



CAROUSEL CONSULTING, LLC  
700 12<sup>th</sup> Street, NW, Suite 700, Washington DC 20006

Tel: (202) 924-8919  
Email: [audrey@carousel.one](mailto:audrey@carousel.one)

<b>Agency:</b>	Federal Communications Commission (FCC)
<b>Item Name:</b>	<a href="#">Empowering Broadband Consumers Through Transparency</a>
<b>Docket Number:</b>	CG Docket No. 22-2
<b>Type:</b>	Notice of Proposed Rulemaking (NPRM)
<b>Released:</b>	January 27, 2022
<b>Comment Date:</b>	March 9, 2022
<b>Reply Date:</b>	March 22, 2022

## SUMMARY

The [Infrastructure Investment and Jobs Act](#) (Infrastructure Act or Act), signed into law on November 15, 2021,<sup>1</sup> directs the Federal Communications Commission (FCC or Commission) “to promulgate regulations to require the display of broadband consumer labels” as described in a public notice issued by the Commission on April 4, 2016 ([DA 16-357](#)).<sup>2</sup> In a Notice of Proposed Rulemaking (NPRM) released on January 27, 2022, the FCC proposed measures to implement the Infrastructure Act. This document summarizes the key findings set forth in the FCC’s January 27, 2022, NPRM.

## BACKGROUND

## RELEVANT DEFINITIONS

In the [2010 Open Internet Order](#), the FCC adopted open Internet rules to apply to “broadband Internet access service,” which the FCC defined in that order as:

A **mass-market** retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all Internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up Internet access service. This term also encompasses any service that the Commission finds to be providing a functional equivalent of the service described in the previous sentence, or that is used to evade the protections set forth in this Part.<sup>3</sup>

<sup>1</sup> [The Infrastructure Investment and Jobs Act](#), Pub. L. No. 117-58, 135 Stat 429, sec. 60504(a)(2021)(Infrastructure Act).

<sup>2</sup> *Id.* § 60504.

<sup>3</sup> See 47 C.F.R. § 8.3 (Transparency Rule); see also *Preserving the Open Internet*, 76 Fed. Reg. 59,192 (Sept. 23, 2011) (announcing Nov. 20, 2011, as the effective date of the rule).

The FCC further defined the term “mass market” as:

[A] service marketed and sold on a standardized basis to residential customers, small businesses, and other end-user customers such as schools and libraries. For purposes of this definition, mass market also includes broadband Internet access services purchased with the support of the E-rate program that may be customized or individually negotiated. The term does not include enterprise service offerings, which are typically offered to larger organizations through customized or individually negotiated arrangements.<sup>4</sup>

The FCC has determined that definition of “broadband Internet access service” includes services provided over any technology platform, including but not limited to wire, terrestrial wireless (including fixed and mobile wireless services using licensed or unlicensed spectrum), and satellite. The definition also encompasses: (1) services that provide the capability to transmit data to and receive data from all or substantially all Internet endpoints; and (2) a service determined by the FCC to be a “functional equivalent” of broadband Internet access service.

Pursuant to FCC interpretations thus far, a provider of “broadband Internet access service” includes:

- **fixed broadband** providers, including cable companies, landline telephone companies, and fixed wireless or satellite service providers; and
- **mobile broadband** providers, including mobile wireless providers that offer data plans for Internet access for smartphones.
- The term does not include enterprise services, virtual private network services, hosting, or data storage services. (FCC 15-24, ¶ 25)

## REGULATORY TIMELINE

### 2010

In the *2010 Open Internet Order*, the FCC adopted three fundamental rules governing Internet service providers: (1) no blocking; (2) no unreasonable discrimination; and (3) transparency.

On the issue of transparency, The FCC adopted the following rule:

A person engaged in the provision of broadband Internet access service shall publicly disclose accurate information regarding the network management practices, performance, and commercial terms of its broadband Internet access services sufficient for consumers to make informed choices regarding use of such services and for content, application, service, and device providers to develop, market, and maintain Internet offerings.

---

<sup>4</sup> See *2010 Open Internet Order* at para. 45.

Under the terms of the order, compliance with the rule required broadband providers to disclose the following information:

- **Network Practices**, including information regarding congestion management, application-specific behavior, and device attachment rules.
- **Performance Characteristics**, including a general description of services and specialized services.
- **Commercial terms**, including information pertaining to pricing, privacy policies, and practices for resolving complaints and questions.

