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Congress of the United States
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April 8, 2020

The Honorable Ajit Pai
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Dear Chairman Pai and Secretary Dortch:

Though the ongoing COVID-19 pandemic, our nation is facing a major and historic challenge that threatens the lives and health of people across America as well as the standing of our economy. It is in times like these that access to the communications network is especially vital so that people in our communities can have access to urgent services, information, telemedicine, and telework in order to protect themselves from this public health emergency.

The Presidential Policy Directive 21: Critical Infrastructure and Resilience, which was published on February 12, 2013, defined communications as Critical Infrastructure for national security and for resilience in the face of natural and manmade disasters. In addition, Section 253 of the Telecommunications Act empowers the Federal Communications Commission (FCC) to act to prevent or correct situations that curtail the ability of any entity to provide any interstate or intrastate telecommunications service.

As you know, the network does not consist exclusively of the fixed infrastructure (cables, transmission towers, central servers) but at the user contact point it is accessed through devices belonging to individuals and businesses, mostly connected through private carriers. Under normal circumstances, maintenance and repairs for these devices are offered through either service calls to the user location or, in the case of mobile devices, user visits to customer service centers. However, under the current social distancing and lockdown rules across states and territories, sometimes these activities are not included in the “essential service” definition. This has happened for example in Puerto Rico with customer service locations. Yet in other locations such as Massachusetts, the customer service location is still within the parts of the communications operations that may proceed.

Hurdles to getting devices serviced or replaced can result in loss of that essential access for work, education, medical consultation and emergencies. It also potentially disrupts commercial activity even among those businesses allowed to continue in operation, not only within the affected states but for clients and suppliers across state lines.

For a communications provider to continue offering service to the end users, it must involve the capacity for those end users to have their equipment serviced and repaired. Solely relying on IT support at distance and exchanges or replacements being delivered by mail is not sufficient, as diagnostics are not always possible remotely and in any case the exchange or replacement would force users to remain without an access for however long it takes for the delivery, which would not be appropriate for those involved in telework or distance education or needing telehealth services.

This becomes especially critical in places like Puerto Rico, where internet access through mobile devices is the norm, far exceeding home or workplace fixed computers, as shown by Puerto Rican providers' FCC Form 457 filings. It is also especially worrisome for cases of our older population, who may only have one device in the household and not be familiar with other connection means; and for persons relying on "Lifeline" mobile phones due to economic need or being in at-risk groups such as domestic abuse victims. These citizens cannot afford a week waiting for a replacement device to arrive at their door.

Therefore, I ask that in accordance with all applicable rules, laws and regulations, you exercise your authority under Section 253, to establish guidance to our nation's governors in allowing access to technical service centers for telecommunications devices, under controlled time and place conditions and with necessary precautions, should be considered an essential part of the service. This could be done using their already existing locations, focusing them as primarily technical service rather than retail outlets, and allowing the regulatory agencies of each state to collaborate with the industry as to the times, places and manner thereof.

This would go a long way towards ensuring that in this critical moment the citizens can feel confident that they will not become cut off from an essential means of access to the very services they must rely upon.

Thank you for your attention to this important matter.

A handwritten signature in blue ink, appearing to read "Jenniffer González-Colón". The signature is stylized and cursive.

Jenniffer González-Colón
Member of Congress