

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of	)	
Emergency Broadband Connectivity	)	
Fund	)	WC Docket No. 20-445
	)	
	)	

**COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION**

On January 4, 2021, the Federal Communications Commission (FCC) released a Public Notice for the above-captioned proceeding seeking comment regarding the Emergency Broadband Connectivity Fund Assistance.¹ The Michigan Public Service Commission (MPSC) offers the following comments. Per the schedule established in the Public Notice, the comment deadline is January 25, 2021. Reply comments are due February 16, 2021.

Participating Providers

The MPSC appreciates that currently designated Eligible Telecommunications Carriers (ETCs) will be eligible for participation in the Emergency Broadband Benefit Program (EBBP). The MPSC also understands the FCC's desire to develop an expedited process for approving participating broadband providers, as well as the FCC's urgency to begin providing this broadband assistance to customers as quickly

¹ FCC's January 4, 2021 Public Notice: <https://docs.fcc.gov/public/attachments/DA-21-6A1.pdf>

as possible. The MPSC, however, is concerned about the automatic approval of these participating providers. As the FCC knows states play a vital role in combating waste, fraud, and abuse as it relates to the Lifeline program through their thorough and detailed reviews of ETC applications, certifications, and recertifications. By granting automatic approval and bypassing the ETC process for these non-ETCs, the process proposed by the FCC creates concerns about potential waste, fraud, and abuse by providers participating in this important broadband program. The MPSC would prefer that non-ETCs that participate in this program become ETCs but understands that may not be possible for this temporary program. The MPSC, however, encourages the FCC to continue to recognize the states' important role as it relates to ETC authority and to not use this one-time, temporary program to set a precedent for circumventing the ETC process for future auctions or programs, or to use it as a means to begin removing state ETC oversight.

The MPSC agrees with the FCC that it should require all providers wishing to participate in the EBBP to submit notice to the FCC. The MPSC also agrees with the FCC that it should require all six areas of documentation, as noted in the FCC Public Notice, to be included with the providers' notice to the Universal Service Administrative Company (USAC). The MPSC further agrees that the provider should include their FCC Registration Number and their Service Provider Identification Number within their application. The MPSC strongly encourages the FCC to have USAC publicly disclose by state each provider that has applied, the provider's standard monthly retail broadband rate, and whether they have been

approved or denied participation in the program. The MPSC believes that it is important for participating providers to provide their standard monthly rate, including a requirement that providers offering bundled packages that include a broadband service to provide a standalone standard broadband rate. Additionally, USAC should provide information such as web-links to each of the provider's websites, as well as a contact number for the public to utilize in case they are interested in obtaining broadband assistance. In order to guard against waste, fraud, and abuse, these participating providers should comply and adhere to, at a minimum, the same broadband standards established by the Lifeline program, as well as any other FCC and USAC requirements. Lastly, the MPSC recommends that the FCC order these participating providers (both ETCs and non-ETCs) to not only provide their notice to the FCC, but to provide their notice to each states' commission as well, as a means of increasing transparency at the state level around provider participation.

Designating Broadband Providers Where They are Not Eligible
Telecommunications Carriers

As stated above, the MPSC has concerns regarding an "automatic approval" process of participating providers that are not already designated as an ETC. The MPSC believes that states play an important role in combating waste, fraud, and abuse of the Lifeline program through its delegated ETC authority. Simply requiring documents to be filed with a non-ETC's notice/application, and then automatically approving their participation in this program, removes the ability to

thoroughly review the documents and ensure that these participating providers are in good standing before allowing participation. The MPSC understands that the FCC is required to expedite the process and recognizes the importance of providing assistance to individuals in need especially during this challenging time, but this accelerated process could open the door for waste, fraud, and abuse. It is because of these concerns that the MPSC would recommend that non-ETCs participating in this program become ETCs. While this broadband assistance program has been identified as temporary, it is unknown how long the program will exist. If this temporary program is expanded in the future, then the MPSC would recommend that new participating non-ETC providers should become ETCs and if this temporary program transitioned into a permanent program, then the MPSC would recommend that the FCC should require all participating providers to become ETCs (regardless of their current status of participation).

