

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of	)	
	)	
Accelerating Wireline Broadband	)	WC Docket No. 17-84
Deployment by Removing Barriers to	)	
Infrastructure Investment	)	
	)	
States That Have Certified That They	)	WC Docket No. 10-101
Regulate Pole Attachments	)	

**COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION**

On June 11, 2026, the Wireline Competition Bureau (Bureau) released a Public Notice in the above captioned proceedings to seek comment on the current status of reverse-preemption state regulations and jurisdiction over pole attachments, as well as the Federal Communications Commission's (FCC) jurisdiction in the face of incomplete or inadequate state regulation.¹ Per the schedule established in the Public Notice, initial comments are due July 13, 2026, and reply comments are due July 27, 2026. The Michigan Public Service Commission (MPSC) offers the following limited comments in response to the public

¹ WC Dockets 17-84,10-101, 07/13/2026 Public Notice of the Bureau, p 1. Available at: <https://docs.fcc.gov/public/attachments/DA-26-579A1.pdf> . (June 11 Public Notice.)

notice, and notes that its silence on a particular issue should not be interpreted as agreement or acquiescence on the issue.

I. Background

The MPSC comments address the questions raised by the Bureau as it pertains to the status of pole attachment regulation. To that end, the MPSC will first provide background information regarding Michigan's certification. The MPSC originally certified with the FCC in 1981 that it regulates the terms, rates and conditions for pole attachments. The basis for the MPSC's certification is Michigan Public Act 470 of 1980, which amended Public Act 3 of 1939.² In 1985, in response to a letter from the FCC, the MPSC again certified that it regulates the rates, terms and conditions, and furthermore, certified that a specific methodology exists in Michigan for the rates, terms and conditions of pole attachments and that such is publicly available. Since the MPSC's original certification with the FCC, the MPSC has continued to regulate the terms, rates and conditions for pole attachments.

II. Discussion

The MPSC understands and appreciates the Bureau's concern as it relates to the effectiveness of the reverse-preemption states' pole attachment rules and regulations; however, the MPSC's pole attachment requirements and regulations are publicly transparent, sufficient and effective. First, the MPSC's requirements and regulations are transparent because Public Act 3 can be accessed by the public

² Public Act 3 of 1939 (as amended) - <https://legislature.mi.gov/Laws/MCL?objectName=mcl-460-6g>

by visiting to the MPSC's publicly accessible website.³ Second, the MPSC's pole attachment requirements and regulations have proven to be effective because the MPSC rarely receives a formal pole attachment complaint. For example, while a formal pole attachment complaint was filed this year with the MPSC in MPSC Case No. U-22114, the MPSC notes that this is the first formal pole attachment complaint filed with the MPSC since 2007, which occurred in MPSC Case No. U-15483.⁴ MPSC Staff has had success addressing pole attachment concerns on an informal basis by assisting the parties to resolve their issues promptly without the need for a formal complaint to be filed. It is rare for the MPSC to receive formal pole attachment complaints, and this is likely a result of the effectiveness of the MPSC's pole attachment requirements and regulations, coupled with the manner in which it handles pole attachments on an informal basis.

Additionally, while the MPSC certified with the FCC in 1981 as a reverse-preemption state, over time the MPSC has reviewed its pole attachment regulations to ensure they remain effective. For example, in 2021, a provider petitioned the MPSC in MPSC Case No. U-20980 for such a review.⁵ During the course of that

³ MPSC Administrative Rules / Laws - <https://www.michigan.gov/mpsc/regulatory/administrative-rules-laws>.

⁴ See In the matter of the complaint of Aspire Networks 1, LLC doing business as Highline Internet, against Wisconsin Electric Power Company and Upper Michigan Energy Resource Corporation, MPSC Case No. U-22114 available at: <https://mi-psc.my.site.com/s/case/500cs00001lrygnAAA/in-the-matter-of-the-complaint-of-a-spire-networks-1-llc-doing-business-as-highline-internet-against-wisconsin-electric-power-company-and-upper-michigan-energy-resources-corporation>. Also, see In the matter of the complaint of Aerialink Telecom, LLC against Consumers Energy and Charter Communications Operating, LLC for denial of pole attachment permits, MPSC Case No. U-15483 available at: <https://mi-psc.my.site.com/s/case/500t0000008efHzAAI/in-the-matter-of-the-complaint-of-aerialink-telecom-llc-against-consumers-energy-company-and-charter-communications-operating-llc-for-denial-of-pole-attachment-permits>.

⁵ See In the matter of the petition of Extenet Systems, Inc. to initiate a proceeding for the Commission to issue and make effective rules and regulations implementing Michigan's regulatory authority over wireless pole attachments. MPSC Case No. U-20980 is available at: <https://mi-psc.my.site.com/s/case/500t000000f2N9fAAE/in-the-matter-of-the-petition-of-extenet-systems-inc-to-initiate-a-proceeding-for-the-commission-to-issue-and-make-effective-rules>.

proceeding, the MPSC issued an order seeking comment from interested persons regarding pole attachment rates, methodology, definitions, terms and conditions⁶. The MPSC received comments from various utilities and associations, cable providers, and both landline and wireless telecommunications providers and associations as a result of this order. After a thorough review, the MPSC ultimately found that its requirements and regulations were effective and did not warrant change. The MPSC however, stressed the importance of resolving pole attachment complaints within 180 days as required under the federal Pole Attachment Act, 47 USC 224(c)(3)(A)-(B)(1).⁷

In its Public Notice, the Bureau expresses concern regarding next-generation broadband deployment within the reverse-preemption states and the potential impact of pole attachment regulations from some of the reverse-preemption states on that broadband deployment.⁸ In Michigan, the MPSC shares those concerns and again acknowledged the same in MPSC Case No. U-20980. Specifically, the MPSC stated:

While the Commission observes that very few pole attachment complaints have been filed with this Commission, it is particularly important to clarify the Commission's obligation to timely resolve disputes because further broadband expansion projects related to state- and federally-supported programs, including the FCC's Rural Digital Opportunity Fund, and efforts supported by the American Rescue Plan Act, may necessitate such action.⁹

[and-regulations-implementing-michigans-regulatory-authority-over-wireless-pole-attachments.](#)

⁶ MPSC Case No. U-20980, 05/13/2021 Order of the Commission.