The FCC stated that, to satisfy the transparency rule, providers must, at a minimum, “prominently display or provide links to disclosures on a publicly available, easily accessible website that is available to current and prospective end users and edge providers must disclosure relevant information at the point of sale.” (§ 57) The FCC further stated that the requirements of the rule may be met through a single disclosure; thus declining to adopt a rule requiring multiple disclosures targeted at different audiences. The Commission also declined to adopt a specific format for disclosure, finding instead that the transparency rule required only that disclosure be sufficiently clear and accessible.

Some commenters raised concerns that the disclosure rules would impose significant burdens on broadband providers and increase compliance costs. In response, the FCC first noted that no commenter had cited a specific source of increased costs or had attempted to estimate the costs of compliance. (§ 59) The FCC then stated its view that “the costs of the disclosure rule...are outweighed by the benefits of empowering end users and edge providers to make informed choices and of facilitating enforcement of the [open Internet rules].”

Moreover, regarding cost, the FCC raised the following points, apparently suggesting them as factors that would help to manage or reduce compliance costs. First, the FCC stated that the rule required only that a provider post the required disclosure on its websites and provide disclosure at the point of sale. Regarding cost, the FCC noted that it was not requiring providers to “bear the cost of printing and distributing bill inserts or other paper documents to all existing customers.” Second, as another potential cost-saving measure, the Commission noted that the transparency rule gives broadband providers “some flexibility to determine what information to disclose and how to disclose it.” Third, upon noting that the effective date of the rules was sixty days after publication in the Federal Register, the Commission expressed its view that this timeframe (six months) “provided broadband providers adequate time to develop cost effective methods of compliance.” (§ 59)

## 2011

In 2011, the FCC's Enforcement Bureau and Office of General Counsel released a [public notice](#) whose stated purpose was to offer initial guidance regarding specific methods of disclosure that will be considered to comply with the transparency rule adopted by the FCC in the *2010 Open Internet Order*.

The Advisory clarified that the *2010 Open Internet Order* did not require the distribution of disclosure materials in hard copy and did not require extensive training of sales staff and employees to provide the disclosures themselves. Rather, according to the Advisory, broadband providers could comply with the point-of-sale requirement by directing prospective customers: (1) at the point of sale; (2) orally or prominently in writing; (3) to a web address; (4) at which the required disclosures are clearly posted and appropriately updated. Regarding the web address, the Advisory noted that "the address provided should enable consumers to easily to find the disclosures, rather than, for example leading to a broadband provider's general purpose home page from which the disclosures are not clearly and readily accessible."

Regarding brick-and-mortar retail outlets (*i.e.*, not telephone or Internet sales centers), the Advisory stated that broadband providers that rely on a web page for point-of-sale disclosure should make available equipment (such as a computer, tablet or smartphone) through which customers can access the disclosures.

## 2014

In 2014, the FCC's Enforcement Bureau released an [Enforcement Advisory](#) that specifically addressed the issue of accuracy in the context of the transparency rule. In addressing this issue, the Bureau first noted that "accuracy is the bedrock of the transparency rule." The Advisory stated that any official disclosures that providers make available to consumers (verbally or in writing) should reflect the same *accurate* information. In terms of points of contact, the Bureau mentioned websites, in stores, or over the phone.

The Bureau stated that the transparency rule requires accuracy wherever "statements" regarding broadband Internet access services appear, specifically noting that such statements "could appear in mailings, on the sides of houses, or website banner ads, or in retail stores." Therefore, according to the Bureau, "a provider making an inaccurate assertion about its service performance in [one form of advertisement] could not defend itself against a transparency rule violation by pointing to an 'accurate' official disclosure in [another form of advertisement]."

The Bureau concluded by noting that "the Commission takes the requirements of the transparency rule seriously." The Advisory includes a statement that the Enforcement Bureau intends to take enforcement action against providers that do not comply with the transparency rule.

## 2015

In the [2015 Open Internet Order](#), the FCC adopted “enhanced transparency requirements,” which expanded the type of information broadband providers must disclose to consumers. Under the expanded rule, broadband providers are required to disclose information pertaining to: (1) promotional rates; (2) fees and surcharges; (3) data caps and data allowances; (4) and network performance.

Regarding the format of the disclosures, the FCC established a process to create a “safe harbor.” This included referring the matter to the Consumer Advisory Committee (CAC), a group authorized by the FCC and comprised of industry participants and consumer group representatives. In delegating responsibility to the CAC, the Commission noted that it was “an ideal body to recommend a disclosure format that should be clear and easy to read – similar to a nutrition label – to allow consumers to easily compare the services of different providers.” (In view of this language, the 2016 labels are referred to as “broadband nutrition labels.”)

