

TESTIMONY OF RAVINDRA MAYWAHLALL  
LIBERTY VI COUNTRY MANAGER  
BEFORE THE 35<sup>TH</sup> LEGISLATURE OF THE VIRGIN ISLANDS  
COMMITTEE ON HOUSING, TRANSPORTATION AND TELECOMMUNICATIONS  
August 28, 2024

Mr. Chairman, members of the 35<sup>th</sup> Legislature's Committee on Housing, Transportation and Telecommunications, senators, legislative staff, ladies and gentlemen, I am Ravindra Maywahlall, Liberty VI General Manager. I appreciate the opportunity to appear before this Committee to provide information on preparations and readiness, present infrastructure projects and plans for future development, issues and challenges regarding coordination between telecommunications providers and government agencies, issues and challenges between telecommunications providers as it relates to portability and the outlook of the Virgin Islands telecommunications industry in the wake of the termination of the federal Affordable Connectivity Program.

I take this opportunity to introduce Rayeq Badran, Area Manager RAN Planning & Engineering, Wanda Pérez, Sr. Manager of Government Affairs, Antonio Rovira, Director of Business Operations, Catherine Kling, Director of Commercial Sales, Jean Santiago, In-house Regulatory Manager, Kurt Preston, Connect USVI Program Manager; and Christian Trinidad, Associate Litigation and Claims Manager, all of whom can take your questions later.

**I. Preparations and readiness in terms of ensuring that the telecommunications networks remain functioning or can rapidly resume operations in the event of a severe weather event**

Liberty VI is committed to an efficient and effective corporate approach with respect to Disaster Response and Business Continuity Planning. Telecommunications is the backbone for connectivity and, in the face of natural disasters, we understand the importance of an adequate contingency plan. Our plans and preparations are described in detail in our parent company's Service Continuity Strategy, which adopts a series of industry best-practices consistent with the ISO 22301 standard framework to ensure a continuous cycle of improvement in our capabilities, capacity, and proficiency in maintaining services level. The program requires the company to have routine exercises to evaluate plans, educate personnel and to test functions and operational capabilities. We also participate in coordinated sessions with VITEMA and provide regular reports to ensure our coordinated preparedness and response during a disaster. Our Network Operations Center monitors the network 24/7 to ensure a prompt response once the conditions allow it.

In this process we have made multiple improvements that include the following:

- To make the mobile network less susceptible to wind, falling trees, and flying debris, Liberty VI began a project to deploy underground backhaul fiber. Once completed, the storm-hardened underground backhaul fiber will be more likely to withstand Category 5 wind speeds.
- Buildings that house Liberty VI network equipment have been storm-hardened to remediate water ingress issues. These hardening activities included repairing and/or replacing rooftops, improving exterior drainage issues, and sealing building exterior walls to remediate water ingress issues.

- Liberty VI stages flood kits in buildings where there is a potential flood concern.
- Liberty VI also has increased inventory for network recovery equipment and supplies so that, in the event of another disaster, it will recover more quickly. In the case of the mobile network for example, we have staged multiple generators across St Thomas, St Croix, and St John. We also have battery backup power at 100% of the cell sites in the U.S.V.I. and 100% of them have fixed (permanent) power generators. These deployments, assist Liberty VI in restoring and/or maintaining service if the sites lose commercial power.
- We also have an agreement with a local fuel supplier to obtain additional fuel, as needed, for its generators.
- Liberty VI has alarms on all of its power generators, which are monitored on a 24/7 basis by local Network Operations Center.
- We have trained designated response teams for each area of the network, consistent with the best practices of the industry.

All these efforts were put into practice during the recent Tropical Storm Ernesto where, despite the high impact of the winds and the rain, our network operated as usual with minimal downtime after the storm.

