

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

In the Matter of)	
)	
Petition of AT&T Inc. for Forbearance Under)	
47 U.S.C. § 160 (c) from Enforcement of)	WC Docket 07-139
Certain of the Commission's ARMIS)	
Reporting Requirements.)	
_____)	

COMMENTS OF THE MICHIGAN PUBLIC SERVICE COMMISSION

Introduction

On June 8, 2007, AT&T Inc., on behalf of its incumbent LEC affiliates, including Michigan Bell Telephone Company, filed a petition requesting forbearance from enforcement of the Federal Communication Commission (FCC) rules requiring submission of ARMIS Reports 43-05, 43-06, 43-07, and 43-08. AT&T argues in its petition that the statutory prerequisites that require the FCC to forbear from applying a regulation are met for the 43-05, 43-06, 43-07, and 43-08 ARMIS reports. These prerequisites are (1) enforcement of the regulation is not necessary to ensure just and reasonable rates; (2) enforcement is not necessary to protect consumers; and (3) forbearance is consistent with the public interest. Pursuant to the schedule set by the FCC, the Michigan Public Service Commission (MPSC) hereby submits these comments on the AT&T Petition for Forbearance.

MPSC Position

For the purposes of regulatory oversight and market conditions monitoring, the subject ARMIS reports remain vital for state commissions to be able to access and analyze industry data. However, due to a variety of deregulations and federal preemptions, state commissions have little authority to require providers to submit detailed infrastructure information. ARMIS reports provide a very significant tool for state commissions in that a large amount of detailed information is readily available to them.

AT&T states that the current market is competitive and that “the availability of alternate providers ensures that consumers will obtain high quality service at reasonable prices.”¹ While wireless and VoIP technologies continue to attract customers, the MPSC is concerned that neither is as yet a full substitute for wireline service. Wireless service is not yet ubiquitous, with certain areas of Michigan having low or no signal strength. VoIP service requires a high-speed internet connection, and while the number of connections is growing, broadband is not yet readily available at a reasonable price in all areas of Michigan.

These issues mean that for some customers in Michigan, wireline service is the only real option for telecommunications service. However, as noted, Michigan, as well as the entire nation, is experiencing a trend of declining wireline customers. The MPSC prepares an annual report on the status of telecommunications competition in Michigan.

¹ AT&T Inc. Petition, p 12.

According to the most recent of these reports², which compiles data through year-end of 2006, incumbent providers retain 81.7% of the Michigan wireline market, with AT&T's³ share at 65.5%. The data also shows that while technologies such as wireless and VoIP are experiencing growth, wireline competition in Michigan has experienced decreasing levels since 2004.

AT&T argues that “rather than retaining outdated ARMIS reports, the Commission should modify the Form 477 to collect network infrastructure”⁴ information. The MPSC agrees that Form 477 provides valuable data and could be modified to provide even more constructive data particularly in the areas of broadband, and as such, the MPSC is following the FCC's open proceeding regarding modifications to the collection of such data.⁵ However, the MPSC notes that Form 477 data is confidential. Many carriers recently restated the importance of retaining the confidentiality of the information contained in Form 477 in FCC Docket 07-38⁶ and it is highly unlikely the confidential status of the information contained in Form 477 will change. While Form 477 data is available to state commissions under non-disclosure agreements, there is

² This report, [Status of Telecommunications Competition in Michigan](#), released June 2007 is available on the MPSC website.

³ AT&T Michigan was formerly known as Michigan Bell, Ameritech Michigan, and SBC Michigan.

⁴ AT&T Inc. Petition, p 7.

⁵ WC Docket 07-38 Notice of Proposed Rulemaking *In the Matter of Development of Nationwide Broadband Data to Evaluate Reasonable and Timely Deployment of Advanced Services to All Americans, Improvement of Wireless Broadband Subscriber Data, and Development of Data on Interconnected VoIP Subscriber Data*.

⁶ See, for example, Comments of Time Warner Cable, p 5, and National Telecommunications Cooperative Association Initial Comments, p 12, in WC Docket 07-38.

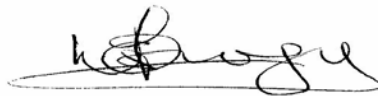
considerable delay between the time the data is filed with the FCC and when it is compiled and available to the states for review.⁷ The MPSC needs to have access to publicly reported data to use for its purposes such as assessing and reporting AT&T and Verizon's market share of the wireline industry in Michigan, calculating the annual regulatory assessment, as well as many other regulatory based analyses and calculations.

Conclusion

At this point in time the MPSC still needs access to both the FCC's Form 477 data as well as the publicly reported ARMIS reports in order to provide accurate and valuable analyses for the State of Michigan. The MPSC's position is that the FCC should deny this AT&T Inc. Petition for Forbearance.

Respectfully submitted,

MICHIGAN PUBLIC SERVICE COMMISSION



Orjiakor N. Isiogu, Director
Telecommunications Division
6545 Mercantile Way, Suite 14
P.O. Box 30221
Lansing, Michigan 48909
(517) 241-6200

August 20, 2007

⁷ Regarding this delay, the MPSC encourages the FCC to adopt the proposal of the California Public Utilities Commission in WC Docket 07-38 which would require that Form 477 be submitted to the states at the same time it is submitted to the FCC. See in WC Docket 07-38, Comments of the California Public Utilities Commission pp 10-11, and Reply Comments of the California Public Utilities Commission pp 11-12.