

**Before the
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)	
)	
National Association of Regulatory Utility)	WC Docket No. 09-193
Commissioners Petition for Clarification or)	
Declaratory Ruling that No FCC Order or Rule)	
Limits State Authority to collect Broadband)	
Data)	

**COMMENTS
OF
THE MICHIGAN PUBLIC SERVICE COMMISSION**

Introduction

On September 25, 2009, the National Association of Regulatory Utility Commissioners (NARUC) submitted a petition (NARUC petition) to the Federal Communications Commission (FCC) requesting the FCC to “expeditiously clarify that no FCC-issued order or regulation limits State authority to collect any data from any broadband infrastructure or service provider a clarification of its prior decisions and/or a declaratory ruling and/or an interpretive rule.”¹

The Michigan Public Service Commission (MPSC) respectfully offers the following comments in support of the NARUC petition.

Support of NARUC Petition

Michigan is one of the states which has experienced its share of frustrations in collecting broadband service data over the past few years. As stated in the NARUC petition, broadband providers are reluctant to share this information claiming, in part, that

¹ NARUC Petition at 1.

broadband is under federal jurisdiction and that the state has no authority to collect such data. State commissions generally do not have authority over broadband issues, and therefore often times do not have data sharing relationships with broadband providers. However, telecommunications policy decisions should take into account the state of broadband as well. The MPSC, for example, is charged by state law to update the Michigan legislature annually on the status of telecommunications competition in Michigan. The legislature uses the MPSC's *Status of Telecommunications Competition in Michigan* report in determining whether additional legislative or policy positions are necessary. Competition in the telecommunications market is no longer limited to wireline voice technologies. As technologies such as voice over internet protocol (VoIP), which rely on broadband, continue to be embraced by more Michigan customers, data regarding whether and what types of broadband are available in Michigan becomes more important in determining the levels of competition faced by incumbent local exchange carriers. However, as valuable as such information is, state commissions do not have many options for obtaining detailed data on broadband due to a lack of jurisdiction over broadband services/providers.

As pointed in the NARUC petition, the American Recovery and Reinvestment Act of 2009 (ARRA) revitalized the Broadband Data Improvement Act of 2008 (BDIA) whereby states are afforded the opportunity to, among other duties, map broadband service within their state. The MPSC agrees with NARUC that Congress's intent for states to have access to broadband data is clear. The ARRA and the BDIA give the states an important role in the future deployment of broadband infrastructure. The states need the data in order to successfully perform such task.

The MPSC strongly supports a ruling to ensure that state agencies have authority to request information related to broadband service from any broadband provider.

Conclusion

The MPSC appreciates the opportunity to comment on NARUC's petition and reiterates, for the reasons stated above, its support of this petition.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

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