⁷ MPSC Case No. U-20980, 09/09/2021 Order of the Commission, p 20.

⁸ June 11 Public Notice p 1, 3.

⁹ MPSC Case No. U-20980, 09/09/21 Order of the Commission, p 20.

Both the MPSC Staff and other commentors in MPSC Case No. U-20980 observed that the Administrative Hearing Rules, Mich Admin Code, R792.10439 through R 792.10446, did not address that pole attachment disputes are required to be resolved within 180 days as required under the federal Pole Attachment Act, 47 USC 224(c)(3)(A)-(B)(1). The MPSC agreed with Staff and the commentors and stated that action should be taken to ensure that such disputes are resolved within 180 days of a complaint being filed to ensure the MPSC's compliance with the Pole Attachment Act standard.¹⁰ The MPSC ordered Staff to communicate with the Michigan Office of Administrative Hearings and Rules and the Administrative Law Judge tasked with presiding over a pole attachment dispute to ensure that pole attachment complaints are resolved within the 180-day time frame established by the federal Pole Attachment Act.¹¹

The Bureau seeks comment as to whether the states who have reverse-preemption should be required to recertify with the FCC due to the length of time that has passed since some of these states may have originally certified.¹² The MPSC does not believe recertification is necessary, and that recertification would simply put an administrative burden on many states. As previously noted, the MPSC continues to regulate the rates, terms and conditions for pole attachments. Furthermore, the MPSC recently conducted a case proceeding (See MPSC Case No. U-20980 *supra*) which resulted in comment filings and input from several interested

¹⁰ MPSC Case No. U-20950, 09/09/2021 Order of the Commission, p 20.

¹¹ *Id.* At p 21.

¹² June 11 Public Notice p 4.

parties regarding its regulation of pole attachment rates, terms and conditions. Michigan is actively engaged in its regulation of pole attachments and therefore should not need to recertify with the FCC. The MPSC urges caution with the FCC's review of reverse-preemption states' pole attachment regulations. The purpose of certification as a reverse-preemption state is for that particular state to be allowed to regulate pole attachments in a manner that is most appropriate for that state.¹³

The MPSC also recommends against the FCC invalidating a reverse-preemption state's certification, unless extraordinary situations or circumstances exist. If the FCC is considering invalidating a state's certification, the state must be allowed to defend its position and provide the appropriate information where it has the opportunity to assert its compliance with the requirements set forth in Section 224(c) of the Act and Section 1.1405 of the FCC's rules. Additionally, the FCC should consider other factors as well, such as the number of pole attachment complaints filed within the state. If a state has provided ample information that demonstrates its regulation meets the requirements of the FCC's rules and the Act, and that state has not received an excessive number of complaints, these facts would assist the FCC's determination on whether the state rules and regulations are effective and sufficient. This is true even where the FCC may not agree with the precise manner in which implementation is effectuated by the State.

The MPSC also encourages the FCC to be mindful that many of the reverse-preemption states are likely to have statutes providing its various state agencies

¹³ See 47 USC 224(c).

with the authority to regulate pole attachments. If the FCC were to invalidate a state's reverse-preemption certification there will be unnecessary legal consequences that create inconsistent and problematic implementations for many states, including Michigan.

Lastly, it is important to note that each state is unique, and while rules and regulations may differ from state to state, it does not follow that the regulations are ineffective simply because they vary in approach. Instead, it demonstrates that each state regulator is accounting for the unique environment of their individual state. Moreover, where a utility, cable, and telecommunication provider is generally supportive, and familiar with, their state's rules, regulations and procedures, if the FCC implements change where it is unnecessary, financial and procedural hardship will also likely follow. Additionally, in many instances the providers and utilities are accustomed to contacting their state regulators who are best situated to understand their individual regulatory climate, geography, and economics. As such, these entities could face instability and potentially be at disadvantage because the state regulator is more adept to address such complaints or matters with specificity than the FCC may be able to.

III. Conclusion

The MPSC appreciates the opportunity to provide comments on this important issue and urges the Bureau to work collaboratively with the states regarding pole attachment concerns rather than seeking to invalidate a reverse-preemption state's certification or requiring all reverse-preemption states to

recertify. Michigan has been certified as a reverse-preemption state for 45 years and continues to actively regulate pole attachments in the state. The MPSC understands and appreciates the Bureau's concerns regarding next-generation broadband deployment and pole attachment concerns, and the goal to not stifle that deployment. However, as stated in these comments, the MPSC believes that Michigan has effective pole attachment rules and regulations, and that is evident by the slim number of complaints filed regarding pole attachments.

Finally, the MPSC cautions the Bureau and the FCC as it moves forward to not create administrative burdens, financial and procedural hardships, and statutory inconsistencies for the states that have been regulating pole attachments for several decades, as well as the utilities and the telecommunications and cable providers involved. If the Bureau or the FCC has concerns with a particular state rule or regulation, it should work closely with that state to address its concerns and be mindful of the several factors raised in these comments and move cautiously before taking any action which could unnecessarily have a serious impact on state regulations and the parties that participate in pole attachment proceedings at the state level.

Respectfully submitted,

**MICHIGAN PUBLIC
SERVICE COMMISSION**

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