## 2016

On April 4, 2016, three FCC Bureaus (Consumer and Governmental Affairs, Wireline Competition, Wireless Telecommunications) issued DA 16-357, a public notice approving the broadband nutrition labels proposed by the CAC. The Bureaus announced that the proposed labels should operate as a “safe harbor” to demonstrate compliance with the disclosure requirements prescribed in the *2015 Open Internet Order*.

## 2017

In the 2017 [Restoring Internet Freedom Order](#), a subsequent FCC rejected the broadband nutrition label requirement.<sup>5</sup> Instead, the 2017 Commission adopted a rule permitting broadband providers to disclose information regarding their services and plans via a publicly available website or by transmitting such information to the Commission.<sup>6</sup>

## 2021 - present

In 2021, Congress enacted, and President Joe Biden signed, the Infrastructure Act. Section 60504 of the Act directs the FCC to promulgate regulations to require the display of the 2016 broadband nutrition labels.

In 2022, the current FCC<sup>7</sup> initiated a Notice of Proposed Rulemaking (NPRM) to implement section 60504 of the Infrastructure Act. In that NPRM, the FCC proposed to require ISPs to display the 2016 broadband

---

<sup>5</sup> See *Restoring Internet Freedom Order*, 33 FCC Rcd 445, para. 231. The vote in the 2017 Internet Order was three (3) republican commissioners in favor and two (2) democrat commissioners against. All five commissioners issued separate statements.

<sup>6</sup> The rule also permitted providers to disclose by filing disclosures through the FCC’s electronic comment filing system (ECFS).

<sup>7</sup> The current FCC resulted from the transition from the Trump to the Biden administrations and is comprised of three democrat-leaning and two republican-leaning commissioners. Chairwoman Jessica Rosenworcel has served under both democratic and republican administrations, Commissioner Brendan Carr is Trump nominee, and Commissioner Geoffrey Starks is Trump nominee who is also affiliated with Democratic Party. These three commissioners voted in favor and all three issued separate statements.

nutrition labels “with any necessary modifications” (thereby essentially overruling the *2017 Restoring Internet Freedom Order* and authorizing the broadband nutrition labels proposed in 2016).

The issues upon which the FCC seeks comment in the NPRM are summarized in the following sections.

## PROPOSED RULE

The FCC proposes to amend section 8.1(a) of its rules as follows:

- (a) Any person providing broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance characteristics, and commercial terms of its broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services and entrepreneurs and other small businesses to develop, market, and maintain internet offerings. Such disclosure shall be made via a broadband consumer label that is prominently displayed, publicly available, and easily accessible at the point of sale in the format prescribed by the Commission:
  - (1) For fixed broadband, as described in “[Fixed Broadband Consumer Disclosure Label](#).”
  - (2) For mobile broadband, as described in “[Mobile Broadband Consumer Disclosure Label](#).”

## PROPOSED LABELS

In the *2022 Broadband Nutrition Label NPRM*, the FCC has proposed to require broadband Internet access service providers (ISPs) to display -- at the point of sale -- labels to disclose to consumers certain information about “prices, introductory rates, data allowances, broadband speeds, and management practices, among other things” (known as “broadband nutrition labels”). (§3)

In reviving the 2016 broadband nutrition labels, the FCC seeks comment on whether broadband service offerings and consumers’ use of broadband services have changed sufficiently since 2016 to necessitate modifications to the labels’ content or format. The NPRM also seeks comment on where the labels should be displayed to best inform consumers. (§4)

In the NPRM, the FCC states that it expects the labels “to provide the information necessary for consumers to make informed decisions about available broadband services and will promote the economic, social, and civic benefits of such services so they are available and accessible to all Americans.” (§5)

## REQUESTED COMMENTS

The FCC proposes to adopt the 2016 broadband nutrition labels with “appropriate modifications” – to ensure that such labels contain “critical information consumers need today to make informed decisions in the broadband marketplace.”

