

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

In the Matter of	)	
	)	
Service Quality, Customer Satisfaction,	)	WC Docket No. 08-190
Infrastructure and Operating Data	)	
Gathering	)	

**COMMENTS OF THE MICHIGAN PUBLIC SERVICE COMMISSION**

Introduction

On September 6, 2008, the Federal Communications Commission (FCC) issued a *Memorandum Opinion and Order and Notice of Proposed Rulemaking (NPRM)* in WC Docket No. 08-190.<sup>1</sup> The *NPRM* asked for comment on whether and how the FCC should collect certain service quality and infrastructure data, previously collected via ARMIS reporting requirements, on an industry-wide basis. Pursuant to the schedule set by the FCC, the Michigan Public Service Commission (MPSC) hereby submits its comments on both the scope of information that should be collected as well as the mechanism for such collection.

Scope of Information Collected

The MPSC filed comments in both WC Docket No. 07-139<sup>2</sup> and WC Docket No. 07-273,<sup>3</sup> addressing the petitions of AT&T Inc. and Verizon, respectively, for forbearance from the

---

<sup>1</sup> The *Memorandum Opinion and Order and Notice of Proposed Rulemaking* also addressed WC Docket No. 07-139, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. §160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements, and Petition of Qwest Corporation for Forbearance from Enforcement of the Commission's ARMIS and 492A Reporting Requirements Pursuant to 47 U.S.C. §160(c); WC Docket No. 07-204, Petition of the Embarq Local Operating Companies for Forbearance Under 47 U.S.C. §160(c) From Enforcement of Certain of ARMIS Reporting Requirements, and Petition of Frontier and Citizens ILECs for Forbearance 47 U.S.C. §160(c) From Enforcement of Certain of the Commission's ARMIS Reporting Requirements; WC Docket No. 07-273, Petition of Verizon for Forbearance Under 47 U.S.C. §160(c) From Enforcement of Certain of the Commission's Recordkeeping and Reporting Requirements; and WC Docket No. 07-21, Petition of AT&T Inc. for Forbearance Under 47 U.S.C. §160(c) From Enforcement of Certain of the Commission's Cost Assignment Rules.

<sup>2</sup> See *Comments of the Michigan Public Service Commission* in WC Docket 07-139, filed August 20, 2007 (*MPSC Comments on AT&T ARMIS Forbearance Petition*).

requirement to file data on certain of these ARMIS Reports. In both dockets, the MPSC argued that for the purpose of regulatory oversight and market conditions monitoring, state-specific ARMIS service quality reports (Reports 43-05 and 43-06) and infrastructure reports (43-07 and 43-08) have been important tools available to state commissions to be able to access and analyze industry data that is otherwise unavailable to them due to a variety of deregulations and federal preemptions resulting in a lack of state commission authority to require providers to submit such detailed information.<sup>4</sup>

In the *NPRM* the FCC granted significant forbearance from filing data on these ARMIS Reports. The FCC did, however, “tentatively conclude that collection of information of this type [ARMIS Reports 43-07 and 43-08] would be useful to the Commission’s public safety and broadband policymaking,”<sup>5</sup> but only if collected from the entire relevant industry. The FCC also “recognize[d] the possibility that service quality and customer satisfaction data contained in ARMIS Reports 43-05 and 43-06 might be useful to consumers to help them make informed choices in a competitive market, but only if available from the entire relevant industry.”<sup>6</sup> The MPSC agrees with the FCC that certain information collected on ARMIS Reports 43-05, 43-06, 43-07, and 43-08 can serve important purposes such as those highlighted in the *NPRM* and should be collected on an industry-wide basis.

The MPSC’s most significant use of ARMIS data is in its preparation of an annual *Status of Telecommunications Competition in Michigan*<sup>7</sup> report. While carriers file certain line count information directly with the MPSC as part of an annual Competition Survey, ARMIS data has

---

<sup>3</sup> See *Comments of the Michigan Public Service Commission* in WC Docket 07-273, filed February 1, 2008 (*MPSC Comments on Verizon ARMIS Forbearance Petition*).

<sup>4</sup> *MPSC Comments on AT&T ARMIS Forbearance Petition*, p 2; *MPSC Comments on Verizon ARMIS Forbearance Petition*, p 3.

<sup>5</sup> *NPRM* ¶34, p 18.

<sup>6</sup> *NPRM* ¶35, p 19.

<sup>7</sup> These reports are available on the MPSC’s website at <http://www.dleg.state.mi.us/mpsc/comm/reports/index.htm>.

provided an important point of reference to ensure that such data is reasonable. Without ARMIS reporting of this type of information, the MPSC has no alternative publicly reported data with which to compare information filed in its Competition Survey. Until granted forbearance by the FCC's recent order, the only Michigan carriers required to report ARMIS data have been AT&T and Verizon. However, all telecommunications carriers report line count data to the MPSC as part of the annual Competition Survey. If all carriers were required to file certain ARMIS data with the FCC, the MPSC would have an important benchmark with which to verify that the numbers filed by these smaller carriers are also reasonably accurate. The MPSC also has relied on a variety of data from ARMIS Reports in many contested cases and other proceedings. The MPSC therefore urges the FCC to require all relevant industry providers to report information similar to that collected on ARMIS Reports 43-05, 43-06, 43-07, and 43-08.

