

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

In the Matter of: )  
 )  
Allband Communications Cooperative ) WC Docket No. **05-  
174**  
Petition for Waiver of Sections 69.2(hh) )  
and 69.601 of the Commission's Rules. )  
\_\_\_\_\_ )

**REPLY COMMENTS OF THE  
MICHIGAN PUBLIC SERVICE COMMISSION  
IN SUPPORT OF  
ALLBAND COMMUNICATIONS COOPERATIVE'S  
REQUEST FOR WAIVER**

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.

**I. INTRODUCTION**

On April 27, 2005, the FCC requested comments regarding Allband Communications Cooperative's (Allband) request for a waiver of Sections 69.2(hh) and 69.601 of the FCC's rules.<sup>1</sup> Granting the petition would allow Allband to become a member of the National Exchange Carrier Association

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<sup>1</sup> Public Notice, FCC, WC Docket No. 05-174, DA 05-1220, April 27, 2005.

(“NECA”).<sup>2</sup> Fred Williamson and Associates, Inc. was the only initial commenter in the docket.

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<sup>2</sup> Allband Communications Cooperative, Petition for Waiver of Sections 69.2 and 69.601 of the Commission’s Rules, WC Docket 05-174, April 17, 2005, page 1.

## II. DISCUSSION

On December 2, 2004, the MPSC granted Allband a license to provide basic local exchange service in Michigan.<sup>3</sup> Allband's license enables them to provide telecommunications to a geographic area in the northeast section of Michigan's Lower Peninsula that is currently not being served by any other carrier. The current license process, in Michigan, does not distinguish between an incumbent carrier and a competitive carrier. Allband, as the only carrier licensed to serve this geographic area, is considered by Michigan as the incumbent local exchange carrier; however, Allband does not meet the requirements of the Telecommunications Act of 1996 to be considered an incumbent carrier, with all the attendant rights and responsibilities.

The issue is not only the waiver to become a member of NECA, but also the ability to file tariffs, which in turn would define the proposed Robbs Creek Exchange and allow Allband to apply for numbering resources.<sup>4</sup> The process to apply for a Central Office Code ("CO Code") is lengthy and Allband would like to begin serving customers during July of 2005.

## III. CONCLUSION

The MPSC requests that the FCC grant Allband Communications Cooperative's petition for waiver of Sections 69.2 (hh) and 69.601 of the

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<sup>3</sup> Michigan Public Service Commission, *Opinion and Order*, U-14200, December 2, 2004.

<sup>4</sup> FCC, *Report and Order and Further Notice of Proposed Rule Making*, CC Docket 99-200, FCC 00-104, ¶ 97.

Commission's rules. By granting the waiver, the FCC furthers the ability of rural carriers to provide

telecommunications services in Michigan in underserved areas.

Respectfully submitted,

**MICHIGAN PUBLIC SERVICE COMMISSION**

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