



# Status of Competition for Video Services in Michigan

In compliance with Public Act 480 of 2006

February 1, 2021

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## Executive Summary

This annual report, submitted by the Michigan Public Service Commission (Commission) in accordance with Section 12(2) of the Uniform Video Services Local Franchise Act (2006 PA 480, or the Act), describes the status of competition for video/cable services in Michigan. There are currently 36 video and cable television providers offering service to Michigan customers, a slight reduction from the 37 providers offering service in 2019, and they are continuing to report more competition in their franchise areas since the Act took effect. This report provides information regarding the responsibilities and activities of the Commission, the results from the 2020 Commission survey to gather information from franchise entities and video/cable providers, as well as recommendations to the Legislature. It is important to note that the Act does not provide jurisdiction over satellite television providers and as such, this report does not include information regarding satellite providers or their customers.

The Commission continues to educate and inform customers of the dispute resolution process and will continue to oversee complaints regarding video/cable services in Michigan. The Commission will continue to monitor the status of video/cable services competition in Michigan, which includes receiving and analyzing information from both franchise entities and video/cable service providers throughout the state. The Commission will also continue to assist individual customers, franchise entities, and providers with their questions and/or complaints, as well as inform the Governor and Legislature of any future developments and make the appropriate recommendations for needed legislation.

## Introduction

On January 1, 2007, the Uniform Video Services Local Franchise Act (hereinafter referred to as "2006 PA 480" or the "Act") became effective. Section 12(2) of the Act states:

"The commission shall file a report with the governor and legislature by February 1 of each year that shall include information on the status of competition for video services in this state and recommendations for any needed legislation. A video service provider shall submit to the commission any information requested by the commission necessary for the preparation of the annual report required under this subsection. The obligation of a video service provider under this subsection is limited to the submission of information generated or gathered in the normal course of business."

This Act directs the Michigan Public Service Commission (Commission) to provide information regarding the status of competition for video/cable services in Michigan, as well as any recommendations for needed legislation to the Governor and Legislature by February 1 of each year. For the fourteenth year, the Commission has collected information regarding the status of competition of video/cable services by developing electronic surveys for use by franchise entities (also referred to as municipalities or communities) and video/cable service providers operating throughout Michigan. The surveys, as well as the information collected from the surveys, are explained in further detail within the body of this report.

In addition to the survey information, this report provides a brief description of the Commission's role as it pertains to the Act, as well as the Commission's video/cable franchise activities (including complaint handling) during 2020. This report also includes information relating to recommendations for legislative changes and the Commission's conclusion on the status of video/cable competition for 2020.

## Responsibilities and Activities of the Commission

This section provides an overview and analysis of the responsibilities and activities of the Commission since the Act became effective, and more specifically, during the 2020 calendar year. These responsibilities and activities have been divided into the following categories: Statutory Responsibilities, Outreach, and Complaint Handling.

### Statutory Responsibilities

This Act became effective on January 1, 2007. The Commission established a statewide uniform standardized form to be used by both video/cable service providers (providers) and franchise entities pursuant to Section 2(1) of the Act. The Uniform Video Service Local Franchise Agreement

(Agreement) was formally approved on January 30, 2007 by the Commission in Case No. U-15169. The Agreement can be found on the Video/Cable section of the Commission's website.<sup>1</sup>

The Act required the Commission to develop a proposed dispute resolution process, which was submitted to the Legislature in compliance with Section 10(3) of the Act. Public Act 4 of 2009 established the video/cable dispute resolution process. The Commission offers the dispute resolution process for the following types of complaints: customer vs. provider; franchise entity vs. provider; and provider vs. provider.

The Act provides that a video service provider shall not deny access to service to any group of potential residential customers because of the race or income of the residents, pursuant to Section 9. In addition, the Act also provides that the Commission shall receive and rule on waiver requests from providers for an extension of requirements in Section 9 of the Act (deployment of services) and provides for the monitoring of the providers' compliance through annual reports. Commission Staff follow-up annually with the appropriate video/cable providers to ensure compliance with this section of the Act. To date, the Commission has not received any such waiver requests.

The Act also provides that video/cable providers shall notify their customers of the dispute resolution process under Section 10 of the Act. Commission Staff follow-up with video/cable providers annually to ensure compliance with the Act.

Lastly, the Act also requires providers to submit to the Commission any information requested by the Commission necessary for the preparation of the annual report required under Section 12 of the Act.

The Commission issued one Show Cause order in 2020 against Martell Cable Service, Inc. for possible violations of the Act (U-20743).<sup>2</sup> In Case No. U-20743, the Commission issued an order fining Martell Cable Service, Inc. \$1,000 for repeated violation of the Act.

## Outreach

Commission Staff continue to make efforts to communicate and meet with representatives from various cable companies as well as local municipalities to keep communication open between the Commission and those impacted by the Act. In previous years, Staff mailed copies of the

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<sup>1</sup> The Agreement, as well as the Act, can be located at: [https://www.michigan.gov/mpsc/0,9535,7-395-93309\\_93439\\_93464\\_94117\\_94119---,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93309_93439_93464_94117_94119---,00.html)

<sup>2</sup> U-20743, Commission Show Cause Order against Martell Cable Service, Inc. (See: <https://mpsc.force.com/s/case/500t00000T8eSUAZ/in-the-matter-on-the-commissions-own-motion-directing-anthony-martell-dba-martell-cable-service-to-show-cause-why-it-should-not-be-found-to-be-in-violation-of-the-uniform-video-services-local-franchise-act-2006-pa-480-mcl-4843301-et-seq>). This Show Cause Order pertained to a potential violation of Section 12 of the Act.

