin Islands face telecommunications challenges that carriers serving the rural U.S. mainland do not face. It is important that the Commission take these unique challenges into account when drafting new rules. Unfortunately, neither the USF Order, nor the new rules adopted by the FCC sufficiently address the unique telecommunications challenges that carriers in the U.S. Virgin Islands face.

As you are aware from our earlier correspondence, the U.S. Virgin Islands does not enjoy the same level of telecommunications services available on the mainland. Broadband service is being deployed slowly due primarily to the costs associated with the terrain and the insular nature of the territory. In addition, there is a single provider of home telephone service, two-way cable is still in the future, and there remains little or no competition in video services.

USF support is a critically important part of bringing telecommunications infrastructure in line with 21st Century expectations and demands, especially in insular areas. As a result, I advocated for special treatment for insular areas and was joined in that effort by the other Congressional Delegates to the U.S. Territories, as well as the U.S. Department of the Interior's Office of Insular Affairs. Unfortunately, it appears that the only special treatment afforded insular areas in the Order is a fast-track process for insular area-serving carriers that elect to undertake the burdensome and uncertain path of requesting a waiver of the new rules.

In making its decision that insular areas did not deserve treatment akin to Tribal Areas and the Hawaiian Home Lands, the Commission provided no rationale nor a citation to justify its conclusion. The combined failure by the Commission to include insular areas with other historically protected entities and merely afford insular area-serving carriers an accelerated review of a petition for waiver process is insufficient to address the telecommunications needs of insular areas.

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Letter to Chairman Genachowski
12/21/11
Pg. 2

Despite an overwhelming need for additional high-cost support, the FCC's rules will result in an immediate and on-going reduction of millions of dollars of USF support for consumers in the U.S. Virgin Islands for years to come. Unfortunately, the Commission has elected to adopt reforms that may inhibit the provision of broadband service in the U.S. Virgin Islands.

It is my hope that the Commission will reconsider their approach with respect to USF reform as it affects the U.S. Virgin Islands and other insular areas. I encourage the Commission to take remedial action to ensure that, at least for USF purposes, insular areas are treated on par with Tribal Lands and the Hawaiian Homelands by the Commission, even if that result has to now be achieved through the grant of future waiver requests from insular area-serving carriers.

I respectfully request the opportunity to discuss this matter with you at your earliest convenience.

Sincerely,



Donna M. Christensen
Member of Congress

Cc: Chairman Greg Walden
Ranking Member Anna G. Eshoo
Commissioner Michael J. Copps
Commissioner Robert M. McDowell
Commissioner Mignon Clyburn
Sharon Gillett, Chief, Wireline Competition Bureau
Rick Kaplan, Chief, Wireless Telecommunications Bureau