



FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON DC

Mike O'Rielly
Commissioner

April 24, 2018

The Honorable Ricardo Rosselló Nevares
Governor of the Commonwealth of Puerto Rico
Avenida Juan Ponce de León
San Juan, PR 00901

Dear Governor Rosselló Nevares:

Thank you for your recent response to my letter seeking to understand why Puerto Rico did not respond to the Commission's inquiry on whether 9-1-1 fees collected from your citizens are being diverted to other functions.

Based on your letter, it appears Puerto Rico prepared the necessary answers and data for the Commission's review but failed to execute its submission. While I certainly appreciate you sending the reporting information now, albeit late, it is extremely disturbing to learn that Puerto Rico has in fact diverted 9-1-1 fees paid for by its communications users. According to your letter, in 2016 Puerto Rico diverted \$243,100, a paltry amount compared to the size of its budgetary difficulties over the last few years.

Of all places, I do not think I need to remind you how important 9-1-1 services can be during critical times of need. It is vital that sufficient funding is going to these services so that communications systems are reliable, personnel is available, and the migration to next generation 9-1-1 services can happen in a timely matter. If a surplus of 9-1-1 fees is amassed and revenue is not needed for these purposes, fees should not be collected from the consumer, especially given the devastation and personal losses your residents have endured over the last year.

Accordingly, I seek to understand whether Puerto Rico has any concrete plans to change its 9-1-1 fee diversion practices. Specifically, do you support the end of such budgetary maneuvers? Further, if such a diversion occurred pursuant to Article 19 of Act No. 66-2014, as you indicate, are you prepared to help take steps to amend this act to ensure that all savings should be returned to the ratepayer or invested in network upgrades rather than diverted to a separate fund? When will the legislature convene and will amendments to that law be ready and considered for approval? If not, why? Do you maintain any authority or mechanism to bypass the diverting requirements of current law in order to rectify the situation and improve public safety? Respectfully, I would appreciate responses to these areas of inquiry and any other information you deem helpful at your earliest convenience.

As you know, the Commission is currently considering contributing additional universal service fund (USF) dollars toward the rebuilding of Puerto Rico's communications infrastructure. As a steward of such ratepayer collected funding, I would find it difficult to support such a move without strong assurances that Puerto Rico is prepared to put an end to fee diversion practices once and for all. Without this guarantee, the Commission is putting precious USF support at risk for being wasted or diverted.

The Honorable Ricardo Rosselló Nevares

Page 2

April 24, 2018

I look forward to working with you on improving and enhancing 9-1-1 features in Puerto Rico and nationwide. Thank you in advance for your prompt responses.

Sincerely,

A handwritten signature in black ink, appearing to read "M O'Rielly". The signature is fluid and cursive, with the first name "M" being the most prominent.

Michael O'Rielly