Commission's Video/Cable Consumer Tips to over 1,700 municipalities in an effort to have the municipalities share the dispute resolution process and Commission's contact information with their residents, as well as provide information to municipalities regarding any issues that they may be encountering with their video/cable provider. However, due to the Coronavirus (COVID-19) pandemic and Staff working remotely, Staff was unable to mail the Commission's Video/Cable Consumer Tips. Instead, in cooperation with the Michigan Municipal League and the Michigan Townships Association, the Consumer Tip information was emailed to 14,487 recipients with an additional 466 faxed.

Updates and enhancements are continually being made to the Commission's video franchise webpage.<sup>3</sup> The video franchise webpage provides a link to "Video/Cable Providers Offering Service in Michigan", where a person can view an updated list of all video/cable providers offering service, as well as contact information for each provider. In addition, there is a link on the video franchise webpage to Michigan's Interactive Broadband Map.<sup>4</sup> The map is detailed, user-friendly, and allows users to see if Internet service – including Internet service offered by a video/cable provider – is available in a particular area, and if so, which providers are offering those services.<sup>5</sup>

Other items on the video franchise webpage include: 2006 PA 480, Frequently Asked Questions (FAQs), the Uniform Video Services Dispute Resolution Process (Public Act 4 of 2009), the Uniform Video Services Local Franchise Agreement, Video/Cable Consumer Tips,<sup>6</sup> information on the process for filing an informal or formal complaint, an online complaint form, contact information for Video Franchise, and an archive containing previous Video Competition Reports.

## Complaint/Inquiry Handling

Consumers can contact the Commission with complaints and inquiries using several methods: by calling the Commission's toll-free telephone line, faxing, mailing, submitting an online complaint form, or filing a complaint in person at the Commission office. Commission Staff also receives complaint and inquiry referrals from the Governor's office, legislative staff, the Attorney General's office, the Director of the Department of Licensing and Regulatory Affairs, and other state agencies.

After contacting the Commission, a customer record is created for each customer complaint and/or inquiry. These records allow the Commission to track the history and progress of the

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<sup>3</sup> MPSC Video/Cable webpage:

[https://www.michigan.gov/mpsc/0,9535,7-395-93308\\_93325\\_93425\\_94040\\_94044---,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93308_93325_93425_94040_94044---,00.html)

<sup>4</sup> [https://www.michigan.gov/mpsc/0,9535,7-395-93309\\_93439\\_93464\\_94143-502822--,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93309_93439_93464_94143-502822--,00.html)

<sup>5</sup> The map provides broadband internet information from participating providers. In addition, since providers continually expand and enhance their infrastructure, it is recommended that consumers contact the potential provider for assurance that service is available and can be offered.

<sup>6</sup> [https://www.michigan.gov/mpsc/0,9535,7-395-93308\\_93327\\_93335\\_94463\\_94468---,00.html](https://www.michigan.gov/mpsc/0,9535,7-395-93308_93327_93335_94463_94468---,00.html)

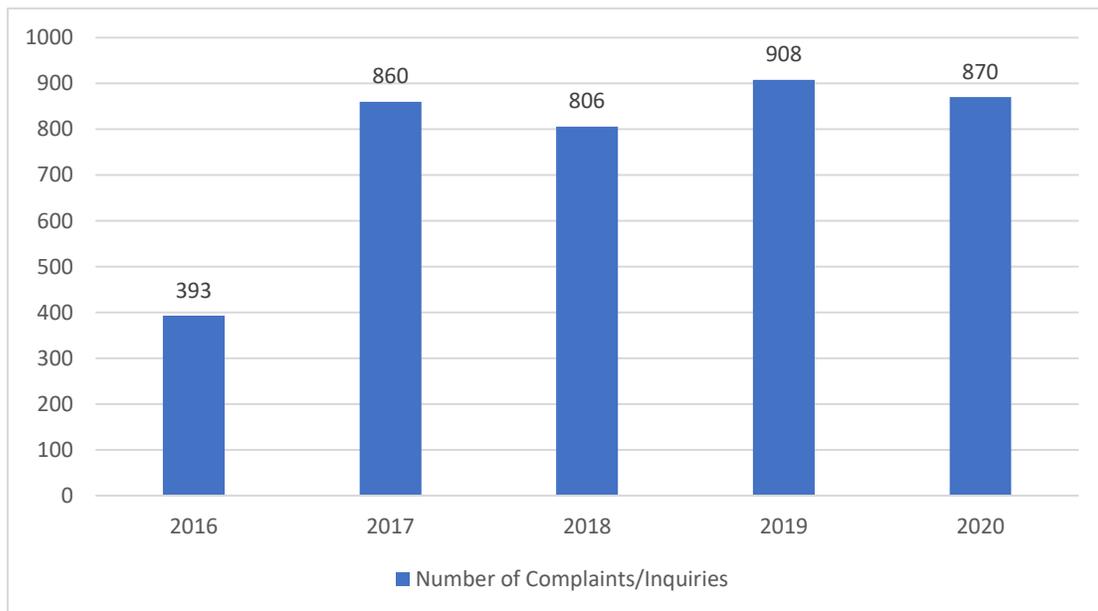
customer’s complaint from initial contact to resolution and collect data to analyze complaint and inquiry trends. Commission Staff respond directly to a customer’s inquiry or complaint, and complaints are forwarded to a video/cable provider complaint representative for resolution. The Commission follows the dispute resolution process as set forth in Public Act 4 of 2009.

