

(S.B. 560)

**(No. 246)**

(Approved November 14, 2006)

**AN ACT**

To create the “Act to Provide the Isolated and Remote Communities of Puerto Rico with Telecommunications Infrastructure and Telephone Services,” and order the Telecommunications Regulatory Board to immediately proceed to identify those isolated and remote communities in Puerto Rico that lack access to telephone services and establish a program to provide said services and create regulations to such effects; and for other purposes.

**STATEMENT OF MOTIVES**

It is an untenable fact that by the year 2005 the residential telephone coverage in Puerto Rico is less than 75%, that is, 20% under the national average. Of greater concern, however, is the fact that the lowest number of telephone subscribers and the most inefficient telephone service occurs in rural and isolated communities in the central portion of the Island and in certain coastal areas where the coverage is of 60% or less. As an example we may cite the following municipalities: Maunabo 60%, Ciales 60%, Jayuya 57%, Comerío 56%, Las Marías 56% and Guánica 52%. This shows that Puerto Rico needs to correct the unbalanced coverage between the urban areas as compared to the rural areas.

It is clear that the main reason why these citizens are unable to benefit from telephone services is the lack of telephone facilities and infrastructure due to the high construction costs this represents for the telecommunication companies. This cannot continue.

In the 21<sup>st</sup> Century the mandate to provide every Puerto Rican with access to telecommunication services cannot be postponed regardless of where he/she lives and of his/her financial capacity. That is to say, to provide every resident of this Island with the right to be able to communicate with his/her family and neighbors and demand that he/she be provided with access to government emergency services (911) and to those of any other kind that may be necessary. For this reason the Legislature believes it necessary that the Telecommunications Regulatory Board be instructed to immediately and as a measure of social justice develop a plan to increase the access to Telecommunication services for the isolated and remote communities in Puerto Rico in coordination with the municipalities. This plan, together with other measures to be taken by the Government, shall increase telephone coverage in Puerto Rico to at least 85% by the year 2008.

***BE IT ENACTED BY THE LEGISLATURE OF PUERTO RICO:***

Section 1.-Title

The “Act to Provide the Isolated and Remote Communities of Puerto Rico with Telecommunications Infrastructure and Telephone Services,” is hereby created and be known by that same name.

Section 2.-Public Policy

It shall be the public policy of the Government of Puerto Rico, through the Telecommunications Regulatory Board (“Board”), and in coordination with the pertinent government agencies, the Municipalities of Puerto Rico and the private sector, to develop and implement a plan to increase access to the telecommunication services in the isolated and remote communities of the urban zones that lack said services at present. It shall also be the public policy of the Board to take all necessary measures to be able to increase

residential telephone coverage in Puerto Rico to at least 85% by the year 2008.

### Section 3.-Implementation

The Telecommunications Regulatory Board, in coordination with the pertinent government agencies, the Municipalities of Puerto Rico and the private sector, is authorized and directed to develop and implement a plan to increase access to the telecommunication services in the isolated and remote communities, through among other measures, the following:

(1) identify those communities in Puerto Rico that still lack telephone facilities and proceed with the evaluation and calculation of the cost for providing said telephone facilities and infrastructure to every community:

(2) using local, federal, municipal and or private funds, proceed by means of public bids and by meeting the requirements of the applicable legislation and regulations to select the company/companies that shall install said telephone infrastructure, be it wired or wireless, that shall offer their telecommunications services to said communities;

(3) provide the bona fide resident citizens with limited financial resources of said communities, with the mechanisms and processes that are necessary for them to be able to subscribe to the telephone service and that meet the applicable legislative and regulatory requirements and to require that the telecommunications companies and the "Board" provide efficient mechanisms to allow the subscribers to avail themselves of the subsidies of the "Lifeline" and Link Up" Programs through the various guaranteed social aid programs;

(4) the communities herein identified shall be deemed as suitable places to establish Free Internet Access Centers in full coordination between

the “Board” and the Municipalities for the final determination of their location and pursuant to this Act and Act No. 100 of August 26, 2005, known as the “Act for the Development of Free Internet Access Centers throughout Puerto Rico.”

#### Section 4.-Regulations

The Telecommunications Regulatory Board shall prepare regulations subject to the “Uniform Administrative Procedures Act,” Act No. 170 of August 12, 1988, as amended, that establish the operating norms and parameters of this program and that are consistent with all the laws and regulations of the Commonwealth of Puerto Rico and of the United States of America.

Section 5.-Receipt and administration of Commonwealth, Federal and/or private funds

The “Board” and those other agencies involved in the implementation of this Act are authorized to receive and administer funds proceeding from legislative appropriations and from transfers, delegations, contributions and donations of any other kind obtained from agencies and municipal governments and from the Government of the United States of America, as well from persons, non-government organizations and other private entities for providing telecommunications infrastructure and services to the communities covered by this Act.

#### Section 6.-Applicable Federal Laws and Regulations

The provisions of this Act shall be subject, where appropriate, to strict compliance with the Federal Telecommunications Act of 1996 and the applicable federal regulations promulgated by the Federal Communications Commission.

#### Section 7.-Severability Clause

Should any part of this Act were to be declared null by a court with competent jurisdiction, this decision shall neither affect nor invalidate the rest of this Act and its effect shall be limited to the matter object of said judicial judgment.

#### Section 8.-Effectiveness of this Act

This Act shall take effect immediately after its approval; however the “Board” shall be given a term of twelve (12) months as of the date of approval of this Act to establish any regulations or forms needed for the implementation thereof. Six (6) months after the approval of this Act, the Telecommunications Regulatory Board shall be bound to submit a program and itinerary for the implementation of this Act to the Legislature of Puerto Rico.

A year after the approval of this Act, the Telecommunications Regulatory Board shall be bound to submit a report to the Legislature of Puerto Rico detailing the progress made for complying with this Act. Subsequently, the Telecommunications Regulatory Board shall submit to the Legislature, on or before June 30 of each year or when so required by any of the Legislative Bodies, an updated report of the steps taken to comply with the tasks entrusted to it and with the provisions of this Act and the number of communities that have been provided with telephone coverage infrastructure as well as the number of families that have availed themselves of the benefit of the subsidies and programs granted pursuant to this Act.

## CERTIFICATION

I hereby certify to the Secretary of State that the following Act No. 246 (S.B. 560) of the 4<sup>th</sup> Session of the 15<sup>th</sup> Legislature of Puerto Rico:

**AN ACT** to create the “Act to Provide the Isolated and Remote Communities of Puerto Rico with Telecommunications Infrastructure and Telephone Services,” and order the Telecommunications Regulatory Board to immediately proceed to identify those isolated and remote communities in Puerto Rico that lack access to telephone services and establish a program to provide said services and create regulations to such effects; and for other purposes,

has been translated from Spanish to English and that the English version is correct.

In San Juan, Puerto Rico, today 13<sup>th</sup> of February of 2007.

Francisco J. Domenech  
Director