

**FEDERAL COMMUNICATIONS COMMISSION HEARING ON BROADBAND
CONSUMER LABELS
CG Docket No. 22-2**

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Introduction

Public Knowledge welcomes the opportunity to testify before the Commission in this important proceeding. We appreciate the opportunity to speak specifically to the sufficiency of current disclosures and how consumers evaluate broadband offerings. We believe that transparency and a straightforward, consistent explanation of what consumers are signing up for when they engage with a broadband service provider are critical to helping consumers comparison shop and to make informed decisions. We have advocated in the context of privacy not only for data minimization practices, but also for robust disclosures that are simple to understand to make certain consumers know what personal information they are sharing with companies and how that information will be used. With regards to broadband labels, we noted in 2016 that the label the Commission adopted then “allow[ed] the average consumer to understand exactly what they are getting from their broadband providers.” We believe that such labels remain important today based on the continued need for consumers to have more information in evaluating broadband offerings. In this testimony, we will review some of the practices and language broadband service providers utilize in making their offerings known to consumers. That review will hopefully help inform the Commission's understanding of how it may want to modify the content of the label¹ as well as address questions about where and how the label is displayed.²

Current Practices Don't Provide Key Information for Consumers to Evaluate Offerings

In preparing for this testimony, we reviewed some of the providers' websites to see how they convey information on their offerings to consumers. Although many providers utilize a bar menu for their package offerings, the content within those bars varies, which complicates the consumer's ability to comparison shop. Moreover, the information within the bar often focuses more on promotions associated with the offerings rather than a concise explanation of the package. Here are two examples:

¹ Paras. 16-22

² Para. 26

WOW Cable

The screenshot displays four internet service plans from WOW Cable. Each plan is presented in a card format with a speed icon, price, and a 'Check Availability' button. The plans are:

- 100 Mbps:** \$19.99. Includes a \$50 Visa Rewards Card.
- 200 Mbps:** \$29.99. Includes a \$100 Visa Rewards Card.
- 500 Mbps:** \$44.99. Includes a \$200 Visa Rewards Card.
- 1Gig:** \$54.99. Includes a \$300 Visa Rewards Card.

Each plan also includes a 'Check Availability' button and a 'Chat with a live person' button. Below the cards, an 'Offer includes:' section lists benefits such as a prepaid Visa card, a discount for 12 months on regular rates, and a free self-install kit.

Verizon

The screenshot displays three internet service plans from Verizon. Each plan is presented in a card format with a speed icon, price, and a 'Details' button. The plans are:

- Gigabit Connection:** \$89.99. Up to 940/880 Mbps. Better Everything. Includes a featured offer with Disney Bundle, \$300 Off Stream TV Soundbar, \$100 Verizon eGift Card, Whole-Home Wi-Fi Router, and 2 TB VZ Cloud.
- 500 Mbps:** \$64.99. 400 Mbps. Better Streaming. Includes a featured offer with Disney Bundle and \$50 Verizon Gift Card.
- 300 Mbps:** \$39.99. 200 Mbps. Better Browsing. Includes a featured offer with Disney Bundle and \$50 Verizon Gift Card.

Each plan also includes a 'Details' button and a 'Chat with us' button. The website header includes a red checkmark icon and a 'FAQs' link.

This type of information is not as useful for consumers struggling to choose a broadband service provider because it fails to give enough information to determine if a lower or higher speed offering would best meet a household's needs.

Additionally, the speeds listed are “up to” speeds and each provider notes that the advertised speed is not necessarily the speed the customer will always receive, meaning that speed will vary and the *offered speed* is the *maximum* that will be delivered. Comcast does provide additional

information on its speed and performance in meeting the speed statements.³ It was not as easy to ascertain this information on other websites.

Moreover, while the bar menu provides a quick snapshot of the promotional price a customer would pay for service, it is not clear from the homescreen what the rate will be after the promotional period. That information is only available after clicking through each offer and sometimes only after clicking through additional pages. Furthermore, providers often bundle broadband with other services, like their voice or video offerings, obscuring the price of the stand-alone broadband service. Usually, the price offered reflects the customer signing up for these additional services – with a steep increase in the price of broadband if it is the only service the consumer chooses.