The FCC seeks comment on the following:

- (1) Whether anything has changed since 2016 that suggests that the labels should be updated or whether the FCC should provide new guidance about where the labels must be displayed.
- (2) How consumers evaluate broadband service plans and considers whether the 2016 labels will assist consumers with the purchase process.
- (3) Whether the FCC should consider updating the labels to assist consumers with selecting a broadband provider; selecting a broadband service plan; managing use of a broadband service plan; and deciding whether and when to switch an existing broadband provider or plan.
- (4) How ISPs currently disclose information about their broadband services. In this regard, the FCC asks whether the ISPs current practices should inform the FCC’s decisions about the labels the FCC adopts going forward.
- (5) The Commission also seeks comment on the scope of broadband service plans to which the labels requirement should apply. In particular, the Commission asks how providers should treat plans that are not currently available for purchase by consumers, such as legacy or grandfathered plans.

## CONTENT

The 2016 labels establish the following content requirements:

For **fixed broadband**, content includes information on: (1) pricing; (2) monthly data allowance; (3) overage charges; (4) equipment fees; (5) other monthly fees; (6) one-time fees; and (7) early termination fees. The 2016 labels also include information on performance (speed, latency, and packet loss) and on network management practices.

For **mobile broadband** service, content includes information on: (1) pricing; (2) when you exceed data allowance; (3) other included services and features; (4) other monthly fees; (5) one-time fees; (6) service contract terms; (7) early termination fees; and (8) “bring your own device” information. The mobile broadband labels also include performance information (speed, latency, and other services on the network) and network management practices.

Both the fixed and mobile broadband labels include a link to the provider’s privacy policy and a link to how to file complaints and inquiries.

The FCC seeks comment on whether the content required in the 2016 labels includes sufficient information for consumers to make informed decisions. In this regard, the FCC asks whether there is information contained in the 2016 labels that is no longer necessary to serve the goals of the Infrastructure Act or the Commission or that might overwhelm consumers with too much information.

## INTRODUCTORY PRICE

The Infrastructure Act states that the nutrition labels adopted by the FCC “shall include information regarding whether the offered price is an introductory rate and, if so, the price the consumer will be required to pay following the introductory period.”

The 2016 label for **fixed broadband** services requires the provider to identify the monthly charge for service (or non-promotional price for a month-to-month plan) and to identify any promotional pricing separately.

The 2016 label for **mobile broadband** services requires the provider to list the monthly charge (*i.e.*, the non-promotional price for the plan) and to identify separately on the label any promotional offers or discounts.

The FCC seeks comment on whether the 2016 labels satisfy the Infrastructure Act’s requirement that any label make clear whether the price offered is an introductory rate and what the price will be when the introductory period ends. On this issue, the Commission asks whether the information related to introductory price and subscription rates contained in the labels is readily available to consumers and easy to understand.

## SERVICE DESCRIPTIONS

Recognizing that broadband service offerings can include numerous characteristics based on differing service levels, features, add-ons, consumer location, and other factors, the Commission asked whether flexibility in the labels’ content is necessary or wise to avoid the possibility that consumers could be overwhelmed with information. The FCC asked whether labels should include any information about the quality of the bundled services.

## TAXES, FEES & SURCHARGES

The labels proposed by the Commission would require broadband providers to disclose information regarding “government taxes and fees,” “other carrier surcharges,” and “other government-related fees.” In particular, the proposed rule requires broadband providers to include a disclaimer regarding taxes, fees, and surcharges using language prescribed by the Commission. Under this requirement, specific taxes and fees need not be identified.

## ADDITIONAL CONTENT

In view of changes in the broadband marketplace, the FCC seeks comment on whether there is additional content it should consider now that was not required in 2016. Questions raised by the Commission include: (1) whether the labels should include information about whether there are any limitations when consumers use multiple devices on the same broadband plan; (2) whether the labels should make clear when the offered rate is contingent on consumer consent to specific restrictions (*e.g.*, paperless billing, electronic payment, rental of equipment, and/or enrollment in related services).

## FORMAT

The Commission proposed to adopt the format of the 2106 labels, which the FCC noted “resemble the nutrition labels the United States Food and Drug Administration (USDA) has prescribed for food products.” (¶ 23) The FCC also noted that, the Consumer Advisory Committee “consulted with representatives of the Consumer Financial Protection Bureau (CFPB) – which the FCC noted as having “expertise in consumer disclosures in the financial industry. At noted by the FCC, the FCC’s Consumer Advisory Committee incorporated the CFPB’s recommendations on such detailed matters as typeface, font size, and the amount of white space.

The FCC’s point in mentioning this level of detail is not clear. On the one hand, the Commission noted that the Consumer Advisory Committee “did not prescribe specific format requirements,” On the other hand, the Commission noted that, in designing the labels, “it” (apparently referring to the FCC’s Consumer Advisory Committee) “expects participating ISPs to follow the general principles.”

