

PROTEC

The Michigan Coalition to Protect Public Rights-of-Way

www.protec-mi.org

February 6, 2022

VIA ELECTRONIC SUBMISSION TO mcnossen@house.mi.gov

Chairman Gregory VanWoerkom
Appropriations Subcommittee on General Government
Room 307, House Office Building, Lansing, MI
C/O Mr. Michael Cnossen
mcnossen@house.mi.gov

Re: Hearing on Statewide Broadband Internet Service Provision

Dear Chairman VanWoerkem,

For more than 25 years, PROTEC has diligently worked on behalf of local community governments across Michigan to address a variety of rights-of-way issues facing our state and local communities, and particularly regarding Telecommunications issues, as detailed in PROTEC's most recent Annual Report, available online at www.protec-mi.org. Our interests on behalf of our 100+ municipal members includes the subject of Broadband (BB), and I note that we have been involved in helping to create municipal BB Networks across the State since 2012. Based upon this hands on experience, which is far more extensive than most commenters, I offer the following brief comments on the subject as PROTEC's General Counsel.

There are at least two critical issues that need to be addressed and included in this state's involvement in BB planning and funding, neither of which is included in present plans as devised by the Internet Service Provider (ISP or BB) monopoly industry and thus far, presented as the "State BB Plan".

1. As the FCC made clear as long ago as 2015, Municipal Networks are an important avenue for the improvement of BB and as a source of competition to spur further improvements by the Monopoly ISP industry.¹ Thus it is important that municipal entities be afforded an equal opportunity to apply for and receive BB funding, every bit as much as other interested parties. To do otherwise is incongruous with the 2002 and 2005 Michigan Legislature and both Governors Engler and Granholm who all endorsed Municipal Broadband by setting specific standards for its development;²
2. The recipients of any and all federal, state or other taxpayer originated funds, however they are accessed, must be subject to written, verifiable and enforceable minimum standards concerning the specifics of the networks to be built, the applicable bandwidths to be provided, service standards regarding customer service and the cost of such service. Mere “Access”, as the monopoly industry is fond of quoting, is not “access” in fact, if it is unaffordable. We have a long history in this State dating back to our Metro Act and BB Development Funding Acts of 2002, the Telecom Amendments of 2005, the Video Service Act of 2006, the Cell Tower Zoning Amendments of 2012 and the notoriously misleading “Small” Cell Act of 2018, of giving away tax payer dollars and public resources to a wildly profitable Monopoly BB industry in exchange for oft repeated but always empty promises of increased competition, robust BB, lower prices, higher quality service, improved economy and even full employment, etc. None of this has happened. And that is why we are in this state of 3rd World and overpriced BB today. If this critique is questioned, let’s compare our cable and internet access bills, speeds and service quality of late.

In closing, we must as a state, as local government and as a people, not allow ourselves to be fooled again into simply handing over the keys to the treasury to these monopolies whose actions have led us to the sad state of BB affairs we find ourselves in today.

¹ See *In the Matter of City of Wilson, NC. and The Electric Power Board of Chattanooga, Tn. WC Docket # 14-115 and 116 (March 12, 2015) Rev'd on jurisdictional grounds by the US 6th Cir, <https://www.opn.ca6.uscourts.gov/opinions.pdf/16a0189p-06.pdf> but which Court agreed with the FCC's reasoning concerning the need for Municipal Networks.*

² See 2002 PA 48; MCL 484. 3114 as well as 2005 PA 235; MCL 484.2252
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**We must stop playing Charlie Brown to the monopoly ISP industry's
Lucy and her disappearing football.**

Respectfully,

Michael J. Watza

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