



Committee on Housing, Transportation & Telecommunication | March 24, 2021

Legislature USVI

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- 0:00:00 Infrastructure is hearing now by call to order. Good evening, colleagues, staff, testifiers, and the viewing and listening audience. Welcome to this evening's hearing on the Committee of Housing, Transportation, and Telecommunications. Tonight, we will be focusing on one of the most important controversial developments in telecommunications in recent decades, 5G. We stand for the fifth generation of cellular networks. According to some, 5G had the potential to radically transform society for the better, and every nation and community must get on board or be left hopelessly behind in economic and social development. According to other people, however, 5G is one of the most dangerous developments for human health in various areas, and there are those who believe that 5G networks are responsible for the spread of COVID-19. So what is the truth? And how should we, as individuals, and as a community, approach 5G?
- 0:01:11 Should we be pursuing faster development? Should we be fighting Tutanile to stop it? Or should we be using an approach that's somewhere in between? Therefore, the purpose of tonight's hearing is to get information that will assist policymakers and a community at large in better understanding this issue so that we can make intelligent decisions. This evening, we have a distinguished panel of testifiers representing both telecommunication industry and activists concerned about the possibility of negative effect of 5G technology. We also have invited experts, some of whom support full 5G deployment and some who support delayed deployment.
- 0:01:59 Tonight, only one telecommunications company, Liberty Communications, has been invited. Similarly, one group of activists affiliated with the Virgin Islanders for responsible technology have also been invited. The purpose of this is twofold. First, we have limited time and we want to give as much time as possible to hear from our expert witnesses who represent some of the leading names we read about in articles about 5G issues. In our April 19 hearing on telecommunications issues, all local industry players will be brought to the table to address a wide range of matters going from customer service to digging up of our roads. Madam Clerk, please read the biographical information on our expert

presenters into the record. Dr. Debra Davis was founding director of the Center for Environmental Oncology, University of Pittsburgh Cancer Institute, and professor of epidemiology at the Graduate School of Public Health from 2004 to 2010 and founding director of the Board on Environmental Studies and Toxicology of the U.S. National Research Council from 1983 to 1993, where she also served as a scholar in residence. She has served as a distinguished visiting professor at the London School of Hygiene and Tropical Medicine, and visiting professor at the Mount Sinai School of Medicine, Oberlin College, and Carnegie Mellon University.

0:03:41 Dr. Davis is a founder and president of the Environmental Health Trust, a non-profit research and public education organization that is part of the community foundation of Jackson Hole. She is also the author of more than 200 scientific publications, 10 edited monographs, and 3 popular books, as well as numerous op-eds and blogs for Huffington Post, Drudge Report, Alternet.com, and other sources. Dr. Eric Swanson is a professor of theoretical physics at the University of Pittsburgh.

0:04:18 He has published more than 100 papers on biophysics, nuclear physics, and condensed matter physics, and given approximately 250 academic talks in 25 countries over a 30-year career. Dr. Paul Hirot is the founder of the American Physical Society topical group on hadronic physics, and an elected fellow of the American Physical Society. He is also the author of *Science and Societies* for Springer, *Applied Computational Physics* at Oxford University Press, and many newspaper and magazine op-eds and articles.

[illegible]

00:06:23 Dr. Paul Hirot is a scientist at McGill University Health Center. [2 such phrases repeated 36 times · standby audio before the proceeding, transcribed by the recogniser as speech]

00:07:02 Senator Carrion absent. Senator Dwayne M. DeGraff. Senator DeGraff present. Senator Steven D. Payne Sr. Senator Payne Sr. absent. Senator Janelle K. Saro. Senator Saro present. Senator Kurt A. Viale. Senator Viale absent. Senator Genevieve Whitaker. Senator Whitaker present. Mr. Chair, you have four present, three absent.

0:07:50 Thank you Madam Clerk. Please proceed with the correspondence. Dear Chairman Blyden, please be advised that I will be late in attending the Committee on Housing, Transportation and Telecommunications hearing scheduled for this evening, March 24th, 2021 at 6:00 p.m. as I am in transit to St. Thomas. I look forward to joining my fellow colleagues upon arrival. My apologies for any inconvenience by my delayed arrival. Thank you.