### Informal/Formal Customer Complaints

The Commission received 870 video/cable customer complaints and inquiries from January 1, 2020 to December 31, 2020, a 4 percent decrease from 2019. Figure 1 below shows the number of video/cable complaints and inquiries filed at the Commission over the past five years (2016 – 2020):<sup>7</sup>

**Figure 1**

### **Total Number of Video/Cable Complaints & Inquiries Reported to the Commission (2016-2020)**



Source: MPSC Complaint Data

Follow-up calls and the reopening of a complaint are not documented as a new complaint unless the complaint consists of an additional problem not originally reported by the customer.

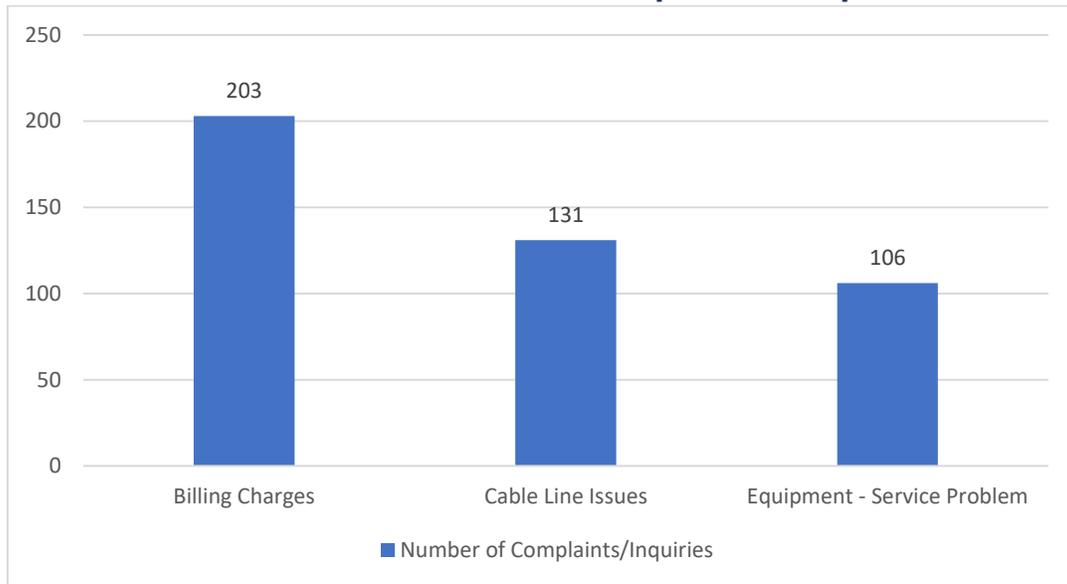
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<sup>7</sup> As noted in last year’s annual report, due to a lack of funding authority at that time, MPSC Video/Cable operations ceased between January 1, 2016 and June 30, 2016, resulting in a lower number of complaints handled in 2016.

Commission Staff continues to assist customers on a variety of issues regarding billing, false/misleading information, equipment-service problems, cable line issues, customer service, and request for service – among others. Figure 2 provides a listing of the most common types of video/cable complaints and inquiries filed with the Commission in 2020:

**Figure 2**

**Most Common Video/Cable Complaints & Inquires**



Source: MPSC Complaint Data

The numbers above show a slight change from the complaints and inquiries made in 2019, including a decrease in billing charge issues (down from 218 to 203) and cable line issues (down from 181 to 131) and a slight increase in equipment-service problems (up from 102 to 106). Of the 36 cable providers operating in Michigan, the Commission received video/cable complaints and inquiries pertaining to 17 different cable providers. The three providers with the most complaints filed with the Commission in 2020 were Comcast (44 percent), Charter (15 percent) and AT&T (14 percent).

Customers who remain dissatisfied with the complaint resolution offered during the informal complaint process have the option to file a formal complaint pursuant to the Act. There were two formal customer complaints (U-20887 and U-20944) filed in 2020, neither of which were found to be prima facie.

**Franchise Entity vs. Video/Cable Provider Complaints**

During 2020, the Commission did not receive any complaints filed on behalf of a franchise entity against a video/cable provider. Commission Staff continue to assist both franchise entities and providers in resolving any issues or concerns that may be occurring between the parties.

## 2020 Commission Survey to Franchise Entities and Providers

As in the past, the Commission continued to use its electronic survey for franchise entities, as well as a separate survey for providers.

### Franchise Entities' Responses to the Commission Survey

Similar to previous years, the Commission posted the survey form on its website for franchise entities to complete. The online survey was available October 12 – November 13, 2020.

