

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

In the Matter of)
Emergency Broadband Connectivity) WC Docket No. 20-445
Fund)
)
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**REPLY COMMENTS OF THE
MICHIGAN PUBLIC SERVICE COMMISSION**

On January 4, 2021, the Federal Communications Commission (FCC) released a Public Notice for the above-captioned proceeding seeking comment regarding the Emergency Broadband Connectivity Fund Assistance.¹ The Michigan Public Service Commission (MPSC) filed comments on January 25, 2021 and now offers the following reply comments. Reply comments are due February 16, 2021.

**Designating Broadband Providers Where They are Not Eligible
Telecommunications Carriers**

In its initial comments, the MPSC expressed its concern about the automatic approval process for non-ETCs desiring to participate in the Emergency Broadband Benefit Program (EBBP) and highlighted the importance of the Eligible Telecommunications Carrier (ETC) designation. On Page 2 of the MPSC comments

¹ FCC's January 4, 2021 Public Notice: <https://docs.fcc.gov/public/attachments/DA-21-6A1.pdf>

it stated: “The MPSC would prefer that non-ETCs that participate in this program become ETCs, but understands that may not be possible for this temporary program.”² The MPSC continued to share its concern regarding the potential for waste, fraud, and abuse for non-ETC’s participating in the EBBP. The MPSC stated on Page 4 of its comments:

It is because of these concerns that the MPSC would recommend that non-ETCs participating in this program become ETCs. While this broadband assistance program has been identified as temporary, it is unknown how long the program will exist. If this temporary program is expanded in the future, then the MPSC would recommend that new participating non-ETC providers should become ETCs and if this temporary program transitioned into a permanent program, then the MPSC would recommend that the FCC should require all participating providers to become ETCs (regardless of their current status of participation).³

The MPSC wants to make it clear that while it does have concerns regarding waste, fraud, and abuse, and the circumvention of the ETC process, it does not oppose the FCC’s proposed process for approval of non-ETCs. Although the MPSC recommends that non-ETCs become ETCs, the MPSC understands that due to the urgency and immediate need to provide broadband assistance, this may not be possible for this temporary program. The MPSC maintains the support for the FCC’s proposal offered within its initial comments.

² [Michigan Public Service Commission January 25, 2021 Comments](#)

³ [Michigan Public Service Commission Comments Page 4](#)

Consumer Protection

The MPSC supports the comments made by the Nebraska Public Service Commission and California Public Utilities Commission regarding service standards.⁴ Specifically, the MPSC agrees that the FCC should require minimum broadband speeds to be provided, and also address concerns regarding data caps and fees associated with those data caps.

In addition, the MPSC also supports the concerns raised by the New York State Public Service Commission (NYSPSC) regarding the standard rate amount.

As the NYSPC stated in its comments:

The NYSPSC strongly believes that participating providers and eligible households should receive maximum Program support up to the \$50 cap, regardless of whether or not the eligible household is on a standard rate or receiving a promotional discount. In New York, there are a substantial number of providers and potential eligible households, respectively, that offer and participate in promotional discounts, including discounts associated with bundled services and packages. No such eligible customers should be declared ineligible or be foreclosed from the Program's stated benefits simply because they are on a promotion discount rate.⁵

The MPSC agrees with these concerns expressed by the NYSPSC. Declaring customers who currently participate in a promotional offering with their broadband provider ineligible to participate in the EBBP potentially excludes a substantial number of customers from receiving the intended benefits of the Program, undermining its purpose.

⁴ [Nebraska Public Service Commission Comments Pages 6-7](#) and [California Public Utilities Commission Comments Page 6](#)

⁵ [New York State Public Utilities Commission Comments – Page 2](#)

Conclusion

The MPSC appreciates the opportunity to provide reply comments. It is important for the MPSC to have the opportunity to clarify its comments to avoid any misunderstanding, and to state its support for the concerns raised by the other state commissions. As expressed in the initial comments filed in this matter, Michigan, other state commissions, and the National Association of Regulatory Utility Commissioners share concerns about the EBBP which we urge the FCC to consider before making a final decision.

Respectfully submitted,

**MICHIGAN PUBLIC
SERVICE COMMISSION**

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