

The Virgin Islands Consortium

As Trenching Projects Continue in The Virgin Islands, Telecommunications Companies and Public Works Promise Collaboration

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While continued trenching projects promise to improve internet speeds and reliability of telecommunication in the territory, senators were concerned that roads in the Virgin Islands would have to be dug up multiple times to accommodate multiple projects and not be restored properly. On Monday Legislators and telecommunications companies aimed at easing concerns and focused on collaboration during a discussion on the senate floor on Monday.

Chairperson of the Committee on Housing, Transportation and Telecommunication, Senator Marvin Blyden, addressed the urgency of this issue as the Virgin islands is undergoing a series of projects including a major installation of underground fiber optic network by AT&T and its successor entity, Liberty Mobile, and WAPA beginning to place power lines underground. This comes after the most recent incident of Virgin Islanders losing telephone, internet and cable service on March 25 due to accidental damage when done installing new lines underground.

Act 7798, named the "Call Before you Dig Act" was signed into law in 2015, was intended to "aid the public by preventing injury to persons and property and preventing the interruption of services resulting from damage to an underground facility caused by excavation or demolition of operations," but it has still not been fully implemented and the problems the bill meant to solve are still apparent in 2021.

This act and the challenges that have come about in the implementation process were discussed on Monday with relevant shareholders. The internet service providers and all the telecommunications companies that were present in the hearing stated that they were open to implementing the intent of the bill but how it was not always done in the past.

The main issue of the bill that was discussed is the proper organization of a notification center for digging projects by Act. No 7798 as that center has not come to fruition. The idea of a notification center would be, once a call to the center was made for a dig site, utility owners would be able to mark the lines they have in the area to ensure that they are not damaged.

While financing is a big issue for the implementation of this aspect, Senator Kurt Vialet asked Department of Public Works Commissioner Nominee, Derek Gabriel, to prepare a budget for the notification center so they can try and obtain the funds for that part of the bill.

Two of the situations of past instances that caused extra digging on the roads were discussed and the leaders of the companies worked towards understanding how to not repeat these efforts in the future.

The first situation that was discussed was that in 2019, AT&T did not use lines available to them by viNGN but had to dig up in the same areas as the viNGN route. Naji Khoury, CEO of Liberty Mobile USVI, said in response that the lines made were not up to the standard that AT & T wanted.

When discussing the second situation Stephan Adams, viNGN CEO, spoke about “part of the spirit of this legislation is that when a trench is open any other communications company can lay conduit at the same time, so we didn’t get multiple trenches on the same routes.” He claimed that when AT&T ran their conduit to all the cell towers that viNGN made it clear that they wanted to run fiber optic cables through the same trenches but AT & T buried it so fast that they were unable to do so.

Both organizations did not want similar situations to occur in the future and one project that was discussed was the digging of trenches for lines going up to Hawk Hill on St. Thomas. Mr. Adams called this position “strategic.” and Mr. Khoury said he was committed to communicating with viNGN as they move through the permit proposal of this proposed project to prevent issues that happened in the past.

Mr. Khoury said on multiple occasions he can not change the actions of AT & T in the past he can work on making sure that Liberty does not repeat the behavior in the future.

Senator Kurt Violet stressed the importance of coordination and communication going forward “so we are not consistently digging up our roads.”

Another issue brought to the the discussion by Mr. Violet was that when these companies dig up the roads they are hardly ever restored to the condition they were in before. Mr. Khoury acknowledged his predecessors' failure to do so on certain occasions in the past and apologized for them. He also said that Liberty will take accountability for that and do what it takes to not repeat the mistakes in the future.

When companies are not abiding by their contractual agreements, Mr. Gabriel stated that the Department of Public Works can issue stop work orders but fines and penalties are imposed by the Department of Consumer and Licensing Affairs when companies do not follow stipulations for road projects.

A potential deterrent of digging up the roads was brought to the floor by Senator Samuel Carrion after it was revealed that the cost of obtaining an excavation permit is just \$25, and that was the fee that Liberty Mobile paid. Jomo McClean, Highway Program Manager at VI Department of Public Works, revealed that this was the only payment the Department receives during this process from telecommunications companies that dig up the roads.

Mr. Carrion was appalled by this revelation and said “you mean to tell me that all this inconvenience that our residents have gone through, business have been affected, the permit fee is only \$25 to dig up all our roads in the territory St. Croix, St. Thomas and St. John?” which Mr. Gabriel stated it was correct.

Tom Bolt, legal counsel for Liberty Mobile made it known that if a company does violate the provisions of call before you dig, a civil penalty of up to \$50,000 can be assessed.

Mr. Carrion said “something is clearly wrong with the way we do business here in the government,” In response Mr. Bolt said that pursuant to this legislation companies will be assessed an extensive fee based on their work. “It won’t be any \$25, it will be an extensive fee.

Senator Carrion closed this portion of the discussion by saying he will look further into the issue and see how future legislation can address this problem because “I don’t think it’s right.”

On the upcoming WAPA and VIWMA projects in the town of Christiansted, Violet inquired with Mr. Gabriel about a coordination effort to prevent multiple trenching efforts to complete that project. Mr. Gabriel said discussions have begun “in the true spirit of one dig,” and that a master schedule to make sure projects in that area can run concurrently is in the works.

Senator Blyden heard the discussion on Monday and understood that the Act needs amending and promised that the necessary amendments will be coming.