Although the franchise entity survey is not mandatory and not required by the Act, the Commission believes it is important to continue collecting information from municipalities regarding the video/cable environment in their communities. In previous years, Commission Staff mailed 1,700 letters to municipalities informing them of the survey. However, due to the COVID-19 pandemic and Staff working remotely, Staff were unable to mail the letter. Instead Commission Staff worked with the assistance of the Michigan Municipal League and the Michigan Townships Association, who emailed the letter and information to 14,487 recipients with an additional 466 faxed. The notification letters provided municipalities with information regarding the location and availability of the survey and encouraged communities to respond. Two Video Franchise Consumer Tip Sheets were also included, one that describes the dispute process for customers to file a video/cable complaint, and one for municipalities that explains the process to file a complaint against a video/cable provider.

Of the more than 14,953 municipalities that the survey notification letters were sent to, 120 communities responded. The compiled responses provide a cross-section of information necessary for analyzing video/cable service and competition in Michigan. The Commission believes it is important to include this information in this report; however, the responses do not necessarily reflect the views of the Commission.

### Complaints

Of those municipalities that responded to the survey regarding customer complaints, 75 percent indicated they no longer take video/cable complaints. The Commission has continued to try to inform municipalities about Public Act 4 of 2009 (the dispute resolution process), resulting in 80 percent of the respondents in this years' survey stating they are aware of Public Act 4 of 2009. 85 percent of responding municipalities indicated they are aware the Commission can assist customers, franchise entities, and providers with video/cable inquiries and/or complaints.

Of those municipalities that continue to respond to video/cable complaints from their residents, the four most frequent complaints received by municipalities are rates,<sup>8</sup> service equipment

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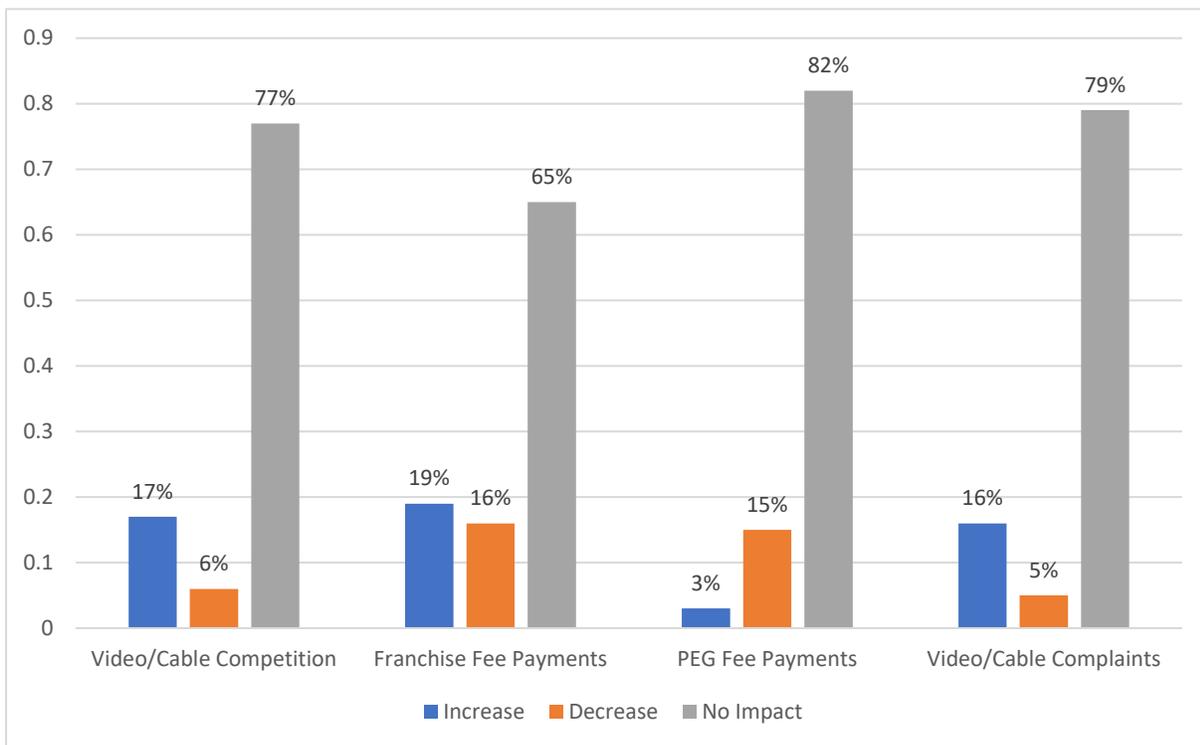
<sup>8</sup> Pursuant to 2006 PA 480, neither the Commission, nor the franchise entity, has regulatory authority over rates or other control over a provider. The Commission does not regulate video/cable rates.

issues/outages, customer service, and billing issues. Although less frequently, municipalities also received various other complaints.<sup>9</sup> In 2020, 100 percent of respondents indicated they have not had any form of dispute with a provider regarding a franchise agreement.