**II. Status of present infrastructure projects and plans for future development with a focus on planning and utilization of federal broadband funding; issues and challenges regarding coordination between telecommunications providers and government agencies on issues such as permitting.**

I want to start describing the upgrades and improvements we have made to our mobile network and our projects for this year. We are very committed to continue investing in the USVI to provide our customers with a best-in-class experience, and we will continue to improve coverage and add capacity with network expansion projects scheduled across the territory over the upcoming months and years. Just in the past seven months, Liberty VI has added five new sites, enhancing network coverage and capacity. The most recent cell site additions include Mountain Top in St. Thomas and Sion Farm in St. Croix. These new additions to the network have expanded 5G coverage and increased network capacity and speeds by up to 26% for customers across the U.S. Virgin Islands. It also increased the number of mobile sites from 32 to 36 sites, all of which have LTE technology while 19 have 5G technology. These sites cover 99.27% of the population, according to the last Census. Out of these sites, 58%, have fiber backhaul which means that more than half of the sites have resilient backhaul with high bandwidth. With all these additions, coverage has significantly improved with respect to 5G. By the end of 2023, we had 94.55%, now we have 95.71% of the population covered with 5G.

We also have 85 deployment projects scheduled for 2024 which include the following:

**(7)- 5G overlay projects**

This will help to extend this technology to all residents in USVI.

**(2)- Site relocations in St. Thomas**

This will allow us to move our infrastructure to areas where they will provide better service or more coverage. During the first half of 2024 we have completed the construction of both sites, Mountain Top and Harbor View. Mountain Top was placed in service in May while we are still working on the backhaul for Harbor View.

**(72)- LTE/5G expansion projects**



These are to install LTE/5G technology in already existing sites improving the service speed for customers using those sites.

#### **(10)- C-RAN (small cells)**

We also have plans to install C-RAN or small cell infrastructure in ten locations where traffic is dense or there is little coverage. All these nodes will be connected to a new Hub. This technology is important because it can help with network densification by shifting traffic from macro cell sites and adding capacity to the wireless network. This technology can be very effective in the USVI and can help us reach our coverage targets. Nonetheless, the USVI does not have a small cell law or regulation. As discussed in prior sessions of this committee, without legislation or specific regulation, there is no clear path to proceed, and implementation of these small facilities will be challenging. More than 30 states across the nation have already implemented small cell legislation that streamlines regulations to facilitate 5G deployment. In the past we have sent a draft small cell bill to this Committee for evaluation. We hope this 35<sup>th</sup> Senate can move forward with this legislation to create a clear permitting process to improve telecommunication services in the Territory.

#### **5) New site builds (monopoles)**

We also aim to address coverage and capacity issues with five additional new site builds or monopoles. During this year we have launched one new site build in Saint Thomas and one in Saint Croix, in the areas of Donoe and Sion Farm, respectively. In addition to those two, we are in the permitting process for three additional new site builds, one in Saint Thomas, another one in Saint Croix, and one in Saint John. Some of these sites are part of the commitment between the USVI government and the FirstNet Authority, including the four new site builds which were completed and brought on air in St. Croix last year and the one added this year.

As you all know, FirstNet is an independent authority within the U.S. Department of Commerce designed to build and operate a nationwide broadband network (Band 14) that allows first responders to have a reliable communication system in place before, during, and after an emergency. For this, it is deploying the first nationwide, high-speed wireless broadband network for public safety. The network will give priority to first responders to send voice or text messages, images, video, and location information in real-time in cases of emergency.

Liberty VI is committed to providing great service and coverage to all Virgin Islanders. As part of this commitment, Liberty VI has already installed Band 14 capabilities to 29 LTE sites, up from 26 last year, providing more coverage than that included in the original commitment. Because of this investment, right now the USVI has 98.9% Band 14 coverage and is forecasted to have 99% coverage by the end of this year.

On the other hand, Liberty VI is also working on the construction of the Connect USVI program which requires us to build fixed broadband service to all locations in the USVI with speeds of 1 gigabit per second. This program is funded partially by the Federal Communications Commission (FCC) with an important private investment from Liberty VI. Liberty VI has six years to complete the network expansions, upgrades, disaster preparation, and resiliency projects to which it committed. Approximately 85% of Liberty's Network will be built underground, providing better resiliency against natural disasters. The USVI will most likely be the only market in the world with 100% fiber to the home and with such a large percentage of its fixed network secured underground. We are required by the FCC to build 40% (18,400 home passes (HPs)) by 2024, 60% (27,600 HPs) by 2025, 80% (36,800 HPS) by 2026 with project completion by 2027.

