

Accessible Consumer Broadband Labels Could Provide Critical Consumer Protections

Like nutrition labels on food, the updated Broadband Consumer Label will satisfy consumers' need for accurate information about their broadband plans.

By Ryan Johnston / *Next Century Cities*

The updated Broadband Consumer Label rules released on November 15, 2022, have their roots in 2016, when the FCC unveiled the first iteration. The 2016 labels were intended to provide consumers with more information on their broadband plans' service speed, reliability and costs after the commission received more than 2,000 consumer complaints alleging that actual bills exceeded advertised prices by more than 40 percent.

At the time, providers could use the labels to satisfy the disclosure requirements found in the 2015 Open Internet Order, which required providers to disclose specific information on promotional pricing, fees and data caps. It also required disclosures related to wireline and mobile network performance characteristics and regional differences in network performance.

With the repeal of the 2015 Open Internet Order and the release of the 2017 Restoring Internet Freedom Order, plans for the label were abandoned.

IIJA REVIVES LABELS

The Infrastructure Investment and Jobs Act (IIJA) included a directive from Congress that the FCC revive the Consumer Broadband Label and, within one year, finalize new rules regarding its display requirements and contents.

Consumers' need for accurate information

about their broadband plans is immediate. On May 5, 2022, the FTC released a proposed order, revealing that one provider offered far slower speeds than its rural California consumers paid for. It remains challenging to track discrepancies between services advertised and those provided without accurate information about consumer benefits.

In addition to promulgating new rules, the FCC convened a working group of Consumer Advisory Committee members. Consisting of industry and public-interest groups, members crafted a recommendation on how and where to display the label and how to disclose promotional and standard pricing.

The recommendation asserts that labels should be concise, accurate and easy to understand. Notably, the proposal doesn't require providers to place the full label at the point of sale; instead, a link or an icon connected to the label may suffice. Although it *does* require providers to list a consumer's month-to-month rate, the recommended label version will not analyze the promotional plan the consumer may receive. With the inclusion of promotional rates in the Consumer Broadband Label, consumers will be subject to potential sticker shock as they are unaware of when a promotion may end.



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ENSURING TRANSPARENCY

The report and order outlining the new rules for the label were recently released, and, unlike in 2016, the FCC must deliver. Consumers deserve easy-to-understand information that enables them to compare services and hold their providers accountable for accurate billing. If the FCC wants the Consumer Broadband Label to be the critical transparency tool that Congress intended, there are several ways to do it:

- **Making the label as accessible as possible is a must.** Consumers should not have to navigate hyperlinks, dig through pages at the point of sale and scrutinize fine print to find the Consumer Broadband Label. Placing an entire label next to the advertised service maximizes transparency and promotes ease of use for consumers who may not be savvy enough to find a hidden information resource. In addition, paper copies and a downloadable version of labels should be available for consumers in stores. This allows consumers, including those who do not have reliable internet access, to comparison shop across providers and revisit to confirm service plan information as needed.
- **After consumers make a purchase, they should keep track of the label.** Requiring

providers to include the label for consumers' plans on their monthly bill allows consumers to compare actual charges against charges advertised at the time of sale. In addition, analysis of billing after promotional prices expire is critical for preventing bill shock when a consumer's promotion ends.

- **Screen readers and refreshable Braille displays are just a few examples of technologies requiring machine readability.** None of these measures are helpful if a consumer cannot read the label. For people who lack digital skills, having to navigate away from the Consumer Broadband Label using a series of hyperlinks makes finding information that should be readily available more difficult. For people living with disabilities, a machine-readable label is a critical accessibility tool. Requiring the Consumer Broadband Label to be created in a machine-readable format also promotes interoperability with assistive technologies – an essential resource for compiling, comparing and editing data.

Though machine-readability assists the number of people a label can reach, consumers must understand its contents. The

FCC should create a glossary or bank of key terms and definitions to support consumers without technical expertise in understanding Consumer Broadband Label content. Without this resource, the Commission runs the risk of offering a transparency tool that is itself opaque.

- **The FCC needs to include price information in the National Broadband Map.** By enabling third parties to collect and collate broadband plan data, the FCC could equip consumers to compare plans from various providers and identify the most cost-effective service options for their needs.

This list provides the essential ingredients consumers need for impactful decision-making from the Consumer Broadband Label. Providing accessible, detailed information is vital for furthering the FCC's goals of connecting every resident with reliable, high-speed, affordable broadband service. ❖

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