#### Mechanism for Collecting Information

In the *NPRM* the FCC also requested comment on the appropriate mechanism for collecting the types of data noted above.<sup>8</sup> In many of the petitions for forbearance filed in regards to ARMIS information, it was suggested that Form 477 would be the preferred vehicle for collecting this type of information. The FCC has tentatively agreed that “the Commission should collect the infrastructure and operating data through Form 477.”<sup>9</sup> This type of information would replace ARMIS Reports 43-07 and 43-08. The FCC did recognize that Form 477 data is treated confidentially while ARMIS Report data has generally been publicly available.

The MPSC expressed unease with replacing publicly available information with confidential information in its comments in both WC Docket No. 07-139 and WC Docket No.

---

<sup>8</sup> *NPRM* ¶36, p 19.

<sup>9</sup> *NPRM* ¶36, p 19.

07-273.<sup>10</sup> Additionally, as noted in its comments in both dockets, the MPSC's greatest concern remains the long delay between when Form 477 data is filed with the FCC and when it is available under non-disclosure agreements to state commissions. This delay is significant and greatly reduces the usefulness to the MPSC of Form 477 data. The *Status of Telecommunications Competition in Michigan* report is submitted to the Michigan Governor and Legislature by June of each year and compiles data through December 31 of the previous year. Publicly available ARMIS data is usually readily available for this time period, however Form 477 data for this time period has typically not been available until much later. For example, the Form 477 data for calendar year 2006 was not sent to the MPSC until January 3, 2008.<sup>11</sup> This was far too late for this information to act as a useful benchmark in preparing the MPSC's *Status of Telecommunications Competition in Michigan* report covering the 2006 calendar year which was released June 21, 2007, **over 6 months before the Form 477 data was received.** The MPSC strongly supports the proposal set forth by the California Public Utilities Commission in WC Docket 07-38 which would require that Form 477 be submitted to the both state commission and the FCC concurrently,<sup>12</sup> especially should the FCC elect to use Form 477 as the mechanism for reporting infrastructure and operating data.

The MPSC currently receives Form 477 under a non-disclosure agreement and additionally has statutory authority to protect sensitive information from information requests

---

<sup>10</sup> See *MPSC Comments on AT&T ARMIS Forbearance Petition*, pp 3-4 and *MPSC Comments on Verizon ARMIS Forbearance Petition*, p 4.

<sup>11</sup> Letter to the Michigan Public Service Commission Telecommunications Division Director, from FCC Wireline Competition Bureau Industry Analysis & Technology Division, dated January 3, 2008 which included the FCC Form 477 data for the time period through December 31, 2006 on an enclosed CD.

<sup>12</sup> See *Comments of the California Public Utilities Commission and the People of the State of California on the Development of Broadband Data* in WC Docket 07-38, filed June 15, 2007, pp 10-11; *Reply Comments of the Comments of the California Public Utilities Commission and the People of the State of California on the Development of Broadband Data* in WC Docket 07-38, filed July 16, 2007, pp 11-12; and *Comments of the California Public Utilities Commission and the People of the State of California on the Development of Broadband Data: Broadband Mapping* in WC Docket 07-38, filed July 17, 2008, p 13.

under the Freedom of Information Act. The MPSC understands the competitively sensitive nature of much of the information submitted on Form 477. While ultimately, the MPSC believes that having publicly available information would be most useful to both itself and telecommunications customers, the MPSC believes that, for those states able to offer confidentiality protections, a proposal such as California's, noted above, would be a viable way to protect sensitive information while still making the data available to state commission in a timely manner.

Finally, the FCC requested that “[t]o the extent that commenters support Commission collection of service quality and customer satisfaction data,” comments be filed on possible mechanisms for the collection of this type of data.<sup>13</sup> This type of data would replace ARMIS Report 43-05 and 43-06. The MPSC believes the FCC should design a form (comparable to Form 477) to collect the service quality data previously reported on ARMIS Report 43-05. Additionally, the MPSC believes that the FCC should design a customer survey to collect customer satisfaction data. While such a survey would be voluntary for customers to take part in, it would provide an additional avenue for the public to share their concerns directly with the FCC regarding service availability and quality. This survey could be included in, or modeled after, the “voluntary system that households may use to report availability and speed of broadband Internet access service at their premises” that the FCC has chosen to design and implement in the *Report and Order and Further Notice of Proposed Rulemaking* adopted March 18, 2008 in WC Docket 07-38.<sup>14</sup>

---

<sup>13</sup> *NPRM* ¶36, p 19.

<sup>14</sup> *Report and Order and Further Notice of Proposed Rulemaking* in WC Docket 07-38, §III.A. ¶18, adopted March 19, 2008.

## Conclusion

The MPSC believes that the data collected on ARMIS Reports 43-05, 43-06, 43-07, and 43-08 is useful data that should be collected from all relevant providers. Infrastructure and operating data (43-07 and 43-08) provide important detailed information that is not otherwise available to state commissions. The MPSC agrees with the FCC's tentative conclusion that this type of information may be useful for the FCC's policymaking needs. Additionally, the MPSC agrees with the FCC's tentative conclusion that service quality and customer satisfaction data (43-05 and 43-06) could assist customers in making informed choices in a competitive market. Therefore, the MPSC urges the Commission to adopt reporting requirements for both infrastructure and operational, as well as service quality and customer satisfaction data. The MPSC would prefer this information be publicly available, but if the FCC opts to utilize Form 477 for this type of data collection, the MPSC believes the FCC should adopt measures to ensure that this information can be more timely provided to state commissions.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION

Robin P. Ancona, Director  
Telecommunications Division  
6545 Mercantile Way, Suite 14  
P.O. Box 30221  
Lansing, MI 48909  
(517) 241-6200

November 13, 2008