

September 20, 2018

The Honorable Ajit Pai, Chairman
Federal Communications Commission
445 Twelfth Street, SW
Washington, D.C. 20554

Re: Response Efforts Undertaken During 2017 Hurricane Season, PS Docket No. 17-344 & Uniendo a Puerto Rico Fund and the Connect USVI Fund, WC Docket No. 18-143

Dear Chairman Pai:

As a group of Puerto Rican advocates, racial- and social-justice organizations, and media and telecommunications experts, we call on the Federal Communications Commission (FCC) to appoint an independent commission to examine the causes for the communications failures in Puerto Rico following Hurricane Maria last year, and to develop recommendations to avoid such failures in the future.

The ability to communicate is a life and death issue, especially during and after a disaster. But there is still much we do not know about the response of telecom companies and our government. And we also need to know more about the policies and investment decisions made through the years that resulted in a communications network that lacked the resiliency to withstand a major hurricane.

The 36-page hurricane season report released by the FCC last month attempted to inform the public about the Commission's actions following the hurricanes that struck the United States last year. But the report failed to provide the kind of comprehensive examination that is needed following such a historic tragedy in Puerto Rico.^[1]

We agree with FCC Commissioner Jessica Rosenworcel, who said "this slim and long-overdue review fails to capture the gravity of these storms."^[2]

Two recent studies found that somewhere between 3,000 and 5,000 people died as a result of Hurricane Maria — potentially surpassing the number of people who died on Sept. 11 and in Hurricane Katrina combined.^[3]

The lack of resilient communications infrastructure in Puerto Rico apparently contributed significantly to the death toll by leaving people on the islands unable to call for help.^[4] Recent reports by Federal Emergency Management Agency (FEMA) and the Government Accountability Office (GAO) further confirm the devastating impact that this immediate and extended loss of communications services had on the recovery and rescue efforts.^[5] However, those reports do not provide an in-depth review of the telecommunications challenges facing

Puerto Rico, or potential solutions. That is analysis the FCC and an independent commission could and should have provided.

Additionally, there is scant information in the FEMA, GAO, and FCC reports indicating an affirmative or coordinated effort to maximize the impact of the Uniendo Fund and FEMA's recovery assets.^[6]

And now, one year later, the communications networks in Puerto Rico have yet to fully recover.^[7]

Yet the FCC has failed to hold any public hearings in Puerto Rico and hear directly from Puerto Ricans on how their lives were impacted by the failure of these communication services. Bilingual public hearings should play a central role in helping the agency shape policies addressing the critical communications needs of people on the islands.

The FCC has agreed to provide the phone and cable industry with nearly \$750 million in accelerated Universal Service Fund payments to restore service on the island and build a more resilient communications network, but without further investigation it's extremely difficult to assess how to best spend these funds to ensure that they are providing the maximum benefit to Puerto Ricans.

Major telecom firms have a long history of making promises to regulators and lawmakers about their intent to provide services to communities of color, rural populations, and other vulnerable communities; but those firms all too often fail to deliver on such promises.

Over the past year we have seen examples of telecom executives offering to repair but not guarantee fully restored communications services on the island, or talking only hypothetically about the potential to build a more resilient network in Puerto Rico during their calls with investors.^[8]

Puerto Ricans deserve a comprehensive examination, from an independent commission, that fully explores the causes for the critical failure of communications infrastructure the hurricane caused, and that properly evaluates efforts to restore and improve service.

Sincerely,

Center for Media Justice
Collective Action for Puerto Rico
Color Of Change
Defend Puerto Rico
Free Press
May First/People Link

National Hispanic Media Coalition
THE POINT CDC

Arlene Davila	NYU
Bruno Takahashi	Michigan State University
Federico Subervi, Ph.D.	School of Media & Communication, University of Leeds
Gloria Tristani	Former FCC Commissioner
Greta Byrum	Digital Equity Laboratory, The New School
Jillian Baez	College of Staten Island-CUNY
Luis Rosario-Albert	Universidad del Turabo
Marcos Vilar	Alianza for Progress
Rosa Clemente	Puerto Rico On The Map
Teresa Basilio Gaztambide	Resilient Just Technologies

CC: The Honorable Michael O’Rielly, Commissioner
The Honorable Brendan Carr, Commissioner
The Honorable Jessica Rosenworcel, Commissioner

^[1] See *2017 Atlantic Hurricane Season Impact on Communications Report and Recommendations*, PS Docket No. 17-344, Report (rel. Aug. 24, 2018).

^[2] Statement Of Commissioner Jessica Rosenworcel in Response to FCC’s 2017 Atlantic Hurricane Season Report (Aug. 24, 2018).

^[3] See Milken Inst. Sch. of Pub. Health, George Washington Univ., *Ascertainment of the Estimated Excess Mortality from Hurricane Maria in Puerto Rico* (2018); Nishant Kishore et al., *Mortality in Puerto Rico after Hurricane Maria*, 379 *New Eng. J. Med.* 162, 162-170 (2018).

^[4] See Nidhi Prakash, “A New Study Says Nearly 6,000 Died In Puerto Rico After Hurricane Maria. The Government Still Says 64 People Died,” *BuzzFeed News* (May 29, 2018); see also Danica Coto, “Puerto Rico unveils new emergency preparations after Maria,” *Associated Press* (Sept. 11, 2018).

^[5] See Fed. Emergency Mgmt. Agency, *2017 Hurricane Season FEMA After-Action Report*, at 33-34 (2018) (*FEMA Report*); U.S. Gov’t Accountability Office, *GAO-18-472, 2017 Hurricanes and Wildfires: Initial Observations on the Federal Response and Key Recovery Challenges*, at 32 (2018) (*GAO Report*).

^[6] See *FEMA Report* at 7-8. As the *FEMA Report* explains, under recently expanded powers in Section 428 of the Stafford Act, “FEMA can provide assistance for critical services to replace or restore components of the facility or system that are not damaged by the disaster when those repairs are necessary to fully effectuate the replacement or restoration of disaster-damaged components to restore the function of the facility or system to industry standards. These provisions will improve the resilience of . . . communications[.]”.

^[7] See Coto, *supra* note 4.

^[8] See Letter from Joseph Torres, Senior Director of Strategy and Engagement, Free Press to Marlene H. Dortch, Secretary, FCC , WC Docket No. 18-143 *et al.* (filed July 20, 2018).