0:08:26 Thank you. Thank you. Thank you so much Madam Clerk. Okay. Thank you. Thank you. Thank you. Thank you so much Madam Clerk. Okay. I see the testifiers are on the screen. the audience. Thank you. Thank you. Thank you. Thank you so much Madam Clerk. I see the testifiers are on the screen. So the other speakers for this hearing will be as follows. We will first start. Thank you. Thank you. Thank you. Thank you so much Madam Clerk. I see the testifiers are on the screen. So the other speakers for this hearing will be as follows. We will first start and hear from Liberty Mobile and other persons who were either requested by Liberty or who work in or represent the telecommunications industry. The other speakers will be as follows. We will first start and hear from Liberty Mobile and other persons who were either requested by Liberty or who work in or represent the telecommunications industry. Then we will hear from the activists and the persons who they have requested. And finally we will hear from Dr. David Grimes who agreed to participate as an independent expert who is not affiliated with either group. Then we will open the floor for at least two rounds of

questions for senators and attendants. This will be a pretty long hearing that will go into the night. So I know it will be very informative. I thank all of the participants for the willingness to engage in this important dialogue. And since all the testifiers are participating remotely, there is no need to call them into a well. So therefore we will begin the presentation beginning with Mr. This is going to be the order. Okay, Mr. I'm here. Mr. Curry, the CEO of Liberty Communications of Puerto Rico USVI, who will be followed by the members of his team, Mr. Freitas, Dr. Swanson, and Mr. Yates of AFF Installations.

0:10:21 And after a short break, we will resume with testimonies and presentations from the Virgin Island. Virgin Islanders for Responsible Technology and Americans for Responsibility Technology, along with Dr. Paul Heru. And lastly, we will hear from Dr. Davis Grimes before moving into our round of questioning. I want to recognize Senator Alma Francis-Hardega here in attendance. Thank you so much, Senator, for being here. So we will begin with Attorney Bult. You may proceed with your testimony, Attorney Bult. Yes, sir.

0:11:00 Mr. Chairman, members of 34th Legislature's Committee on Housing, Transportation, and Telecommunications, Senators, Legislative Staff, ladies and gentlemen, I'm Tom Bult, Counsel for Liberty Mobile, USVI, Inc. It's always been a pleasure to appear before this committee, as I have been quite active over the past 30 years in the areas of jurisdiction of the committee. This evening, we're discussing the implementation of 5G technology in the territory. And one of the most important elements relative to 5G in the U.S. Virgin Islands is that 5G is here today in the territory, utilizing existing infrastructure and spectrum. This evening, we will learn that a majority of Liberty Mobile, USVI's customers currently have access to 5G technology. And that while small cell technology facilitates additional coverage for Virgin Islanders, it is independent of 5G technology. This past year, and in this 34th Legislature, I see Senator Saro is with us. I know she has recently introduced bill number 340021 earlier this month. Among other elements, attempt to regulate mobile telecommunications. Attorney Boat, please stay in front of the mic. I know you are comfortable moving in court. But with this form, you need to stay in front of the mic and talk because you're coming in and out. And we can't really hear you too clearly. Thank you so much.

0:13:02 I'll slow down then. But no, I don't go to the court much. This is my court. This legislature. But anyway, as I was saying, Senator Saro has introduced bill 340021 to, among other elements, attempt to regulate mobile telecommunications service quality in the territory. While it also addresses regulation of WAPA by the PSC to take no position on this aspect of the legislation. As has been noted in the past, the Federal Communications Commission preempts regulation by state, territorial, and local governments as to mobile telecommunications service quality. In the preamble to bill 340021, the legislation cites poor connectivity, dead zones, and an increase in dropped calls after hurricanes Irma and Maria.