Unfortunately, permitting delays have not allowed us to build at the speed required to ensure we complete our milestones on time. To complete our milestone for 2024 we need permits for 100 projects that will result in 19,093 homes passed (HP):

- 60 jobs identified as underground = 10,106 HP
- 40 jobs identified as aerial = 8,987 HP
- Many jobs will require both DPW and WAPA permits. For example, aerial projects that tie into the core fiber will also require DPW underground permits. We estimate these at 21 projects which are equivalent to 4,434 HP. We also expect to have underground projects that need to have small sections raised above ground to clear underground obstacles.

In terms of WAPA permits, since early 2022, Liberty VI has repeatedly attempted to sign a mutually binding pole attachment agreement with WAPA. Even though Liberty VI has, for the past months regularly sustained productive meetings with WAPA and has signed an Interim Pole Attachment Agreement—which, although limited in scope, allows for the submission of pole attachment applications—it faced an excruciatingly slow start to the relationship. In fact, the first communication to WAPA regarding the need for a pole attachment agreement was sent on June 3, 2022. Multiple emails were sent between the parties, but it was not until after more than a year of requests, and even providing a draft for the agreement, that early on 2024 WAPA sent a draft pole attachment agreement. After several weeks of regular meetings and negotiations, WAPA unilaterally clawed back the pole attachment draft it had provided and stated that it needed additional time to revise it further. As such, Liberty VI proposed that the parties enter into an Interim Pole Attachment Agreement. The parties signed said Interim Pole Attachment Agreement on May 31, 2024. Its scope and its duration are, however, reduced and self-contained, as the Interim Pole Attachment Agreement does not contemplate the totality of the pole attachments we would need to complete the Connect USVI Stage 2 fixed buildout. Last week we received a revised draft of a permanent pole attachment agreement which we are reviewing. However, separate and apart from the pole attachment agreement, there is also a pole analysis that needs to be performed on each pole that we intend to attach; this process is very lengthy and costly with a maximum of 115 poles per application. Currently WAPA's contractor has indicated that they can only make 3 pole analysis teams available, and we have urged both them and WAPA to have at least 6 to 8 teams available three weeks ago. With an additional 3 weeks delay before contractor can start, the number of teams will need to increase further. This should allow for them to complete the necessary analysis and leave adequate time for us to complete all of our aerial builds to deliver the numbers mentioned prior.

We understand WAPA has faced multiple situations during this process, and we appreciate the open communication from its officers.

Given this, at the moment only 1 job associated with the FTTH build reviewed and approved. This project is on Anna's Retreat with 180 HPs and is currently under construction. We have submitted 36 additional jobs (8,343 SHP) have been submitted and pending WAPA review. Three more jobs are pending submission.

As for viNGN, the entity was an important element of the original Connect USVI Fund Stage 2 Proposal, as BBVI sought to leverage viNGN's existing, buried fiber, middle-mile network to comply with its deployment commitments. In the course of time, Liberty VI became concerned about the reliability of viNGN's network, its service quality, and the impact this could have on meeting deployment and speed requirements as part of the buildout. After working through some issues in productive conversations, the parties have re-engaged in good faith during this year, to agree to a dark fiber leasing agreement and leverage viNGN's middle mile fiber network in furtherance of the Connect USVI Fund Stage 2 buildout. To date, Liberty VI and viNGN are working under a pilot agreement with preliminary prices, while a longer-term dark fiber lease is concluded towards the end of this year.

In terms of DPW, we are happy to say that the relationship and engagement has improved significantly in the past couple of months. Direct engineering engagement, improved communications, and improved processes have begun to produce positive results. Around 19 permits have been reviewed with DPW Engineering and forwarded to Commissioner for signature in the last 2 months.

Liberty VI has completed 9 projects that amount to 1,691 HP and we have 15 additional projects under construction for 2,005 HP. We expect approval of 10 projects in the next couple of weeks for 1,758 additional HP.