### Impact of the Video Franchise Act on Communities

Municipalities were surveyed regarding any impact they have witnessed within their community since the Act took effect. Similar to previous years, the impacts that were highlighted are: Video/Cable Competition, Franchise Fee Payments, Public, Education and Government (PEG) Fee Payments, and Video/Cable Complaints. Figure 3 displays community responses relative to the four categories since the Act became effective:

**Figure 3**  
**Impact on Communities Since Act Became Effective**



Source: MPSC Franchise Entity Survey

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<sup>9</sup> "Other" complaints received included: availability, competition, low audio, property damage and cable line issues.

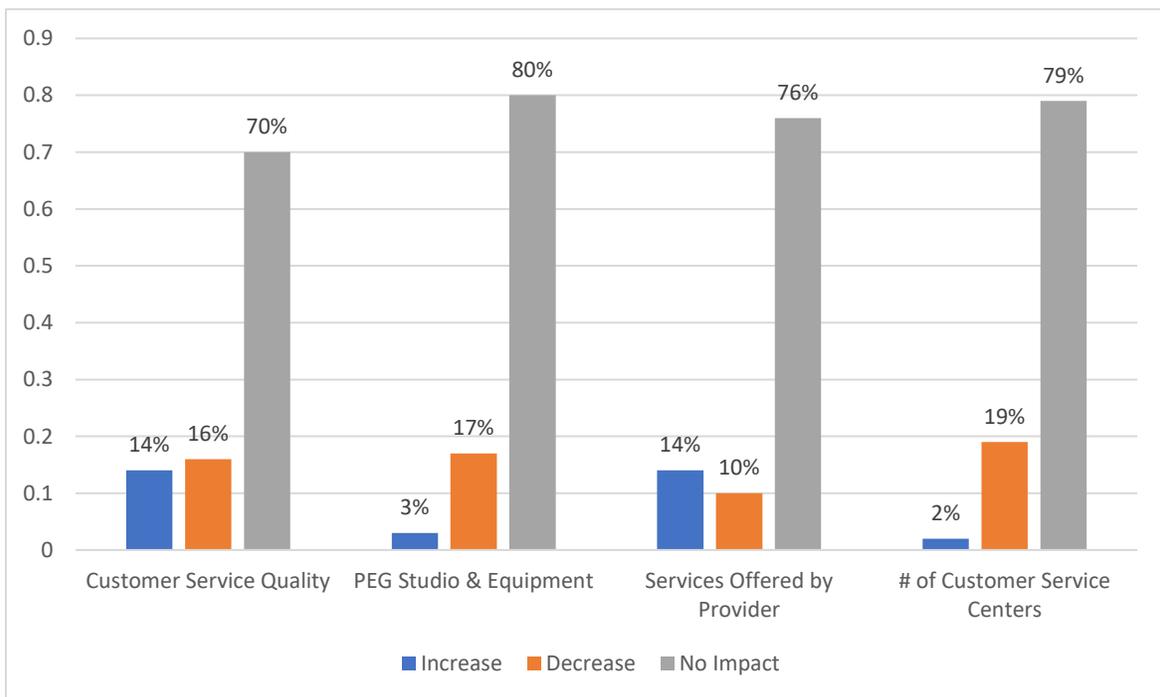
Again, like previous years, a high percentage of communities that responded reported no impact in each of the four categories.<sup>10</sup>

### Changes in Quality of Service and/or Service Offerings of Providers

As in previous years, the Commission asked the municipalities to report any changes they perceived during 2020 regarding Customer Service Quality, PEG Studio and Equipment, Services Offered by Providers, and the Number of Customer Service Centers. Figure 4 reflects those responses from the municipalities:

**Figure 4**

#### Impact on Quality of Service & Offerings in Communities Since Act Became Effective



Source: MPSC Franchise Entity Survey

For 2020, a large percentage of municipalities reported “no impact” in each of the four categories since the Act took effect. Municipalities also provided feedback regarding whether a PEG channel is available. Based on the responses received, 40 percent of municipalities indicated their community has a designated PEG channel.

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<sup>10</sup> It is important to keep in mind that those communities that responded last year are not necessarily the same communities that responded this year. Therefore, it is important not to make a direct comparison and assume that this is representative of the entire state.

## Franchise Entities' Suggestions or Comments

Franchise entities were provided the opportunity to offer any comments, recommendations, and/or suggestions.<sup>11</sup> The following summarized comments, organized by topic area, were received by the Commission:

### Access:

Access to internet service is a significant concern with several of the franchise entities, especially with residents working remotely and children schooling virtually, as well as attracting new businesses within the franchise area. Availability, reliable service, affordability, and lack of improvements to infrastructures were some of the concerns voiced by a few of the franchise entities. One franchise entity felt that internet connections should be treated as a vital utility like electric/water/sewer. They stated that while coaxial cable was laid decades ago, they are still paying for it on their bills. They also questioned what the status of promised fiber optic networks to the home. One franchise entity stated that public access is gone in their area due to the lack of support from providers. They have also experienced decreasing Franchise/PEG fee checks.

### Competition:

A few franchise entities commented that PA 480 has increased competition for some but not all residents, while having no effect on cost and decreasing customer service.

### Customer Service:

One franchise entity stated that there is no local customer service, only a toll-free number for residents to call and often those call centers are out of state and sometimes answered out of country.