The MPSC agrees with the FCC that broadband providers seeking to participate in the Emergency Broadband Benefit program must make it available across their entire service area for each state that they operate in. The FCC has the authority to create rules for participation in the Emergency Broadband Benefit program. The MPSC also supports requiring broadband providers to adopt a plan to combat waste, fraud, and abuse similar to the compliance plans required of non-facilities-based carriers seeking approval to participate in the Lifeline program. These plans should be approved before the provider begins participating in the benefit program.

The MPSC supports the FCC requiring broadband providers seeking participation in this benefit program, that are not designated ETCs, to include in their application, at a minimum, the five areas of information that the FCC has included in its Public Notice.

The MPSC also encourages the FCC to provide review and verification that these providers meet the qualifications for approval and withhold payments to participating providers until after review and verification has been confirmed.

If the FCC does not require non-ETC providers to become ETCs, the MPSC recommends that the FCC authorize the Wireline Competition Bureau to review and approve (or deny) applications. The MPSC also recommends that the Wireline Competition Bureau be encouraged to contact states for any questions or concerns that they may have regarding a particular provider, to help ensure (to the extent possible) that these providers are in good standing within the state that they may be operating in. As mentioned above, the MPSC recommends that USAC, at a minimum, publicly post on its website participating providers in each of the states, along with all of the providers that have applied, their standard monthly retail broadband rate amounts, links to the providers websites, as well as email addresses and telephone numbers that can be utilized by customers, and the determination of their application (approved or denied). The MPSC also recommends that the FCC order these participating providers (both ETCs and non-ETCs) to also provide their notice to each states' commission.

Tracking and Verifying Household Eligibility

The MPSC agrees with the FCC that for consistency (and since current ETCs are familiar), it should continue to use the definition of “household” provided in the FCC Lifeline rules. The MPSC also agrees that the FCC should apply the same processes used for Lifeline participation. The MPSC further supports the FCC’s statement that it should require subscribers to certify that no other person in the subscriber’s economic household is receiving a benefit through the Emergency Broadband Benefit Program. The MPSC does not believe that there should be a limit on the number of benefits per address when there are multiple households at a given address.

The MPSC has concerns with requiring eligible households to directly interact with the National Verifier to apply for the EBBP. This program is designed to provide financial assistance to low-income residents, or those that have been adversely financially impacted during the COVID-19 pandemic. Many of the individuals that this program is attempting to assist may not currently have broadband service and may not be able to access the National Verifier. Additionally, due to this pandemic, not only have many residents across this country been asked to stay home, but libraries and community centers may not be open or operating in a very limited capacity. Many low-income individuals may have relied on those venues to access the internet, and no longer have access to these resources. It is important for the FCC to consider the circumstances these

individuals face, and the possibility that many of these individuals may not have access to the National Verifier.

Covered Services and Devices

The MPSC recommends that the FCC provide further clarity regarding services that are eligible for reimbursement from the EBBP. The MPSC also recommends that associated equipment, like monthly rental costs for modems and/or routers, be included in the Internet service offering. The monthly rental of such equipment could potentially be a significant portion of a customer's monthly bill.

Regarding "connected devices", the MPSC recommends that the FCC provide further clarity as to what devices qualify as "connected devices". The MPSC agrees that some confusion may likely exist between distinctions of devices such as smaller tablets and larger mobile phones. Also, since Lifeline customers could participate in this program as well, there may be confusion regarding their "connected device." Some Lifeline customers may only have a mobile phone and may consider that as their only "connected device".

Lastly, the FCC seeks comments regarding minimum system requirements and whether they should be imposed. The MPSC believes imposing minimum system requirements raises questions that should be addressed. As the FCC stated, due to the COVID-19 pandemic, Americans are continuing to rely on telework, telemedicine, and virtual learning. However, if the FCC imposes minimum system requirements, could that exclude vulnerable populations from being able to

participate in this program? In the FCC's January 4 Public Notice, this section appears to be focused on remote/online learning. However, what if others that plan to participate in this program do not have children or a need for online learning? Would they be excluded from this program because their "connected device" does not support video conferencing platforms or other software essential to online learning? The MPSC does not advocate for or against a minimum system requirement at this time, but believes it is important to consider these questions in reaching a decision.