0:14:11 The proposed legislation further states that there is no regulatory authority to accept complaints from wireless telecommunication consumers. As to the first premise, that is what we are here to discuss tonight. The full implementation of 5G in the territory and adoption of small cell technology in the territory. As to the second, the Virgin Islands Department of Licensing and Consumer Affairs, through its Office of General Counsel, does an excellent job in handling consumer complaints about wireless telecommunication consumer service issues.

0:14:57 What needs to happen to advance telecommunications in the territory is to foster a collaborative environment. Certain senators have contacted me on multiple occasions relative to service on the west end of St. Thomas in Estates, Fortuna, and Bordeaux. The service will not be remedied, the service issues will not be remedied by our PSC, which as I have noted is preempted from regulating mobile telecommunications service quality in the territory. But it will be remedied if we can secure a lease with the Virgin Islands Housing Finance Authority for space where a cell tower is currently located to increase its height.

0:15:51 It's like Liberty Mobile mobile USVI and its predecessor in interest AT&T Mobility USVI have been trying for almost two years to secure this lease, which will benefit FirstNet that provides enhanced service to our Virgin Islands first responders. And we have been told by the Department of Property and Procurement that they support the lease, but it has not been designated as a priority. If the public health, safety, and welfare of Virgin Islanders is not a priority, nothing is.

0:16:29 Another area that is in need of enhanced service is Coral Bay. We have identified a five-acre plot that we can utilize with WAPA and have sent a survey to our Department of Property and Procurement delineating the areas that WAPA has identified and the area that Liberty Mobile USVI would appreciate the assistance that this committee and its members may offer to address the needs of the Coral Bay community. There are a number of cell sites that have been identified on St. Croix that will address the issues of connectivity, head zones, and drop calls. Victor Vero, Liberty Mobile USVI director of RAN Engineering, will be able to discuss these enhancements tonight. Finally, small cell technology is a key element to enhance service in the territory, which our CEO, Najee Khoury, Victor Vero, and some of tonight's other speakers will address. It is my sincere hope that this legislature and the other government entities can be less confrontational and more collaborative with mobile telecommunication providers in the territory. For the future of our

islands, promoting connectivity, online education, telemedicine, and advanced technology, which the people of the Virgin Islands expect and our tourism sector demands, it is critical that we put aside differences of opinion and work together. At this time, I would like to introduce our CEO, Najee Khoury. Mr. Khoury is a different type of executive that we have not seen as much as we would like. He is committed to working with us in the U.S. Virgin Islands, the members of this legislature, other branches of our local government and our people. I have found him to be a refreshing change to work with and believe that you will too. Mr. Chairman, members of the committee, I introduce Najee Khoury, CEO of Liberty Mobile, USVI, Inc. Mr. Khoury. Thank you. Mr. Chairman, good evening. May I proceed? Yes, you may.

0:18:53 All right. Pleasure being here today. I hope you all can hear me well. If I drop off camera, excuse me. I will drop back in. We are having a bit of power issues in the neighborhood here. So, just in case. So, here we go. Mr. Chairman, member of the 34th District Committee on Housing, Transportation, and Telecommunication. Senators, staff, ladies and gentlemen, I am Najee Khoury, Chief Executive Officer of Liberty Mobile. U.S. VI. And I sincerely appreciate the opportunity to appear before this committee to discuss Liberty's work and our plan to be in place. If I drop off camera, excuse me. If I drop off camera, excuse me. I will drop back in. We are having a bit of power issues in the neighborhood here. So, just in case. So, here we go. Mr. Chairman, member of the 34th District Committee on Housing, Transportation, and Telecommunication. Senators, staff, ladies and gentlemen, I am Najee Khoury, Chief Executive Officer of Liberty Mobile, U.S. VI. And I sincerely appreciate the opportunity to appear before this committee to discuss Liberty's work and our plan in the U.S. Virgin Islands. And, of course, our ongoing 5G deployment and other important information that matters to all Virgin Islanders. So, since Liberty acquisition of AT&T Mobility, U.S. VI, this past fall, specifically on November the 1st, we have been in contact with the Governor Byrne's office, member of the 34th Legislature, regulatory agency, establishing ties with local news media and frequently communicating directly with our Virgin Islands customers, including a dedicated microsite, that's a website, with information regarding the transition to Liberty Mobile, U.S. Virgin Islands. It has been a priority to establish this connection and information to Virgin Islanders about who Liberty is and what can they expect from us. Since October 9, 2019, we have been proactively communicating throughout the territory by letters, service support, press release, and interviews.