### Miscellaneous Comments:

Not much has changed since PA 480 became effective was a comment by one franchise entity. Another franchise entity stated that they had not witnessed much positivity for their residents, other than a choice of providers. One franchise entity stated that they were a rural community, mostly agricultural, and received no complaints.

## Providers' Responses to the Commission Survey

In 2020, the Commission continued to use its electronic survey to gather responses from providers. The survey notification letter was sent by e-mail on November 30, 2020 to all providers of video/cable service in Michigan. The survey was also available on the Commission's webpage beginning November 30, 2020. Accounting for any closures and/or mergers of companies and

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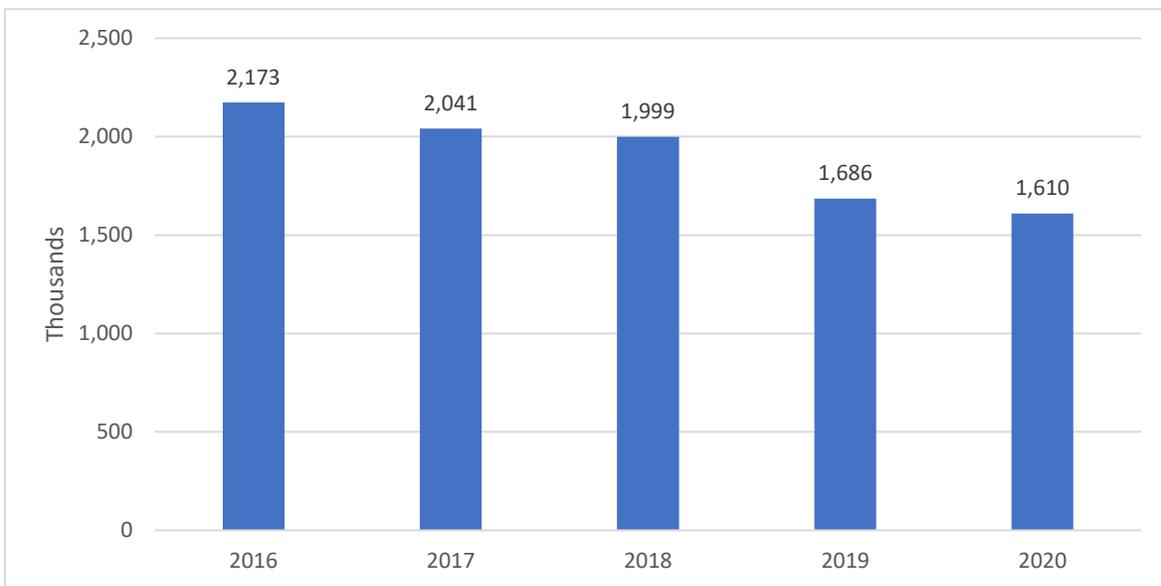
<sup>11</sup> These recommendations and suggestions are the sole opinion of some of the franchise entities and do not necessarily reflect the views of the Commission. These recommendations and comments are the views of only those franchise entities who provided comment, and do not necessarily reflect the same opinion of other franchise entities throughout Michigan.

with the addition of new providers, there are now a total of 36 video/cable providers offering service in Michigan, a decrease of 1 from 2019.<sup>12</sup>

### Video/Cable Subscribers

During 2020, there were a total of 1,610,279<sup>13</sup> video/cable customers reported for Michigan. This is a decrease of 75,727 customers compared to the number reported in 2019 - a trend that appears to be consistent with the national trend as consumers shift away from subscribed video services to video streaming services over the internet. Figure 5 shows the evolution in video/cable subscribership since 2016:

**Figure 5**  
**Total Number of Video/Cable Subscribers in Michigan**



Source: MPSC Provider Survey

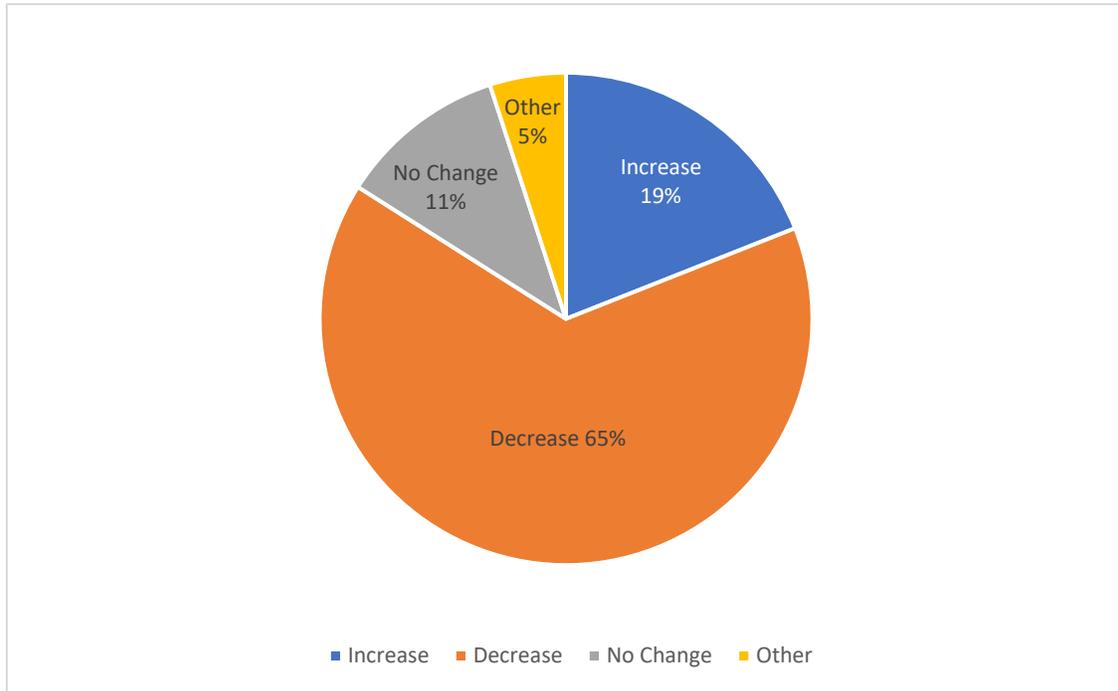
In addition to the overall number of subscribers, Figure 6 shows the cumulative breakdown of the providers' customer bases in 2020:

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<sup>12</sup> Martel Cable Services, Inc. notified the Commission in 2020 that they are no longer providing video/cable service in Michigan.

<sup>13</sup> This number does not include satellite providers. Satellite providers are not required to have franchise agreements with franchise entities and are not required to report to the Commission.

**Figure 6**  
**Impact on Providers' Customer Base (2020)**



Source: MPSC Provider Survey

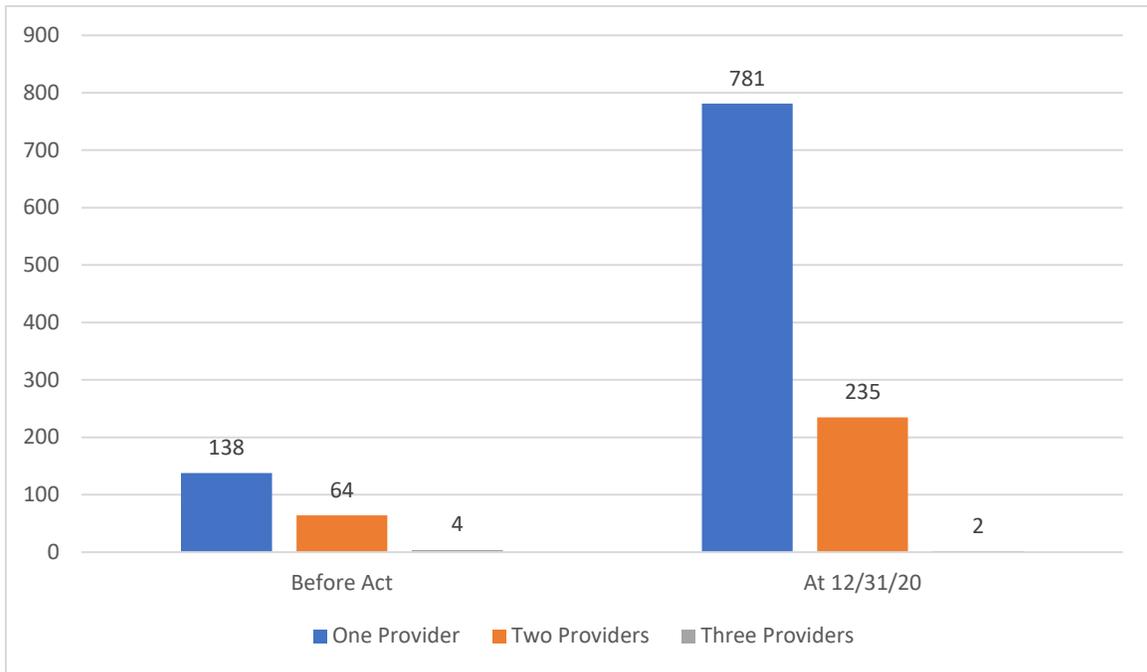
### Video/Cable Competition

Overall, there are currently 2,107 franchise agreements in existence in Michigan (both individual franchise agreements entered into before the Act that have not yet expired, and the Uniform Video Service Local Franchise Agreements as required by the Act). When compared to 2019, this number has increased slightly.

Consistent with previous years, the Commission asked providers to submit information regarding the competition encountered in their franchise areas. Providers submitted information on the number of competing providers existing in their franchise areas before and since the Act took effect. Like previous years, providers have reported a continued increase of competitors entering their franchise areas. Figure 7 shows this comparison:

**Figure 7**

**Number of Competitors by Franchise Area Before Act (1/1/07) and At (12/31/20)**



Source: MPSC Provider Survey

## Disputes

In 2020, no providers reported having any disputes with franchise entities.

## Investment in Michigan

Similar to previous years, the Commission requested information from providers regarding how many dollars they have invested into the Michigan market.<sup>14</sup> Fifteen (15) of the 36 video/cable providers reported investing over \$3.4 million dollars into the Michigan video/cable market during 2020.

## Video/Cable Providers' Improvements/Enhancements in 2020

Video/Cable providers were also given the opportunity to provide information regarding improvements/enhancements to customer service, technical upgrades, or any other improvements made in 2020.<sup>15</sup> Video/Cable providers offered the following information regarding

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<sup>14</sup> The information that was submitted by the providers was done so on a voluntary basis.