What all this means for consumers is that trying to determine which broadband package will best meet their needs, fit within their budget, and offer competitive pricing is difficult. While true that broadband providers are offering consumers *some* information to help them make an informed decision – an improvement compared to just a few years ago – the information being conveyed is inconsistent, limiting consumers ability to choose the best service for their needs. Additionally, inconsistent information hinders a consumer’s ability to comparison shop in those areas where there is a choice of providers. A consumer-focused, consistent broadband label will help address this problem.

Improvements to Better Meet Consumer Needs

As the above demonstrates, a broadband label is clearly needed, which is why Congress picked up where the FCC left off in 2016. To address the shortcomings of the current, inconsistent way in which consumers are offered information by broadband providers, the Commission should build on its prior labeling efforts and add the following features:

1. *Understanding Speed*: In the “Choose Your Data Plan” box, providers should offer consumers information on what they can expect from the speed of service being offered. Providing some real-world examples would be helpful (and some providers do offer information along these lines).⁴ For example, information on how many devices the service can support along with the types of applications it can accommodate would be very useful. Some consumers may only need service that is useful for web browsing and checking email, while other consumers may need service capable of supporting multiple streams of videoconferencing. Such information is highly relevant to informed decision-making by consumers and can help demystify speed data for them. In order to ensure this is consistently delivered, the Commission could include a link to its

³ <https://www.xfinity.com/networkmanagement>.

⁴ Verizon, for example, provides some basic information along these lines on [its website](#).

Household Broadband Guide or broadband providers could link to similar information on their websites as part of the label.⁵ Clear, concise and easy-to-understand information should be the Commission’s goal in adopting requirements for this component of the label.

2. *Evaluating Network Performance*: In order for consumers to comparison shop and make an apples-to-apples comparison, the speed, latency, and packet loss data conveyed by the label needs to be consistent across providers.⁶ Use of the terms “typical” must have a specific meaning and be derived from information that is attainable or reported to the Commission. The Commission should define “typical” based on achievability over a percentage of time. The Adaptive Spectrum and Signal Alignment, Incorporated makes a case in the record for just this point.⁷ The power of the nutrition label in the food context is that consumers know when they see 20 grams of sugar on the label that they can expect to consume 20 grams of sugar per serving. The broadband label should be as rigorous, even with the variations in network speed that a provider can deliver over time.
3. *Pricing Data*. The Commission’s proposed label would require the upfront disclosure of both the monthly rate and promotional rate a provider offers for each package. This is an important requirement to standardize as such information is not made easily available to consumers under current practices. By making it available as part of the label, consumers will be better able to compare offerings between broadband providers. Additionally, the broadband pricing information should reflect the price of the stand-alone broadband service. Space on the label should be made available for including other services, such as telephone and video programming, as well as any discount that would be applied. This will ensure that bundling of services does not obscure the actual price of the broadband service. Finally, the Commission should require that providers include in the pricing information section whether they participate in the Affordable Connectivity Program (ACP); whether they offer a device discount through that program; and where consumers can learn information on the provider’s website.⁸
4. *Displaying the Labels*. It is clear that providers understand the need to convey information on their various product offerings in a snapshot, hence the prevalence of the bar menu across providers’ websites to display their offerings. In the Notice, the Commission seeks comment on where the broadband label should be displayed.⁹ Consumers will benefit from the label being prominently displayed on providers’ websites, especially on pages listing the different service options.. Additionally, even

⁵ FCC’s [Household Broadband Guide](#) (updated Feb 5, 2020).

⁶ Latency and packet loss are very technical details that are likely meaningless to consumers. The Commission should consider a way to better convey the importance of this information in a consumer-friendly format.

⁷ Comments of Adaptive Spectrum and Signal Alignment, Incorporated, CG Docket No. 22-2, at 4 (Mar. 4, 2022).

⁸ Notice at para. 21.

⁹ Notice at para. 26.

after a consumer has subscribed to a broadband package, it is important that the label be provided in the monthly bill so the information is readily available as the consumer continuously evaluates the service and its performance.

Conclusion

Thank you again for the opportunity to provide Public Knowledge’s perspective on this important issue. We are excited the Commission is moving forward with reinstating the broadband label. This has the potential to be a valuable tool in helping consumers better understand the various broadband offerings and to make informed decisions about which one would best meet their needs – an important step in getting and keeping Americans connected.