

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

In the Matter	)	
	)	
Rural Digital Opportunity Fund	)	WC Docket No. 19-126
	)	
Connect America Fund	)	WC Docket No. 10-90

**COMMENTS OF THE MISSISSIPPI PUBLIC SERVICE COMMISSION**

The Mississippi Public Service Commission (“MPSC”) respectfully submits these comments to the Federal Communications Commission (“FCC” or “Commission”) in response to its Notice of Proposed Rulemaking (“NPRM”) released August 2, 2019, in the above-captioned proceedings.<sup>1</sup> The MPSC appreciates the Commission’s intent and agrees that access to broadband is critical for rural communities in areas such as economic development, education, health care, and civic engagement.<sup>2</sup> As one of the most rural states in the country, Mississippi’s rural communities are getting left behind, and the MPSC fully supports the FCC’s commitment to making this crisis a top priority.

These comments specifically address Section III, DISCUSSION, Subsection D. Deployment Obligation, of the NPRM and provide the MPSC’s perspective regarding preferences for higher speeds and low latency. These comments will also address the MPSC’s support for service providers that are not ETCs, particularly Rural Electric Cooperatives, to participate in the Rural Digital Opportunity Fund.

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<sup>1</sup> See *Rural Digital Opportunity Fund*, WC Docket No. 19-126; *Connect America Fund*, WC Docket No. 10-90; Notice of Proposed Rulemaking, FCC 19-77 (rel. Aug. 2, 2019).

<sup>2</sup> *Id.* at ¶ 1.

### **PREFERENCE FOR HIGHER SPEEDS AND LOW LATENCY**

The MPSC appreciates the Commission's proposal to use weights to reflect a preference for higher speeds and low latency.<sup>3</sup> Specifically, the MPSC would encourage the FCC to decrease the requirement for High Latency to  $\leq 500$  ms. In support of the Commission's acknowledgment that the overall quality of the broadband service provided should have preference over traditional metrics of evaluation, the MPSC strongly believes that latency requirements will effectively award bids to broadband providers best suited to provide the best product.

The MPSC supports the Commission's preference for higher speeds. Within the process, the MPSC would propose that at the clearing round, the bidding between performance tiers should cease and not be used to determine whether a rural community gets 25 Mbps or 100 Mbps or 1 Gbps service. Instead, at that point, the Commission should award each geographic area to the bidder proposing the highest performance tier and the lowest weight in each geographic area. After the clearing round, the only geographic areas that would remain in the auction would be the areas where there are two or more bidders with the same highest tier/lowest weight and the auction would continue between and among only those bidders. All other bidders would be dropped.

### **NON-ETCs PARTICIPATION IN THE RURAL DIGITAL OPPORTUNITY FUND**

The MPSC supports and appreciates the Commission's commitment to seeking out the participation of service providers that are not ETCs.<sup>4</sup> The MPSC believes the FCC correctly concludes that allowing these service providers, specifically electric utilities, to bid without ETC

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<sup>3</sup> *Id.* at ¶ 25.

<sup>4</sup> *Id.* at ¶ 91.

status will encourage participation from service providers that may be hesitant to invest resources in this process. The MPSC further supports any all efforts the FCC takes to procedurally accommodate these entities seeking ETC status when good faith is present.

On January 30, 2019, the Mississippi Broadband Enabling Act<sup>5</sup> was signed into law allowing the state's 25 electric cooperatives the authority to form broadband entities. These cooperatives serve roughly 1.8 million Mississippians and by nature of their service territories, serve and represent the most rural parts of the state. The MPSC believes these newly created broadband service providers will be in a unique position to bring broadband service to Mississippians and are encouraged by their participation in the Rural Digital Opportunity Fund.

Auction 903 of the Connect America Fund Phase II in 2018 resulted in \$148.8 million in annual support nationwide for 10 years, with \$26.5 million in annual support awarded to Rural Electric Cooperatives. The MPSC is hopeful the state's broadband providers created under the Broadband Enabling Act can build on this success.



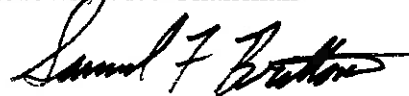
Respectfully submitted,

MISSISSIPPI PUBLIC SERVICE COMMISSION

  
Brandon Presley, Chairman



Cecil Brown, Vice Chairman

  
Samuel F. Britton, Commissioner

September 20, 2019

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<sup>5</sup> See Mississippi Broadband Enabling Act, H.B. 366, 2019 Reg. Sess. (Miss. 2019).