The FCC’s lack of commitment and clarity regarding formatting leaves an open question regarding whether the broadband label must adhere to specific formatting requirements, such as typeface, font size, and the amount of white space.

Regarding the format for the labels, the FCC specifically asks:

- (1) Whether it should consider any changes to the format?
- (2) Whether it should allow ISPs any flexibility in displaying the label contents to reflect the variety of formats consumers use to learn about and subscribe to broadband services?
- (3) How the FCC can provide this flexibility without weakening the effectiveness of the preferred format of the 2016 labels?
- (4) How can the Commission ensure that any such flexibility would not undermine consumers’ ability to comparison shop between services and providers?
- (5) Whether the Commission should require that the labels be provided in a machine-readable format with standard, labeled fields to ensure that third parties and consumers can more readily compare across multiple providers?

## DISPLAY LOCATION

The Commission proposes to require ISPs to prominently display the labels at the point of sale in a manner that is easily accessible to consumers and in the format prescribed by the Commission.

The FCC has proposed to require providers, at a minimum, to disclose the labels of any broadband service presented to consumers on an ISP’s website when a consumer browses service options. In this regard, the FCC seeks comment on exactly how the labels should be disclosed on ISP’s websites. For instance, the FCC asks whether including a link to the label sufficient.

## **IMPLEMENTATION**

The Commission seeks comment on the best ways for providers to implement the proposed labels, including the timelines within which they should implement them. The Commission noted that it expects providers to:

- (1) develop and implement procedures reasonably designed to ensure compliance with the proposed labels' requirements; and
- (2) notify employees, subcontractors, agents, or other persons acting on behalf of the provider in marketing the provider's services of the disclosure requirements.

The FCC proposes to adopt rules that would specify that the provider will bear the burden to demonstrate that it has made all reasonable efforts to ensure compliance should a complaint arise, or other information is brought to the Commission's attention regarding the label disclosure practices of a third party acting on the provider's behalf.

## **TIMELINE**

The Commission proposes to make the rules effective six months following publication in the Federal Register. The FCC seeks comment on whether six months is sufficient time for both large and smaller providers. The Commission asked whether it should adopt a different implementation timeline or temporary exemption for smaller providers to allow them more time to come into compliance with the labels' requirements. The FCC seeks comment on whether it has the authority to impose such a distinction; and whether there are alternative ways, other than different implementation timelines, to minimize the economic impact on smaller service providers while achieving the FCC's transparency objectives.

## COMPLIANCE, LEGAL AND REGULATORY (CLEAR)

### INTERACTION WITH TRANSPARENCY RULE

The FCC seeks comment on the interplay between its transparency rule and the proposed broadband labels. The broadband transparency requirement provides that “any person providing broadband internet access service shall publicly disclose accurate information regarding the network management practices, performance characteristics, and commercial terms of its broadband internet access services sufficient to enable consumers to make informed choices regarding the purchase and use of such services and entrepreneurs and other small businesses to develop, market, and maintain internet offerings.”

Recognizing that there may be differences between the information required by the transparency rule and the proposed broadband labels, the FCC requested comment on the interplay between the two.

Specific questions raised by the Commission include: (1) Should display of the proposed labels fully satisfy the current transparency rule? (2) In what ways does the transparency rule disclosures beyond the scope of the existing transparency rule? (3) Will the broadband consumer labels’ requirements necessitate further changes to the Commission’s transparency rule? (4) If so, how should the FCC resolve potential inconsistencies?

The FCC noted that the draft proposed rule reflects its view that display of the nutrition labels would be necessary for compliance with the general transparency rule. Yet, at the same time, the Commission seeks comment on “alternative rule formulations” that would reflect “different possible approaches” to satisfying the transparency objectives outlined in the NPRM.

### AFFORDABLE CONNECTIVITY PROGRAM

The Infrastructure Act requires providers to notify consumers about the existence of the Affordable Connectivity Program (ACP) and how to enroll in the program “when a customer subscribes to, or renews a subscription to, an internet service offering of a participating provider.” The FCC seeks comment on whether it should require broadband providers to include information about the ACP in the broadband nutrition labels.

