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VIA ECFS

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

**Re: Empowering Broadband Consumers Through Transparency,
CG Docket No. 22-2**

Dear Ms. Dortch:

On March 21, 2023, Diana Eisner of USTelecom—The Broadband Association, Amy Bender of CTIA, Brian Hurley of ACA Connects – America’s Communications Association, Joshua Seidemann of NTCA—The Rural Broadband Association, and Steve Morris of NCTA – The Internet & Television Association (collectively the Associations), met with Zac Champ, Mark Stone, Erica McMahon, Kristi Thornton, and Aaron Garza of the Consumer and Governmental Affairs Bureau to discuss the Associations’ petition for clarification or reconsideration in the above-referenced proceeding.¹

The Associations explained that the Commission’s action in the *Report and Order* to require broadband providers to display the pass-through of fees imposed by federal, state, or local government agencies on the consumer broadband label is an unwarranted departure from the Commission’s approach in 2016 and adds unnecessary complexity to the label for providers and consumers.² The better approach, as proposed in the Petition,³ is to require an explanatory statement that such fees may apply and that they vary by jurisdiction, similar to the treatment of government-imposed taxes.

The Associations also explained that the requirement in the *Report and Order* that providers document every instance when a provider directs a customer to the label at an alternative sales channel (i.e., offline) is wholly unwarranted.⁴ The Commission did not propose such a requirement in the *Notice*

¹ Joint Petition for Clarification or, in the Alternative, for Reconsideration of ACA Connects, et al., CG Docket No. 22-2 (Jan. 17, 2023) (Petition).

² *Empowering Broadband Consumers Through Transparency*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-86, ¶ 33 (Nov. 17, 2022) (*Report and Order*).

³ Petition at 6-9.

⁴ Report and Order, ¶ 95.

*of Proposed Rulemaking*⁵ and no party advanced a proposal along these lines during the proceeding. Beyond these significant administrative process concerns, a requirement to document every customer interaction imposes significant burdens on providers and would be highly disruptive to consumers seeking information through alternative sales channels, with no discernible benefit. Consistent with the Petition, the Associations suggested that, to help ensure the label is available through alternate sales channels, the Commission could clarify that a provider satisfies these rules by developing appropriate business practices to promote distribution of the label through alternative sales channels and retaining documentation of these practices and any associated training materials for two years.⁶

Given that no party opposed the Petition, the Associations encouraged the Commission to grant the petition expeditiously. CTIA also encouraged the Commission to grant its separate petition requesting clarification that wireless providers have the necessary flexibility to create labels that accurately describe their offerings, particularly on taxes-included pricing and data allowances,⁷ which also was unopposed.

Respectfully submitted,

/s/ Steven F. Morris

Steven F. Morris

cc: Z. Champ
M. Stone
E. McMahon
K. Thornton
A. Garza

⁵ *Empowering Broadband Consumers Through Transparency*, Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-7 (Jan. 27, 2022).

⁶ Petition at 10-13.

⁷ CTIA, Petition for Clarification, or in the Alternative, Reconsideration, CG Docket No. 22-2 (Jan. 17, 2023).