

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

In the Matter of \_\_\_\_\_ )  
A National Broadband Plan for Our Future )

GN Docket No. 09-51

**Comments of the  
Michigan Public Service Commission**

On April 8, 2009, the Federal Communications Commission (FCC) released a *Notice of Inquiry (NOI)* seeking comment on the development of a national broadband plan. The Michigan Public Service Commission (MPSC) agrees with the FCC’s declaration that “ubiquitous broadband can help to restore America’s economic well-being and open the doors of opportunity for more Americans.”<sup>1</sup> The MPSC supports the development of a national broadband policy and respectfully offers the following comments regarding many of the items discussed in the *NOI*. The MPSC plans to review the comments of other interested parties and may address other aspects of the *NOI* not discussed within these initial comments in the reply comment phase.

**Establishing Goals and Benchmarks**

The first critical step in developing a national broadband plan is defining the term broadband. As the FCC is well aware, there are many opinions on how to define broadband and its sister-terms. The MPSC believes that transmission speed is a concise and practical way of defining broadband. At a minimum, the FCC should define “broadband service,” regardless of technology used for provision, as a high-speed internet connection with consistent symmetrical transmission speeds of 1.5 megabits per second.

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<sup>1</sup> NOI paragraph 1

The MPSC has recommended that the National Telecommunications and Information Administration (NTIA) define “broadband” using this same definition for its purposes in implementing the American Recovery and Reinvestment Act of 2009 (ARRA). It is likely that NTIA and the Rural Utilities Service (RUS), Congress, and other entities will need to rely on FCC metrics regarding broadband, such as data from Form 477 and any other data collection methods developed in connection with this national broadband plan, in determining the successes and struggles under the ARRA. Therefore, it is important that these varying entities use a definition of broadband that is unambiguous and standardized to the fullest extent possible.

The MPSC believes that the FCC should develop a national broadband plan with the goal that all Americans have physical access to broadband service, as defined above, at the location of their residence. While physical access alone does not imply that all Americans choose to adopt broadband service due to constraints like price, the FCC should not overlook this essential component. Public computing centers such as libraries are also important resources, especially those providing free access to broadband connections. Public computing centers may also be a means of stimulating demand for broadband services. Though price may not affect consumers’ ability to use broadband connections at public computing centers, there may be other obstacles such as transportation needs, hours of availability not coinciding with work schedules, etc. that prevent full access to broadband for all citizens at these types of locations. The best solution would be to work toward an infrastructure that allows for broadband connections at reasonable prices at every residence, as well as robust broadband connections at free or further reduced prices available at community centers such as libraries. These two goals

need not be mutually exclusive. While the national broadband plan will likely need to prioritize which of these types of projects to fund with public money, such as the money available under the ARRA, the FCC should ensure that the ultimate goal of the national broadband plan is true access for all Americans, including access through community centers and at their place of residence.

### **Affordability and Maximum Utilization**

While a national broadband plan is an integral component necessary to achieve universal broadband access for Americans, the private sector will play a large role in ensuring that networks are developed and maintained rapidly but sustainably. The MPSC is aware that simply building infrastructure will not be enough to provide all Americans with access. The MPSC believes there are three main factors that may make an individual hesitant to embrace broadband service even if it is available at their home—price, fear or lack of comfort with computers and the internet, and simple lack of interest. The national broadband plan must also include policies to address these issues.

The MPSC believes that the issue of price might, in fact, be reduced if the other two issues noted are successfully addressed. The MPSC believes that addressing concerns with or lack of interest in broadband will help create additional demand that can spur competition, ultimately resulting in lower prices for consumers.

Regarding fear or lack of comfort with computers, the MPSC recommended to NTIA that, in determining awards for Grants for Innovative Programs to Encourage Sustainable Adoption of Broadband Service under the ARRA, the most consideration should be given to programs that include training for use of the computer and the internet. The MPSC noted that this training should include an overview of how to use both a

computer and basic internet functions such as search and email in order to encourage citizens who may feel overwhelmed by the technology. Additionally, training should include skills in how to stay safe on the internet (such as monitoring children's use of the internet, precautions to take when sending confidential information, tips for spotting phishing/internet scams) in order to assuage fears that internet offers too many dangers. The MPSC believes that similar programs should exist as part of the FCC's national broadband strategy. Additionally, to remedy the problem of disinterest, the MPSC is hopeful that continued efforts on behalf of schools, libraries, and other entities, with the helpful addition of ARRA grants will expose more individuals to the many capabilities of the internet, including video, real-time messaging/conferencing, job search/application, etc. There may be certain citizens that are otherwise unaware of the many benefits of broadband service. The MPSC believes that making citizens aware of the benefits, and in fact, the near necessity of broadband service (for example, in job-hunting/job applications) will spur further demand for broadband services.