On this point, the FCC noted that, in the *2021 ACP Public Notice*, the Wireline Competition Bureau requests comment on the type of disclosures the Commission should require regarding the ACP. In the *2022 Broadband Nutrition Label NPRM*, the FCC asks, as an initial matter, whether the Commission should require that broadband nutrition labels include information regarding the Affordable Connectivity Program. Specific questions upon which the FCC seeks comment include: (1) To what extent can broadband labels be used to promote awareness of the ACP and how to enroll? and (2) How might those disclosures be presented on the labels?

## **DIRECT NOTIFICATION**

The Commission seeks comment on whether section 60504 gives it the authority to adopt a “direct notification requirement,” which would require broadband providers to directly notify current customers when the label terms changed “after their initial display.” The Commission seeks comment on the costs and benefits of such a notice requirement.

## **ENFORCEMENT**

The FCC seeks comment on issues related to enforcement of the proposed broadband labels. In this regard, the Commission requests comment on the extent of its authority under the Infrastructure Act to enforce the broadband consumer labels as an entirely separate requirement from the transparency rule, or as an adjunct of the transparency rule. The Commission requested comment on whether it should adopt rules specifically governing enforcement of the broadband label requirement, or whether it should employ the same enforcement rules and requirement that it relies on in other contexts.

The Commission seeks comment on how to evaluate and enforce the accuracy of the information presented in the broadband consumer labels. Specific questions include: (1) How can the Commission verify the accuracy of the information that a broadband provider uses in a broadband consumer label? (2) How best can the Commission confirm that any variance between the disclosed performance metrics and actual performance as experienced by individual consumers is or is not consistent with normal network valuation? (3) How should the Commission enforce against inaccuracies in the provided information?

## **DATA COLLECTION**

The FCC stated that it will be undertaking a separate rulemaking to implement section 60502(c), which outlines certain data collection requirements.

In outlining the issue, the FCC referenced section 60502(c)(1), which requires the FCC to conduct an “annual collection...of data relating to the price and subscription rates for each internet service offering of a participating provider under the Affordability Connectivity Program.” The Infrastructure Act further requires that the FCC “rely on the price information displayed on the broadband consumer label...for any collection of data...under section 60502(c).”<sup>8</sup>

According to the FCC, to implement these requirements, it will need a way to associate: (1) each provider’s broadband label information; with (2) the data submitted by that provider under section 60502(c). On this point, the FCC offered two possible approaches: First, it stated that one means of making that association would be for the Commission to collect “all the broadband label data” – with each plan having a unique identifier that could be referenced in the section 60502(c) data collection. Second, the FCC mentioned the possibility of requiring ISPs to submit data in a “machine-readable format via an Application Programming Interface (API).” According to the FCC, requiring ISPs to submit information in this format and in this manner will allow the FCC to access broadband label information for “any plan included by the ISP in response to the section 60502(c) data collection requirements.

---

<sup>8</sup> On the issue of data collection, section 60502(c)(4) also is relevant (although notably this section is not referenced in the NPRM). That section, titled “public availability,” requires the FCC to make data relating to broadband internet access service “collected under the rules” available to the public “in a commonly used electronic format.”

## **COST EFFECTIVENESS**

The FCC seeks comment on the cost effectiveness of its proposed rules. More specifically, the FCC asks: (1) Are the costs to ISPs of adding extra information to labels at the point of sale relatively small when considered against the benefits additional labeling would provide consumers? and (2) What are the most cost-effective ways of making labels available to consumers?

## **OTHER ISSUES**

### **Accessibility**

The FCC emphasized its commitment to ensuring that broadband networks are accessible to and usable by individuals with disabilities. On this issue, the Commission noted that the CAC determined that participating ISPs can best ensure accessibility to printed and online information by relying on well-established legal requirements included in the American Disabilities Act and by following the guidance developed by the Web Accessibility Initiative. The FCC seeks comment on whether such guidelines remain accurate today and how to ensure that any required labels are accessible to persons with disabilities.

### **Equity and Inclusion**

The FCC invited comment on how broadband consumer labels can advance equity in the provision of and access to digital communications services and providers for all people, including people of color, persons with disabilities, persons who live in rural or Tribal lands, and others who are or have been historically underserved, marginalized, or adversely affected by persistent poverty or inequality.

### **Equal Access**

The FCC seeks comment on whether and how the broadband consumer labels can be used to facilitate equal access to broadband Internet access services. Section 60506(b) of the Infrastructure Act required that the FCC “adopt final rules to facilitate equal access to broadband internet access service, taking into account the issues of technical and economic feasibility presented by that objective.” The FCC asks whether there are particular label requirements that would support the FCC’s efforts on this issue.