

Broadband Nutrition Labels and Deployment See Renewed Focus in Washington

New broadband nutrition labels required by the FCC will provide transparency about providers' broadband services, helping consumers make informed choices.

By Kevin Donnelly / *National Multifamily Housing Council* and Valerie M. Sargent / *Broadband Communities*

Picture the back of a can of food. When you examine the nutrition label, you know exactly what ingredients are included as well as sugar content, the number of calories, the amount of sodium and other nutritional information. Now imagine shopping for new broadband services for your mobile or fixed internet service needs.

What if you could quickly look at a label for broadband services that told you *exactly* what you were getting, not just what was being promoted? What if you could see how these services match up with competing services? That is precisely what the FCC is working on this year.

WHAT'S IN A LABEL?

As a result of the bipartisan infrastructure law Congress recently passed, the FCC proposed new rules requiring broadband providers to supply point-of-sale labels similar to the nutrition labels consumers see on food. They allow consumers to easily see and understand what their broadband services include, helping them make informed choices. The goal is to create transparency regarding providers' introductory rates, fees, monthly prices, performance, data allowances, network management practices and more.

When the Infrastructure Investment and Jobs Act passed, so did the requirement calling for providers to make accurate, easy-to-understand consumer information about their broadband services available to consumers. The thought behind the broadband nutrition labels is to help consumers quickly comparison shop by being able to see factors such as typical speeds upstream or downstream, data allowances, latency and whether app-specific or subscriber-triggered network management practices are in place.

Currently, two types of labels are being reviewed. They are based on voluntary ones previously approved in a 2016 FCC Public Notice. The first is a fixed broadband label, and the second is a mobile broadband label (see samples on the following page).

WHAT'S THE PROCESS?

The bipartisan infrastructure law required the FCC to adopt rules within one year and conduct public hearings as the existing labels change and are updated. The comment period is closed, and the hearings are underway (the most recent was in early April). As with any new rulemaking, it will take some time to implement the final rules and trigger the requirements.

Notably, the FCC is trying to determine whether significant changes have occurred in the broadband marketplace since the FCC approved the original labels in 2016 and whether changes in the content of the titles were necessary. The agency aims to establish clear rules on where the tags must be displayed and the enforcement mechanisms needed to ensure that consumers are provided with truthful information.

How will this affect broadband providers' multifamily owners' work in the months ahead? Will there be any differences for smaller providers? What about companies that offer white-labeled services? Stay tuned to the FCC for further developments on broadband labeling.

NTIA, FCC ACTIVITIES

Much of the work done over the past 18 months required bipartisan cooperation because of the current makeup of the

Broadband Facts	
Fixed broadband consumer disclosure	
Choose Your Service Data Plan for 50Mbps Service Tier	
Monthly charge for month-to-month plan	\$60.00
Monthly charge for 2 year contract plan	\$55.00
Click here for other pricing options including promotions and options bundled with other services, like cable television and wireless services.	
Other Charges and Terms	
Data included with monthly charge	300GB
Charges for additional data usage – each additional 50GB	\$10.00
Optional modem or gateway lease – Customers may use their own modem or gateway; click here for out policy	\$10.00/month
Other monthly fees	Not Applicable
One-time fees	
Activation fee	\$50.00
Deposit	\$50.00
Installation fee	\$25.00
Early termination fee	\$240.00
Government Taxes and Other Government-Related Fees May Apply: Varies by location	
Other services on network	
Performance - Individual experience may vary	
Typical speed downstream	53 Mbps
Typical speed upstream	6 Mbps
Typical latency	35 milliseconds
Typical packet loss	0.08%
Network Management	
Application-specific network management practices?	Yes
Subscriber-triggered network management practices?	Yes
More details on network management	
Privacy	See our privacy policy
Complaints or Inquiries	To contact us: online (123)456-7890; To submit complaints to the FCC: online (888)225-5322
Learn more about the terms used on this form and other relevant information at the FCC's website.	

