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Blyden To Introduce Amendment Forcing Telecom Companies to Utilize viNGN's Infrastructure Instead of Building Their Own in Update to 'Call Before You Dig' Statutes

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Senate lawmakers heard testimony about the glitches in the implementation of the "Call Before You Dig" laws in the Virgin Islands on Wednesday.

According to testimony from telecommunications companies in the territory, AT&T Mobility USVI may have violated the "Call Before You Dig" laws while it was in the process of deploying additional fiber optic cable on specific routes in support of its FirstNet Network, according to the Virgin Islands Telephone Corporation Chief Technology Officer Morris Reid.

"Call Before You Dig" laws establish that all stakeholders and operators who control an underground facility, public or private that is buried underground must be notified before digging underground to install fiber optic cables. Federal laws also mandate that AT&T utilize existing infrastructure to execute the FirstNet contract, Mr. Reid said.

viNGN President and CEO Stephan Adams also indicated that AT&T disrupted internet service to customers on St. John because AT&T unintentionally cut viNGN's main fiber optics cables located on St. Thomas. Adams mentioned that AT&T should not overlap the infrastructure of viNGN's existing routes but utilize them.

AT&T Mobility USVI's Legal Counsel Tom Bolt said there are flaws in the "Call Before You Dig" laws. Stakeholders and Operators lack communication and collaboration, a third-party Notification Center should be contracted instead of the Government of the Virgin Islands (GVI), and a unified map of existing underground facilities is non-existent; according to Mr. Bolt.

Ultimately, the government issued a temporary Work Stop Order to AT&T to cease digging the ground.

The telecom executives testified before members of the Committee on Housing, Transportation, Infrastructure, and Telecommunications, chaired by Sen. Marvin Blyden.

"I am pleased that representatives from AT&T Mobility USVI, Inc., Viya, and viNGN are present because it is obvious that based on the testimonies provided that we must communicate, meet, and find solutions to longstanding challenges regarding the "Call Before You Dig" laws," Mr. Blyden said.

The key underlying issue, according to Mr. Adams and the senators present, is whether telecommunications providers should be required to utilize the existing underground network owned by viNGN, which was constructed at a cost of \$110 million utilizing a mix of federal and local funds. The viNGN CEO noted that the purpose of the network is to provide bandwidth to telecommunications companies on an open and non-discriminatory basis to facilitate affordable 21st-century broadband access for residents and businesses. He stated, however, that the ability to do so and to maintain financial viability would be threatened by the construction of competing for middle-mile networks such as that planned by AT&T.

Mr. Blyden said the matter should be resolved immediately, and he announced his intention to propose legislation requiring telecommunications providers to utilize the existing publicly-owned network. "viNGN is a community investment that belongs to the people of the Virgin Islands and was built for our benefit," he said. "We must do everything in our power to protect that investment."

Separately, the Department of Public Works shared an update on capital projects. Senators were also informed of the status of affordable housing and disaster relief issues in the Virgin Islands.

Public Works Commissioner Nelson Petty, Jr. noted that to date DPW was issued \$68 million out of \$80 million from the Federal Highway Emergency Relief program for capital projects. Overall, DPW was granted a total of \$664,667,875.70 for 195 federal projects or hurricane damaged roadways and facilities territory-wide. Petty noted that federal monies are project-specific and cannot be used to maintain roadways, install guardrails or fix potholes. That continues to be the fiscal responsibility of GVI, he said.

Regarding transportation, the construction for the Operations and Maintenance Facility (OMF) on St. Thomas VITRAN is completed. Upgrades will occur to OMF for St. John VITRAN and a new OMF will be built for the St. Croix VITRAN, Public Works said.

The V.I. Housing and Finance Authority (VIHFA) Executive Director Daryl Griffith shared an update. He said V.I.H.F.A. has tax credits totaling \$4,846,341. Out of that \$3,424,248 is for the Donoe Re-Development Project. There's also \$532,900 in tax credits for Concordia Manor.

The Community Development Block Grant-Disaster Recovery for the territory is available in five tranches. The first allocation totals \$242,684,000 and the second totals \$779,217,000 for unmet activities. To date, the Emergency Housing repaired and replaced roofs, conducted interior home repairs, and there is the construction of housing communities inclusive of Whispering Hills, Queen Louise Townhomes, Estate Solitude, Ross Taarneberg, and Mount Pleasant.

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