



October 22, 2025

Ex Parte

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
45 L Street, NE
Washington, DC 20554

Re: *Empowering Broadband Consumers Through Transparency*, CG Docket 22-2; *Delete, Delete, Delete*, GN Docket 25-133

Dear Ms. Dortch:

On October 20, Raza Panjwani (Open Technology Institute), Andrew Schwartzman (Benton Institute for Broadband & Society), Amy Huffman (National Digital Inclusion Alliance), Shauna Edson (National Digital Inclusion Alliance), Amina Fazlullah (Common Sense), Jonathan Walter (The Leadership Conference on Civil and Human Rights), Olivia Wein (National Consumer Law Center), and Stacey Higginbotham (Consumer Reports) met with Marcus Maher, Senior Legal Advisor to Commissioner Trusty to discuss the draft Second FNPRM on Broadband Labels proposed for the Commission's October 2025 open meeting.

We noted that the history of the broadband labels rule goes back as far as the FCC's 2009 truth-in-billing inquiry¹, and that the Broadband Label Order² was adopted unanimously by a bi-partisan Commission.

We expressed our concern that the proposed Second FNPRM does not address ongoing concerns about whether providers are complying with the rule, or ask how the label can be improved, but focuses solely on weakening requirements for the labels. As reported by the Wall Street Journal, rather than finding labels prominently displayed as required, consumers "have to

¹ 2009 Consumer Information and Disclosure; Truth-in-Billing and Billing Format; IP-Enabled Services, CG Docket No. 09-158; CC Docket No. 98-870; WC Docket No. 04-36, Notice of Inquiry, 24 FCC Rcd at 11380 (rel. Aug. 28, 2009)

² *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13686 (2022) ("*Broadband Label Order*")

play a bit of “Where’s Waldo?” to find them” on websites, while at “Verizon and Spectrum stores, the reporter couldn’t find the labels, and retail employees said they didn’t know what the labels were.”³ We shared the example of a major broadband provider that as of the day of the meeting featured offers for broadband plans on its homepage and included a link to a “Pricing & other info” page adjacent to each offer. The “Pricing & other info” page neither contained the broadband label (or equivalent information, such as typical upload speeds) for the promoted broadband plan, nor a link to the label or such information. We expressed our belief that the Commission should be asking about compliance before rolling back consumer protection rules.

We discussed our concerns over the proposed elimination of specific requirements.

1. Provide Label Information over Phone

We noted that the comments cited in support of eliminating the requirement that labels be read to customers ordering service over the phone appear to be speculative with respect to consumer confusion.

We noted that a consumer who shops for service, or wants to make changes to their service over the phone should be able to get the information in a manner that would allow them to compare the details of various options in an apples-to-apples manner. We noted that this may be especially of concern with older customers who may be more comfortable transacting over the phone.

We suggested that rather than eliminate telephone calls from the definition of “point of sale” that the Commission clarify that providers must disclose broadband plan details in a manner consistent with the structure and substance of the labels without requiring a verbatim recitation. This would ensure that consumers receive the pertinent information in a consistent format across providers.

2. Itemization of Variable Location-Based Discretionary Fees

We shared our concern that weakening this requirement would invite mischief, lead to bill shock, and undermine competition. For example, a provider that provided all-in pricing might appear to be charging a higher price than a provider charging a lower service price, but charging several pass-through fees.

We noted that independent of label design, providers should be disclosing an itemized breakdown of charges and fees to a customer during the sales process prior to the completion of a transaction. We suggested that any relaxation of this requirement (such as displaying an aggregate fee rather than itemized breakdown on the label) should be narrow and ensure that a

³ Haggin, Patience, “Internet Plans Now Come With ‘Nutrition Labels.’ No One Knows How to Read Them.” Wall Street Journal, December 8, 2024, available at <https://www.wsj.com/business/telecom/internet-broadband-plan-labels-793cc460>

fully itemized disclosure of fees is clearly made in the sales process. The Commission should ask how providers intend to convey this information clearly and consistently if not on the label.

3. Affordable Connectivity Program Notice

We suggested that rather than permanently eliminate the requirement to provide notice of the ACP, that the Commission lift the requirement with respect to the specific language, but notify providers that they will be required to provide notice of affordability programs on the Label in a format and manner determined by the Commission in the future. This would allow the Commission to require the labels to reference any successor to the ACP, or reference the Lifeline program where appropriate in the future.

4. Display Label in Customer Account Portal

We noted that the requirement that labels be displayed in online account portals by providers who have them represents an alternative to requiring the label be included with every customer bill or account statement (a requirement also opposed by providers). We noted that access to a label summarizing the customer's current plan enables customers to hold their provider accountable and ensure that they are receiving the service they are paying for, and only paying the charges they agreed to. Similarly, it enables customers to easily comparison shop by being able to compare the label against offerings from other providers.

We also noted that the comments cited in support of eliminating this requirement suggest that the requirement is confusing if it requires displaying the "original" label if a customer has changed their service. We noted that the customer account portal should display the label for customer's current service, but that customers should receive a notice of any change in service (either at the customer's direction, or through changes made by the provider, e.g. change in speed tier) that includes the labels for the new plan and the plan the customer previously had. This would ensure customers always have up-to-date information, while leaving a record of changes to avoid confusion.

5. Provide Labels in all Languages Plans are Marketed In

We noted our opposition to eliminating this requirement as it is already limited in a common sense manner, requiring labels be provided in any language that the provider markets their service in. If a provider invests in developing materials and content in a language, producing a label in that language (especially given the relatively standardized label format) is a minimal burden.

6. Machine Readable Format

We expressed our opposition to eliminating this requirement. We disagreed with the claim that the Commission is only authorized to set requirements that assist consumers directly, and therefore cannot require that label data be made available in a machine readable format, as that format is aimed at researchers and developers of comparison shopping tools. Enabling easier study of market for broadband services and comparison shopping tools both clearly serve to inform and assist consumers and “enable consumers to compare services of different broadband providers.”⁴

We also highlighted the Broadband Internet Technical Advisory Group Technical Working Group Report on Machine Readable Broadband Labels, and the SEC’s Semi-Annual Report to Congress Regarding Public and Internal Use of Machine-Readable Data for Corporate Disclosures (which discussed both the benefits (broad) and costs (limited) of machine readable format requirements for corporate disclosures.)

7. Archiving

We shared our position that this requirement supports accountability and transparency by enabling consumers to look up previously offered plans and to compare how plans have changed when a provider updates their offerings (e.g. when wireless service providers periodically replace their entire lineup of offerings). Archived labels ensure a consistent source of truth in understanding how offerings are changing.

Finally, we again noted our concern that rather than seeking to improve the labels, the Commission appears to be solely focused on eliminating requirements. We suggested that the Commission should instead be asking a different set of questions, like how providers can improve the prominence and accessibility of labels as opposed to placing them ‘10 clicks deep.’

Respectfully submitted,

/s/ Raza Panjwani
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⁴ “Consumer and Governmental Affairs, Wireline Competition, and Wireless Telecommunications Bureaus Approve Open Internet Broadband Consumer Labels,” GN Docket No. 14-28, Public Notice, 31 FCC Red 3358 (CGB/WCB/WTB 2016).