The FCC approved voluntary labels in 2016, including a fixed broadband label (sample above) and a mobile broadband label (sample at right).

FCC. As of this writing, Democratic FCC nominee Gigi Sohn has yet to be confirmed by the full Senate, which leaves the FCC tied with two Democrats and two Republicans, meaning any controversial issue is unlikely to be considered or adopted. This leaves significant policy fights in limbo.

As discussed before, the most high-profile matter likely to be addressed if/when Sohn is confirmed is the fight to reimpose Obama-era net neutrality regulations. Proponents, including FCC Chairwoman Jessica Rosenworcel and Sohn, believe the rules are necessary to maintain an open internet and prevent broadband providers from blocking or throttling web traffic. Providers, among others, consider the regulations unnecessary and believe they will harm the marketplace. Given the heat of the rhetoric on this topic throughout the Sohn confirmation process, it is certain that whenever the

Broadband Facts			
Mobile broadband consumer disclosure			
Device Compatibility			
If you want to use your existing device, learn more about compatibility .			
If you want to obtain a device, learn more about prices and other options .			
Choose Your Data Plan - These prices do not include costs for obtaining a device from us.			
	High Speed Data allowance per month		
	1GB	3GB	5GB
Monthly charge	\$35.00	\$45.00	\$60.00
When you exceed the data allowance	\$10.00/Additional GB	Slowed speeds	NA
Learn more about other included services/features			
Additional pricing options, plans and promotions can be found here			
Coverage Map			
Charges and Terms Common to All Plans			
Monthly fees			
Administrative fee			\$1.20
Regulatory fee			\$0.13
One-time fees			
Activation fee			\$50.00
Deposit			\$50.00
Early termination fee			\$240.00
Government Taxes and Fees, and Other Carrier Surcharges May Also Apply: Varies by location			
Performance - Individual experience may vary			
	30	40	
Typical speed		Typical Speed	
1.5 Mbps downstream / 600-900 Kbps upstream	*	6-12 Mbps downstream / 3-6 Mbps upstream	
Typical latency	*	Typical latency	
Less than 120 milliseconds		Less than 120 milliseconds	
Typical Packet Loss	*	Typical Packet Loss	
0.08%		0.08%	
Network Management			
Application-specific network management practices?			
			Yes
Subscriber-triggered network management practices?			
			Yes
More details on network management			
Privacy	See our privacy policy		
Complaints or Inquiries	To contact us: online (123)456-7890; To submit complaints to the FCC: online (888)225-5322		
Learn more about the terms used on this form and other relevant information at the FCC's website.			

FCC moves to consider these rules, the debate will be vigorous.

Washington is also focusing on broadband deployment issues, and the National Telecommunications and Information Administration (NTIA) is aggressively working to create a framework and rules for distributing billions of dollars from the bipartisan infrastructure package. Of particular importance to the multifamily industry is the \$42.5 billion for the newly established federal grant called the Broadband Equity, Access, and Deployment (BEAD) Program and the ability of low-income apartment communities to access the funds as Congress directed.

Congress specifically made low-income apartment communities eligible for the funds to deploy wired or Wi-Fi broadband infrastructure or provide reduced-cost service to residents.

Getting funds to these properties is critical to ensuring that low-income renters have access to reliable, high-speed broadband, which has been an incredible challenge with aging or obsolete infrastructure in place at older, smaller and lower-income properties where it may be challenging for property owners or providers to make expensive upgrades. This level of federal funding is historic and has the potential to be a real game-changer in the lives of millions of low-income renters.

The NTIA is set to release preliminary BEAD guidance to states and local jurisdictions in the coming months. Exact timing on when dollars will begin to support deployment is unclear. Still, many expect it to slide into 2023. The multifamily industry is watching the process closely and encouraging NTIA. Local grantees use accurate broadband maps and data from several sources to accurately show where multifamily properties are unserved and desperately in need of service, and to ensure flexibility in technology and other programmatic requirements so that full broadband service is deployed to meet the needs of today and tomorrow. ❖



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