

The Virgin Islands Consortium

FCC Tells Bryan To First Work To Stop 911 Fee Diversion Before Seeking Support To Rebuild Territory's Communications Infrastructure

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Governor Albert Bryan recently wrote to Federal Communications Commission Commissioner, Micheal O'Reilly, seeking funding from the F.C.C. to be used to repair or build a better communications infrastructure in the U.S. Virgin Islands. The communications system sustained heavy damage from Hurricanes Irma and Maria in 2017.

But in a letter sent to the governor from Mr. O'Reilly, first published by [RRMedia Group](#), the F.C.C. commissioner gave Mr. Bryan a task to complete before F.C.C. dollars could

be provided: help stop the practice of diverting fees collected for the 911 emergency system for use elsewhere.

The financial help Mr. Bryan is seeking for the territory's communications infrastructure is made available through the F.C.C.'s [Universal Service Fund](#) (U.F.C.).

In the letter, Mr. O'Reilly called the practice of diverting 911 fees unacceptable.

"On the matter of directing commission resources toward rebuilding efforts, I look forward to reviewing any commission items that come before me. However, I also want to draw your attention to another important matter regarding public safety: the unacceptable and harmful past practices of the Virgin Islands to divert consumer-paid 9-1-1 fees to other purposes," wrote Mr. O'Reilly, a Republican who was nominated to the F.C.C. by former President Barack Obama in 2013 and confirmed by the U.S. Senate. In January 2015, he was sworn in for a new term with the F.C.C.

"As a steward of the ratepayer-collected monies used for U.S.F. disbursements, I would find it extremely difficult to support providing additional U.S.F. funding to the Virgin Islands without a firm commitment and a timeline from your administration detailing how you are prepared to put an end to fee diversion practices once and for all," wrote Mr. O'Reilly. "Moreover, I am not alone in my desire to end 9-1-1 diversionary practices throughout the U.S. and its territories, as both F.C.C. Chairman Pai and Commissioner Rosenworcel have been actively engaged with me on this important matter. Your guarantees and demonstrated compliance plan could go a long way toward alleviating commission concerns, which if left unaddressed could put precious U.S.F. support at risk, an unacceptable outcome and not one that the commission would take lightly."

The [bill](#) setting aside funds from the territory's 911 emergency system was amended in 2016 and [signed into law](#) by Governor Kenneth Mapp in January 2017. It changed the amount taxed from residents' phone communication devices from \$1 to \$2, and divided the funding in the following manner: 40 percent to the Virgin Islands Territorial Emergency Management Agency (VITEMA) for the 911 emergency system; 30 percent for the Department of Health's Emergency Medical Technicians (EMS) Unit; and 30 percent for the Virgin Islands Fire Service.

"According to the commission's latest report utilizing 2017 data, the Virgin Islands diverted over \$1.2 million in 9-1-1 fees to other functions," Mr. O'Reilly wrote in his letter to Mr. Bryan. "Specifically, it is our understanding, based on the data filed with the commission, that 'by statute, 30 percent of the fees collected are distributed to the Department of Health and another 30 percent is distributed to the Virgin Islands Fire Service.' In 2017, a portion of these funds went to repairing ambulance vehicles, fire service equipment and facilities, and training and travel for non-9-1-1 personnel. Regardless of whether these priorities serve a meritorious purpose, such a funding diversion is an unacceptable breach of trust and responsibility, as the collection of this money is expressly authorized for a specific and critical purpose."

Mr. O'Reilly added, "Officials owe it to the emergency personnel tasked with answering critical calls and to the Virgin Islands' residents in need of emergency assistance to ensure that 9-1-1 fees go directly toward 9-1-1 services. This situation is even more problematic given the huge expenses of upgrading and modernizing 9-1-1 systems to

next-generation capabilities."

The F.C.C. commissioner pointed to Puerto Rico, whose model was once the same as the U.S. Virgin Islands', but leaders in the U.S. commonwealth changed the practice following notice from the F.C.C.

"As you are well aware, the commission is considering whether to provide additional universal service fund dollars for both Puerto Rico and the Virgin Islands' communications infrastructure. Until recently, Puerto Rico also had been guilty of 9-1-1 fee diversion, but officials there took the appropriate steps to rectify the situation. I would be happy to share with you my past correspondence with Puerto Rico's leadership on this matter and further discuss the process for coming into compliance with applicable Federal law," Mr. O'Reilly wrote.

It remains to be seen whether local leaders will heed the F.C.C.'s advice. Senator Novelle Francis and other supporters of the 2016 bill -- [which was killed in the Committee on Rules and Judiciary](#) but revived soon after -- worked hard for its passage during the 32nd Legislature. In fact, Mr. Francis and Senator Kurt Vialet were roundly criticized for their unrelenting efforts to see the bill become law, pointing to the extra dollars it provides to EMS, VI Fire Service and the 911 emergency system.

A possible remedy could be to leave the \$1 tax in the 911 emergency system bill, and create a new measure altogether with the other \$1 tax and divided funds collected through the latter to EMS and VI Fire Service.

See letter below:

[Read the original document](#)