

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON D.C. 20554**

In the Matter of)	
)	
Federal-State Joint Board on)	CC Docket No. 96-45
Universal Service)	
)	
Petition for Forbearance of American)	WC Docket No. 09-197
Broadband & Telecommunications)	

**Reply Comments of the
Michigan Public Service Commission**

Pursuant to the Federal Communications Commission’s (FCC) procedural schedule established in the above docket, the Michigan Public Service Commission (MPSC) hereby submits its reply comments on the American Broadband and Telecommunications Company (AMBT) petition for forbearance from Section 214(e)(1)(A), of the Federal Telecommunications Act,¹ which requires eligible telecommunications carriers (ETC) to utilize their own facilities based network to provide services supported by the Universal Service Fund (USF), for the State of Ohio.

AMBT is a competitive local exchange carrier in Michigan. On February 3, 2009, AMBT was designated an ETC, limited to low income, for its wireline service.² On

¹ Section 214(e)(1)(A) states, “offer the services that are supported by Federal universal service support mechanisms under section 254(c), either using its own facilities or a combination of its own facilities and resale of another carrier’s services (including the services offered by another eligible telecommunications carrier).”

² Michigan Public Service Commission, *In the matter of the application of American Broadband and Telecommunications Company for Designation as an Eligible Telecommunications Carrier*, docket number U-15726, February 3, 2009, http://www.dleg.state.mi.us/mpsc/orders/comm/2009/u-15726_02-03-2009.pdf

December 14, 2010, AMBT submitted an application to the MPSC for ETC designation for its wireless service, also limited to the low income program.³

During the MPSC review of AMBT's Michigan wireless ETC designation application, the MPSC identified on page 7 of the application that "AMBT owns and operates a Class 5 Meta-Switch located in Toledo, Ohio. In conjunction with AMBT owned media gateways, located in Adrian, Michigan, all of the AMBT's wireless directory assistance traffic will flow through this Class 5 Meta-Switch. Therefore, AMBT is able to meet the federal requirement that an ETC must offer the supported services at least in part through a "combination of its own facilities and resale of another carrier's services."⁴

The MPSC notes that AMBT's request for forbearance, from Section 214(e)(1)(A), is limited to the State of Ohio and, should the petition for forbearance be granted, AMBT believes it may reserve "the right to assert its facilities-based status in future proceedings."⁵ Therefore, AMBT is requesting that it be exempt from the facilities-based requirement in Ohio, but yet AMBT is requesting to be considered facilities-based in Michigan by the MPSC using the switch in Ohio. The MPSC has not yet made a determination pending additional review of the application.

The FCC's determination on AMBT's request for forbearance from the facilities-based requirement, in light of AMBT's Michigan application for a facilities-based ETC

³ Michigan Public Service Commission, *In the Matter of the Application of American Broadband and Telecommunications Company for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(2) of the Communications Act of 1934 for its wireless offering*, docket number U-16519, <http://efile.mpsc.state.mi.us/efile/viewcase.php?casenum=16519>

⁴ Michigan Public Service Commission, *In the Matter of the Application of American Broadband and Telecommunications Company for Designation as an Eligible Telecommunications Carrier pursuant to Section 214(e)(2) of the Communications Act of 1934 for its wireless offering*, docket number U-16519, December 14, 2010, <http://efile.mpsc.state.mi.us/efile/docs/16519/0001.pdf>

⁵ Federal Communications Commission, CC Docket No. 96-45, WC Docket 09-197, *Petition for forbearance of American Broadband & Telecommunications*, Footnote 3.

designation in Michigan, may assist States that are struggling with similar ETC applications and the level of facilities an applicant must own, and where these facilities should be located, to be considered facilities-based for reimbursement from the federal Universal Service Fund.

The MPSC appreciates the opportunity to comment on AMBT's forbearance petition and is available for any additional information the FCC may require regarding this issue.

Respectfully submitted,

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May 24, 2011