0:20:34 And, obviously, it has been more active since last November. And I'll close with my testimony, which you have this evening, is a report of some of our communication efforts in the U.S. Virgin Islands. As you know, Liberty acquired AT&T's existing infrastructure, which we have not only been maintaining, but also investing in and improving every day since that acquisition. We have continued with the progressive infrastructure plan that AT&T had adopted and have been regularly evaluating our Virgin Islands network. Its signal strength and the challenge and opportunity before us. Liberty has deployed over 59 miles of fiber optics throughout the territory, which will deliver improved mobile telecommunication services to 50% of our site in the U.S. Virgin Islands.

0:21:23 And the data that we have received so far demonstrates that. Liberty Mobility's USVI underground fiber optics cable construction is envisioned as a very important project providing the Virgin Islands resilience and redundancy in time of natural disaster and improved performance of our network in St. Croix, St. John, St. Thomas, and the Water Islands. Liberty's effort in the territory, especially those involving design, planning, performance, optimization, and construction, are ongoing, and this is what our customers expect. Construction of Phase 1 of Liberty Fabric Buildout is anticipated to conclude in the first half of this year, 2021. Phase 2 of these projects target the remaining 50% of our cell site, and we're in the process of obtaining the necessary government approval. We project to commence Phase 2 on and all before this June and be completed by 2022.

0:22:22 Our Virgin Islands customer will benefit from an improved cellular network that is more reliable, has an increased capacity, and better cell service overall. It is important for me to stress that our services have not changed. Prices, fees, billing, mobile usage outside the territory remain the same. AT&T customer service contacts have remained the same and are handled by trained and experienced English-speaking representatives in the territory and in Puerto Rico. We have hired more people in our call center to offer our customers a better experience with shorter waiting time. We have also kept our retail locations, sales and service employees, engineers, network maintenance, and quality control personnel. We also expect Liberty rates to stay the same while we offer new and attractive offers in the near future. The only change you will see down the road is the brand name, which will happen later this year. As a matter of fact, the quality of service in the U.S. Virgin Islands customers have come to expect will only get better. The U.S. Virgin Islands market is quite important to Liberty and we are affirmatively moving to enhance our network and services throughout the territory. Customers will continue to be serviced by the same excellent professionals that have been a fundamental element of our Virgin Islands operation.

0:23:53 All key performance indicators equal those prior to our closing with AT&T and all our wireless team activities, especially those involving design planning performance,

People named in this transcript

SUSPECTED, and a finding aid only. Names were matched by machine against the spellings used across all 426 of our transcripts, and the title is the one used in the room. Being named here is NOT evidence that a person attended or spoke · only that the name was said. Speech recognition mishears names, so a spelling may be wrong even where no alternative is offered.

32x	Dr. Paul Hirot
5x	Senator Janelle K. Saro heard in this transcript as: Saro
3x	Senator Dwayne DeGraff heard in this transcript as: DeGraff, Dwayne M. DeGraff
3x	Senator Genevieve R. Whitaker heard in this transcript as: Genevieve Whitaker, Whitaker
3x	Senator Kurt Viale heard in this transcript as: Kurt A. Viale, Viale
3x	Senator Steven D. Payne Sr. heard in this transcript as: Payne Sr, Steven D. Payne Sr
2x	Dr. Haldane Davies heard in this transcript as: Davis
2x	Senator Marvin Blyden heard in this transcript as: Blyden
2x	Senator Samuel Carrion heard in this transcript as: Carrion

Bills and acts referred to

Matched by number against our own acts corpus. The number is what the recognition heard, so it may be wrong; where it resolved, the title is the one the Legislature gave the act.

Referred to but not found in our acts corpus: Bill 34-0021