<sup>15</sup> This information voluntarily submitted to the Commission should not be construed as verified by the Commission, nor should it be construed as the Commission supporting video/cable services of any particular provider.

improvements and/or enhancements they have made in 2020 regarding customer service, technical upgrades, service offerings, etc.:

ATI Networks replaced several transceivers that had become obsolete due to ATI being on an analog system. ATI is currently looking to migrate to ISP delivery of channels which will allow them to improve their end user service options and expand their network to include direct fiber and wireless high-speed internet distributed services. ATI has expanded their reach across Michigan via Fiber optic distribution and hope to be able to achieve more territory opportunity once legally able and completed. ATI has expanded their offering in direct access fiber, Hosted PBX VoIP and Home security and home automation services.

While Baraga Telephone currently serves no customers currently, Baraga continues to execute UFA's to help ensure compliance with customers and continues to position itself to offer a high level of customer service when its video service commences. Baraga continues technical upgrades to its FTTH and DSL core telecommunications networks. These upgrades are intended to eventually support the provision of cable and video services. Baraga also continues to upgrade its internal compliance and service mechanisms through executions of UFA's, FCC engagement, and internal back office support.

Bloomington Communications, Inc. is working to improve fiber to the home

CCI Systems, Inc. dba Astrea has added two services to help with customer empowerment (RouteThis & Plume) and upgraded a few systems to bring digital video services to customers. Astrea also finalized the upgrade that brought 1 GIG service into some of their Michigan areas.

The City of Norway has improved speeds and quality with 1 gig internet.

The City of Wyandotte stated that they decided to move forward with an \$11,000,000.00 investment to build a Fiber to the Home network to better serve their customers.

CMS Internet LLC has added additional equipment for increased internet bandwidth.

D&P Cable is working to add an HLS streaming service to allow customers to bring their own device to receive D&P Cable television feed.

Lewiston Communications added a fiber infrastructure build out and increased speed packages for the internet.

Michigan Cable Partners upgraded consistent improvements to broadband internet.

Northside TV Corporation added more digital receivers and another satellite Dish. Northside also upgraded their over the air TV Channels Antennas.

Parish Communications added 12 miles of fiber in 2020, with all extensions continuing to be fiber to the home. Parish expects to keep adding fiber and converting more fiber to the home customers through 2021.

Skitter Cable added encoders to improve reception of local stations.

Town & Country Cable & Telecommunications LLC implemented after hours support. Town & Country also consistently update/upgrade broadband internet service provided.

TVC, Inc. added new HD channels.

Westphalia Broadband continues providing education to their CSR, to better serve customers. Westphalia is also adding fiber to the home which will increase customer's bandwidth; therefore, customers will be able to add additional services. To enhance customer's viewing experience, Westphalia is continually adding new channels to our line-up.

WideOpen West LLC has added WOWTV+ IP based video solution.

WideOpen West Michigan, LLC has added more self-service web options for customers and improved technology to proactively identify and reduce customer impacting service issues. They also now offer self-install kits.

## Recommendations

This section provides the Commission's recommendations for legislative action pursuant to Section 12 (2) of the Act. The Commission offers the following three additional areas for consideration.

First, the Commission recommends that the Legislature extend the due date of the Commission's Annual Report from February 1 of each year, to March 1 of each year. The current due date makes it difficult for respondents to provide timely and accurate year-end information to the Commission. This narrow timeline to receive information from respondents and thoroughly analyze that information so that the Commission can provide a report to the Legislature by February 1 forces the Commission to rely on estimates in some areas instead of actual numbers.

Second, the Commission recommends language be added to the Act similar to the language currently found in Section 211(a) of the Michigan Telecommunications Act, which requires the provider to register the following information with the Commission: the name of the provider; a description of the services provided; the address and telephone number of the provider's principal office; the address and telephone number of the provider's registered agent authorized to receive service in this state; and any other information the Commission determines is necessary. Having this information would ensure the Commission has accurate contact information available to it for complaints, as well as for future information and data collection pursuant to the Act.

Third, the Commission recommends that if a company changes its name, goes out of business, or is merged into another company, it be required to notify the Commission of this change. Providers do not submit their Franchise Agreements to the Commission – the Franchise Agreements are submitted to the individual franchise entities. As such, this information is not available to the Commission. The Commission will continue to monitor the status of video/cable services

competition in Michigan and inform the Legislature of any further recommendations for needed legislation.

## Conclusion

The Commission, adhering to its responsibilities as set forth in Section 12(2) of the Act, provides the Governor and Legislature with this report that includes information related to the Commission's role, activities, and responsibilities, as well as summarizing the information that has been collected from franchise entities and providers, and the Commission's legislative recommendations.

As in past years, since the Act took effect, there are now hundreds of franchise areas that have at least 2 video/cable providers in those areas. Video/cable providers continue to invest millions in the video/cable market in Michigan, and enhance equipment, infrastructure, and service offerings to customers. The Commission will continue to educate and inform customers of the dispute resolution process and will continue to address complaints regarding video/cable services in Michigan.