



### **STATEMENT FROM BVI ELECTRICITY CORPORATION**

The BVI Electricity Corporation (BVI EC) is aware of statements made on social media by BVI Cable TV in an effort to mislead the public by making statements which are less than truthful.

Even though BVI EC is not obligated to respond publicly to BVI Cable TV's claims, we feel compelled to educate the public regarding the facts as it pertains to this private commercial matter between the two companies.

Prior to the hurricanes in 2017, the pole infrastructure in the British Virgin Islands belonged to BVI EC 55%, FLOW 35%, and BVI Cable TV 10%. Since these three entities owned the pole infrastructure, there existed an informal arrangement whereby any of the three could attach to each other's poles at no cost. In 2014, Digicel (BVI) Ltd. executed an Agreement for attachment to BVI EC's poles since they were the only telecommunications company within the Territory that did NOT plant poles.

It is a known fact that hurricanes Irma and Maria decimated the pole infrastructure within the BVI.

Immediately following the hurricanes, BVI EC was made to understand that BVI Cable TV laid off its staff which would suggest that they were out of business. BVI EC observing that BVI Cable TV had in its inventory approximately fifteen (15) poles which it had previously purchased from BVI EC, and recognizing the limited resources in BVI EC's possession at the time to rebuild the national electrical infrastructure, BVI EC's management made an executive decision to "commandeer" these poles recognizing the state of emergency in the Territory and for the sake of the greater good of restoring electrical supply to the Territory. BVI EC wishes to apologize to BVI Cable TV for this action taken and further state that it has always been BVI EC's intentions to replace these fifteen (15) poles and we will endeavor to do so shortly.

Following the hurricanes, the entire pole infrastructure comprising of several thousands of poles within the Territory was reinstated at the sole cost of BVI EC. Further, during BVI EC's restoration of the national electricity infrastructure, it was determined that in some instances BVI EC's pole infrastructure became compromised due to the lack of adherence to industry standards by BVI Cable TV and others due to how they attached their equipment to BVI EC's poles.

In light of these facts, BVI EC saw it fitting in this new post-hurricanes Irma and Maria era to better manage the pole infrastructure it had solely installed through formalized pole attachment agreements in

accordance with industry best practices, which would ensure the promotion of safety to both the public and BVIEC's personnel, and create aesthetically pleasing installations throughout the BVI.

This new arrangement was accepted by FLOW, which was the entity with the second largest share of the pole infrastructure before the hurricanes, when they executed an agreement for attachment to BVIEC's poles in July 2018.

The fact of the matter is that BVIEC offered to BVI Cable TV the same commercial terms which were agreed by FLOW.

After it became apparent that BVI Cable TV was not negotiating in good faith, and had accessed BVIEC's poles without its permission and further and more importantly some of their reckless attachments were creating safety risks to both the public and BVIEC's personnel, the Board of Directors of BVIEC issued instructions for legal action to be taken against BVI Cable TV.

For BVI Cable TV to publicly accuse BVIEC of obstructing them from rebuilding their network is likened to a squatter accusing a landowner of obstructing the construction of a building on that landowner's property.

In the court of public opinion, BVIEC would like to leave you the public to be the judge and to formulate your own opinion based on the facts which are:

1. The majority of the current pole infrastructure within the Territory belongs to BVI Electricity Corporation.
2. BVIEC has offered to BVI Cable TV the same commercial terms and rates as those accepted by FLOW.
3. The BVIEC Act to which BVI Cable TV alludes in the statement prescribes rates and charges for electricity supply, NOT pole attachments.
4. To BVIEC's knowledge, the Telecommunications Regulatory Commission (TRC) was established under statute to regulate the activities of telecommunications companies of which BVIEC is NOT.
5. The judgment handed down by the Court on August 9, 2019, after assessing the submissions of both BVIEC and BVI Cable TV ordered an injunction restraining BVI Cable TV from placing any more attachments on BVIEC's poles.

In closing, BVIEC is saddened that the public has been brought into this matter. That being said, BVIEC will continue to maintain its position in this matter in the best interest of the public, the Government of the Virgin Islands and the organization as a whole. BVIEC anxiously looks forward to the day when BVI Cable TV executes an agreement for attachment to BVIEC's poles at the same commercial terms and rate established with the other telecommunication company who owned a significant portion of the pole infrastructure within the Territory prior to the hurricanes of 2017.