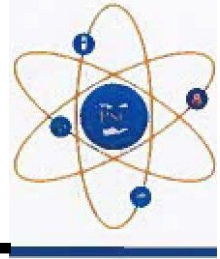




**Government of the United States Virgin Islands  
PUBLIC SERVICES COMMISSION**

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**Testimony Before the  
Committee on Rules and Judiciary  
35<sup>th</sup> Legislature of the U. S. Virgin Islands**

**Bill Number 35-0224**

*An Act amending title 19, part V, chapter 45, subchapter VI to increase access to behavioral health services, with a focus on a Psychiatric Emergency Response Team to provide mobile crisis intervention services, and the 9-8-8 telecommunication system.*

December 12, 2024

Sandra L. Setorie  
Executive Director

Good afternoon Honorable Diane T. Capehart, Chairwoman of the Committee on Rules and Judiciary; Vice Chairman, Honorable Milton E. Potter; members Honorable Carla J. Joseph; Honorable Kenneth L. Gittens; Honorable Angel L. Bolques, Jr.; Honorable Marise C. James, and Honorable Franklin D. Johnson, other Members of the 35<sup>th</sup> Legislature, staff, fellow testifiers, and the viewing and listening audience of the Virgin Islands.

I am Sandra L. Setorie, Executive Director of the Virgin Islands Public Services Commission and I am accompanied by Boyd L. Sprehn, General Counsel. Thank you for the invitation and the opportunity to testify and offer comments on Bill 35-0224, an Act amending Title 19, Part V. Chapter 45, Subchapter VI to increase access to behavioral health services, with a focus on a Psychiatric Emergency Response Team to provide mobile crisis intervention services, and the 9-8-8 telecommunication system.

*I note at the outset that except for the final comments, on the proposed amendment of Title 30 at the conclusion of the substitute bill, these comments were submitted on November 19, 2024.*

The proposed new subsection (d) of Section 1020, of Title 19, presently reads:

(d) (1) In compliance with the National Suicide Hotline Designation Act of 2020, the Department of Health may impose a monthly territory-wide 9-8-8 fee on each resident that is a subscriber of commercial landline telephone, mobile telephone or IP-enabled voice services, and a point-of-sale 9-8-8 fee on each purchaser of a prepaid telephone service, at a rate that provides for the robust creation, operation, and maintenance of a territory-wide 9-8-8 suicide prevention and behavioral health crisis system and the continuum of services provided pursuant to national guidelines for crisis services.

We suggest that the language is both narrower than likely desired and potentially challenging to collect.

First, the phrase "resident that is a subscriber of commercial landline telephone" is confusing. Residential landline telephone service is called that; commercial landline telephone service is a business service. Both of these services are sometimes referred to as "Plain Old Telephone Service" or "POTS." The phrase "Resident that is a subscriber of a commercial landline..." could create an argument that commercial business lines are exempt.

Second, IP-enabled voice services is more frequently described as "Voice Over Internet Protocol" or "VoIP."

Finally, at the time of the adoption of the National Telecommunications Act of 1996 the phrase "Mobile Radio" was used to describe what we now regularly refer to as cellular, mobile telephone, or wireless.

As a result, we suggest that the highlighted language should be replaced with

"... the Department of Health may impose a monthly territory-wide 9-8-8 fee on each landline telephone, cellular or mobile telephone or other voice services (such as Voice Over Internet Protocol), however denominated, and a point-of-sale 9-8-8 fee on each purchaser of a prepaid telephone service ... "

The Substitute bill also contains, in the proposed "§ I020a. 9-8-8 Trust Fund" the following language:

(b) The Fund consists of the territory wide 9-8-8 fee revenue assessed on users under title 3 Virgin Islands Code, chapter 3, section 58, and appropriations made by the Legislature of the Virgin Islands.

We cannot locate any "Section 58" within Title 3 of the Virgin Islands Code.

(c) The Public Service Commission shall collaborate with the local service providers to gather information and data relevant to the annual reporting of Emergency Services Surcharge and 9-8-8 Trust Fund deposits and expenditures and provide the information to the Office of Management and Budget and the Department of Health for budgetary purposes. An annual report of fund deposits and expenditures must be submitted to the Legislature of the Virgin Islands and the Federal Communications Commission.

The Public Services Commission is willing to collaborate with OMB and the Department of Health to gather information and data relevant to the collection of the fees, and the deposits. The Public Services Commission has no role in this legislation, however, in the expenditures under this fund.

*The newly added amendments to Title 30 raise two concerns:*

*First, the FCC has been very hostile to and has sought to pre-empt state and territorial regulation of internet services. Voice over Internet Protocol (VoIP) has clearly fallen within that preemption.*

*Second, the direction for the Commission to assess a \$1 per line fee for 9-8-8 services on VoIP carriers creates a different fee from the fee imposed on all other forms of telephone service, without regard to technology, as provided in the proposed section (d)(1), discussed above.*

Thank you, Madam Chair this concludes our testimony. We appreciate the opportunity to provide these comments. Our general counsel and I are available to address any questions that you and the Committee may have.