- Complete, working or expected soon = 54% of UG SHP (5,454 of 10,106 SHP)
- Remaining pending DPW Engineering Review – 15 jobs = 3,356 SHP
- Remaining re-engineering by Liberty VI– 11 jobs = 1,449 SHP

Construction activity continue in:

- Williams Delight
- Barren Spot
- Cell Sites Donoe, Clairmont and STX East
- Point Pleasant MDU
- Mt. Pleasant West
- Cell Sites Signal Hill (WTJX), Sally's Fancy, Green Cay, and Cinema
- Anna's Retreat

We will soon start construction in the following locations:

- Strawberry Hill 3 of 3 jobs
- Barren Spot last of 3 jobs
- Clifton Hill 2 of 2 jobs
- The Reef MDU

### III. **Issues and challenges between telecommunications providers as it relates to the portability of telephone numbers**

During the migration, Liberty VI received several porting requests which were processed. Liberty VI has not refused any porting requests. An extremely small number of porting requests were unsuccessful because of technical reasons. Specifically, in Liberty VI's experience, nearly all unsuccessful porting requests result from a customer's inability to provide the correct PIN number associated with the ported number. In these cases, once Liberty VI can confirm the PIN number, the number is ported successfully. In addition, porting requests regarding an inactive Liberty VI customer number cannot be completed successfully. Finally, we experienced issues in a small number of cases due to technical reasons where the ported number was not deleted completely in all elements of Liberty VI's network, resulting in service issues such as an inability to complete calls to Liberty VI customers and delayed texts. We have addressed this issue implementing technical solutions and processes to automatically delete all ported numbers from our billing system.

#### **IV. The status and outlook of the Virgin Islands telecommunications industry in the wake of the termination of the federal Affordable Connectivity Program.**

Liberty VI had a small number of customers on the ACP plan. After the end of the program, we have worked with those customers to move them to our \$15 Plan (5GB of data, unlimited talk and text in the US, PR, VI) or our \$30 Plan (15GB of data, unlimited talk and text in the US, PR, VI). We are also encouraging customers to apply to the Lifeline Program which is a government program, which consists of a series of Federal Communication Commission ("FCC") subsidies and economic assistance packages. Lifeline Program subsidies are only available to those customers that are deemed eligible and meet all applicable requisites and criteria at the moment of their application. The Lifeline Program provides a monthly subsidy for mobile service of \$9.25. Currently, we are also working towards making this discount available to all of our prepaid plans.

Finally, we have requested that some of the \$27M allocated to the USVI for the Broadband, Equity Access and Deployment Program (BEAD) be allocated for a subsidy similar to the one provided by the Affordable Connectivity Program. This will allow Virgin Islanders to keep receiving help towards their broadband bill.

Liberty VI has committed significant resources to expansion of its physical footprint in the U.S. Virgin Islands, with retail storefronts open from Monday to Saturday to facilitate customers transactions.

As we have mentioned in previous appearances, we are here as a partner to this Legislature, the Government of the Virgin Islands as a whole, and the community. We will be agents of change to provide improved telecommunications services to Virgin Islanders. Improving the permitting process will allow us to cover areas that remain uncommunicated or with poor service, with reliability and resilience that may not exist anywhere else in the world. This situation has become an urgent matter for Liberty VI as we need to complete our FCC milestones as required and additional delays in permitting may put in jeopardy federal money that was allocated to make high speed broadband service to all Virgin Islanders.

We want to work with this Commission and its members, as a community partner, revolutionising the telecommunication space and partnering with the government of the USVI and the community as a whole, to make these Virgin Islands better for future generations to come; by ensuring that the



USVI has a best in class telecommunication infrastructure that will attract more businesses to the territory and provide best in class services to the citizens of these islands.

Once again, I thank you for this opportunity to appear before you today. Please let me know if I can provide you any additional information or clarification. At this time my team and I would welcome any questions that you may have.

Respectfully,

*s/Ravindra Maywahlall*

Ravindra Maywahlall