While the MPSC believes that demand-side policies will help encourage competition, thereby reduce price for consumers, it cautions the FCC against simply "allowing market forces to work." Due to the largely deregulated environment for broadband technologies, the FCC should closely monitor the competitive marketplace for broadband in order to address any areas where the market fails to provide broadband services at reasonable prices and with reasonable privacy protection. In the cases where the market does not produce sufficient demand for broadband at reasonable prices, the national broadband plan should include recommendations for reforming the universal service fund in such a way that broadband services would be supported. The FCC

currently has open proceedings<sup>2</sup> regarding universal service fund reform. A fully optimized national broadband plan may require action in these proceedings. The MPSC filed comments in the *Further Notice of Proposed Rulemaking*, released November 5, 2008, agreeing with the proposal to require certified eligible telecommunication carriers to offer broadband internet service as a condition to receiving high cost universal service support.

### **Status of Deployment**

On June 12, 2008, the FCC released a *Report and Order and Further Notice of Proposed Rulemaking* adopted on March 19, 2008 in WC Docket No. 07-38. This order significantly revised the FCC's Form 477 and included the FCC's decision to "design and implement a voluntary system that households may use to report availability and speed of broadband Internet access service at their premises." (*Report and Order and FNPRM*, §III.A. ¶18) The MPSC applauds these steps taken in response to concerns with the usefulness of the FCC's data gathered through prior efforts in broadband data collection. The MPSC hopes the FCC will continue to be responsive to the changing needs of the industry, consumers, states, and other entities with regard to broadband, especially because broadband technologies continue to evolve at a rapid pace.

While it is without question that providers are important sources of data regarding broadband, providers should not be the sole source the FCC relies on in determining the progress of our nation's broadband plan. The MPSC encourages the FCC to promptly

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<sup>2</sup> WC Docket No. 05-337 (High-Cost Universal Service Support), CC Docket No. 96-45 (Federal-State Joint Board on Universal Service), WC Docket No. 03-109 (Lifeline and Link Up), WC Docket No. 06-122 (Universal Service Contribution Methodology), CC Docket 99-200 (Numbering Resource Optimization), CC Docket No. 96-98 (Implementation of the Local Competition Provisions in the Telecommunications Act of 1996), CC Docket No. 01-92 (Developing a Unified Intercarrier Compensation Regime), CC Docket No. 99-68 (Intercarrier Compensation for ISP-Bound Traffic), and WC Docket No. 04-36 (IP-Enabled Services).

develop and implement the voluntary system for reporting availability and speed discussed in the Report and Order mentioned earlier in these comments. This and other sources of information, such as the customer surveys anticipated in the ARRA, obtained directly from customers could be useful in measuring broadband progress, especially in regards to actual transmission speeds achieved. The MPSC recommends that the national broadband plan include data collection sufficient to monitor the status of deployment at street-level granularity and that collected data be accessible to the states.

### **Improving Government Performance and Coordination with Stakeholders**

As noted above, many entities will likely rely on FCC data sources for information regarding the status of broadband deployment. For example, the MPSC already utilizes FCC data in preparing its report to the Michigan governor and legislature regarding the competitive marketplace for telecommunications in Michigan. As states seek to facilitate the deployment of broadband, albeit with limited regulatory authority, there will be a continuing, and perhaps more pressing need, for the data that the FCC is able to collect. Aside from Form 477, any data collection mechanisms the FCC includes in the national broadband plan should include a system for sharing the data that, while maintaining any necessary confidentiality, is useful to those monitoring broadband on a smaller than national scale.

Finally, the FCC should work to ensure that the multiple government entities interested in broadband deployment are able and willing to share information regarding broadband. The FCC should make full use of the national broadband map the ARRA charges NTIA with developing and any information available on the NTIA's and RUS's websites related to monitoring of the ARRA grants in analyzing the status of broadband

availability and adoption under the national broadband plan. Additionally, many states have broadband initiatives and, in some instances, have developed broadband maps and other tools for assessing the status of broadband. By utilizing the knowledge of the states, the federal government can avoid spending unnecessary time and resources replicating much of the work the states may have already begun/accomplished. The MPSC recommends that the national broadband plan seek a formalized process, such as a collaborative or advisory council, for cooperation between stakeholders in this regard.

### **Conclusion**

The MPSC thanks the FCC for this opportunity to comment on the development of a national broadband plan. The MPSC is eager to review the comments of the many other parties interested in developing a national broadband policy that will be effective in bringing broadband access to citizens who may still be un- or underserved. The MPSC may address additional issues in the reply comment phase of this proceeding as it finds necessary.

Respectfully submitted,

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