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

In the matter of	)	
Inquiry Concerning the Deployment of Advanced Telecommunications Capability to All Americans in a Reasonable and Timely Fashion, and Possible Steps to Accelerate Such Deployment Pursuant to Section 706 of the Telecommunications Act of 1996, as Amended by the Broadband Data Improvement Act	)	GN Docket No. 10-159

COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION

Introduction

On August 6, 2010, the Federal Communications Commission (FCC) issued the *Seventh Broadband Deployment Notice of Inquiry (NOI)*. The *NOI* sought comments regarding the FCC's Section 706 requirement to review annually whether advanced telecommunications capability is being deployed to all Americans in a reasonable and timely fashion. The Michigan Public Service Commission (MPSC) commends the FCC for many of its recent actions regarding broadband, especially the facilitation of the National Broadband Plan. The MPSC has submitted comments in several FCC dockets related to broadband, including those associated with the FCC's work on revising the information collected on Form 477 (WC Docket 07-38), the FCC's development of a Rural Broadband Strategy (GN Docket 09-29), and the FCC's consultative role in the broadband provisions of the American Recovery and Reinvestment Act (GN Docket No.

09-40).[1] The MPSC appreciates this additional opportunity to provide comments on this important topic and respectfully offers the following comments related to certain of the questions asked in the *NOI*.

Definition of Advanced Telecommunications Capability

The MPSC is pleased that the FCC has chosen to define the minimum threshold speed for broadband service to at least 4 Mbps downstream and at least 1 Mbps upstream for section 706 purposes. This is a reasonable definition enabling consumers to use a variety of applications over the internet. While the MPSC is not opposed to additional benchmarks such as latency, the FCC should use at least the 4Mbps down/1 Mbps up definition for broadband and the FCC should continue to treat "broadband" and "advanced telecommunications capability" as synonymous for purposes of the *Seventh Broadband Deployment Report*.

Additionally, the FCC should work to ensure that its use of these terms is consistent among its various reports. For example, for the purposes of Form 477 and the related High Speed Services for Internet Access reports define the term "advanced services" and "broadband" as those connections with advertised speeds above 200 kbps both to and from the end user. While the MPSC understands the FCC's approach with these terms in attempting to provide continuity with historical data, it becomes cumbersome to have "broadband" mean different things depending on the report. Likewise, with the terms "advanced telecommunications capability" and "advanced services," it does not lend clarity to have such similar terms defined differently. The

[1] The MPSC's comments in these cases are available through the FCC's e-docket system and on the MPSC's website at: http://www.dleg.state.mi.us/mpsc/orders/fcc/.

MPSC recommends that the FCC continue to collect data and report on speed tiers below 4Mbps down/1 Mbps up for ease of using the historical data in trend analyses, but reserve the term "broadband" in all reports for only those services that meet the 4Mbps down/1 Mbps up definition.

How Should Broadband "Availability" Be Interpreted and Measured?

It is likely that there will remain certain Americans who do not wish to adopt broadband, no matter what services and applications are available even if prices are low. The FCC should therefore consider broadband available if the underlying broadband infrastructure is in place to allow service to customers and the service offered is affordable.

Price is an essential metric in determining whether broadband is available:

The FCC must develop data to review pricing in order to analyze fully whether broadband is available to all Americans. Pricing is admittedly a difficult metric to measure given the abundance of bundled service offerings, introductory or promotional prices, and competitive pressures resulting in changing prices. However, it is essential that broadband not just be deployed in the ground, but the service offered must be priced such that it is affordable to the majority of American citizens. Additionally, organizations such as libraries, schools, and other community institutions must have broadband service, likely at speeds greater than the 4Mpbs down/1 Mbps up definition, available to them at reasonable prices in order to allow them to subscribe to the service and make it available to very low-income citizens. This additional requirement helps

ensure that even very-low income citizens, who cannot afford a computer or broadband service, can still utilize broadband service for things such as job searches and applications (increasingly migrating to an online-only activity), as well as additional educational opportunities, and civic participate in government.

The National Broadband Plan recognizes this need in discussing possibilities for federal universal service fund support of broadband. An important step in the process would be for the FCC to request comment on what price should be considered "affordable" for 4Mbps down/1 Mbps service. The possibility of universal service support for broadband will require significant discussion among the FCC, citizens, telecommunications and broadband providers, state governments, and other interested parties. The MPSC anticipates active participation in those discussions when the time is ripe. For the purposes of this docket, the MPSC simply wishes to stress that affordability is an essential metric that the FCC should continue to acknowledge when discussing whether broadband is available to all Americans.

The FCC, in determining whether service is available, can use data from the mapping done at the state level.

As the FCC is aware, the states are expending considerable effort in order to develop state-level broadband availability maps and provide data for the National Broadband Map. While the National Broadband Map may not be available in final form, the work at the state level on broadband mapping can provide insight to the FCC on the availability of broadband. For example, the Connect Michigan initiative has identified 128 providers of broadband service in Michigan. Of these providers, most provided data

in time for the first Connect Michigan submission of data to the National Telecommunications and Information Administration, representing a provider participation rate of 77.34%. Provider lists complied by the states can be used to cross check whether all required providers are filing Form 477 reports. Simply identifying the providers, including numerous fixed wireless or other small providers, can be a difficult task. The FCC should make use of these lists to ensure that it is collecting data across all providers.

Similar to the problem of using the Form 477 data for the *Seventh Broadband Deployment Report*, the broadband mapping efforts of states do not necessarily request data on service specifically at the 4Mbps down/1 Mbps up definition. However, aspects of the data collected for the Connect Michigan initiative can still be useful. Data regarding service at higher and/or lower speeds can be useful to review as another check of broadband data at the 4Mbps down/1 Mbps up speeds. If FCC data shows an area in Michigan has 4Mbps download service available, but the Connect Michigan initiative is reporting that no service at a lower speed level is available, the FCC could flag that data for further verification. Similarly, if the Connect Michigan data shows an area as having broadband at greater than 4 Mbps available, but the FCC's other's data does not show that 4Mbps service is available, again the data could be flagged for further verification.

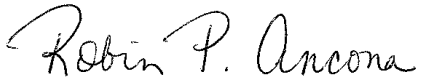
The MPSC, as is the case for many state commissions, does not have authority over broadband services. Given a lack of authority with which to compel providers to provide data and limited state resources, the MPSC does not have additional broadband data beyond that included in the Connect Michigan initiative. However, to the extent that states have additional information on the status of broadband deployment, adoption, etc.

and the cost to provide that data is minimal, the FCC should encourage states to share such data with the FCC.

Conclusion

Accurately assessing the state of broadband availability is essential for broadband policy planning. The FCC should continue its efforts to collect data on broadband availability and to the extent that confidentiality concerns permit, share such data in an open and transparent manner with the public. This data would be very useful to states, such as Michigan, working with limited jurisdiction over broadband, but still actively trying to advance broadband deployment and adoption. The FCC should work to ensure that a broadband is not just physically available, but that service is available at an affordable price, so that all Americans can take advantage of the multiple benefits of broadband. The FCC should review the data collected in the state mapping initiatives, such as Connect Michigan, and use it to support or seek further information from providers and others as necessary. The MPSC looks forward to working with the FCC in the implementation of aspects of the National Broadband Plan and appreciates the opportunity to comment in this proceeding.

Respectfully submitted,



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