Reimbursement

The MPSC agrees with the FCC that participating providers should certify that the household receiving the device has received the emergency broadband benefit from the provider and has made a financial contribution between \$10 and \$50 for such a device. The MPSC also agrees that participating providers should retain documentation proving that the eligible household made financial contributions toward the costs of the connected device, along with the amount of such device. Lastly, the MPSC agrees that the FCC should require a participating provider to demonstrate the retail value or the costs of connected devices.

Benefits for those on Tribal lands

The MPSC concurs with the FCC that the same definitions, standards, and processes that are used in the Lifeline program as it relates to Tribal lands, also be used for this program.

Promoting Awareness

The MPSC supports the FCC's conclusion that participating providers should have an obligation under the program's rules to publicize the availability of the benefit. The MPSC also agrees with the FCC that both the FCC and USAC should take steps to publicize this program as well. Since Lifeline subscribers may participate in this program, the MPSC agrees with the FCC that USAC should conduct outreach to those Lifeline subscribers. The MPSC has already recommended that USAC publicize information on their website regarding the participating providers, and USAC could continue promoting awareness there as well, similar to the Lifeline program. Requiring participating ETCs to promote this program to their Lifeline subscribers is another potential outreach option.

Promotion for this program could be done by several methods such as text messages to customers, billing insert notifications, information on their websites, letters to customers, as well as television advertisements. Lastly, as noted above, the MPSC recommends that the FCC require providers (ETC and non-ETC) to provide copies of their notices to state commissions. Keeping the state commissions informed would also potentially allow state commissions to assist with promoting awareness for this program, as is done with the Lifeline program.

Consumer Protection

The MPSC notes that the FCC did not include a section in its Public Notice addressing Consumer Protection. The MPSC recommends that the FCC establish and identify processes or rules for handling customer complaints and issues related

to this program. The MPSC foresees several consumer protection issues that may arise. For example, a customer participates in the program with a provider, but claims that their provider is not providing the proper discount. Or, a customer attempts to participate with an identified participating provider, but the provider declines to offer the assistance/service to a particular footprint or service areas. While not an exhaustive list of every scenario that could arise, the examples provided raise a very real concern. Who should the customer contact to file a complaint, if they are not able to resolve the issue with their provider? Also, the FCC did not request information about how this temporary program will conclude. Will the FCC require the participating providers to provide advance notice of termination to customers receiving this benefit? Requiring advance notice of changes to the program may help customers avoid losing their broadband service or experiencing a significant increase in the cost of this service. The MPSC recommends that the FCC provide clarification for customer protection issues.

Conclusion

The MPSC appreciates the opportunity to provide comments on such an important matter. In Michigan, we have the Connecting Michigan Taskforce (CMIT) which is comprised of several State departments and agencies, including the MPSC. The purpose of the CMIT is to advise and assist in improving coordination among stakeholders in addressing broadband and technology access and adoption issues in Michigan. We respectfully advocate for the critical need to extend additional broadband assistance to individuals and families in need during this

public health and economic crisis. However, at the same time it is important that efforts to provide this additional broadband assistance is also balanced with the need for a process to prevent, document and investigate waste, fraud, and abuse. While the MPSC understands the FCC's urgency to expedite and begin providing this broadband assistance, it is important that the FCC create rules and processes that protect against waste, fraud, and abuse of such an important program and misuse of these funds. While the MPSC has recommended that non-ETCs should become ETCs, at the very least it is imperative that participating providers in the EBBP be required to adhere to many of the same standards set forth in the ETC certification process and the Lifeline program. In addition, it is also important that qualifying households can successfully participate in this program. Lastly, for the EBBP to be successful and assist as many qualifying households as possible, it must be properly promoted.

Respectfully submitted,

**MICHIGAN PUBLIC
SERVICE COMMISSION**

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