

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>Empowering Broadband</b>	)	CG Docket No. 22-2
<b>Consumers Through Transparency</b>	)	
	)	
<b>Delete, Delete, Delete</b>	)	GN Docket No. 25-133

**Comments of  
NTCA—THE RURAL BROADBAND ASSOCIATION**

Joshua Seidemann  
NTCA-The Rural Broadband Association  
4121 Wilson Blvd., Suite 1000  
Arlington, VA 22203  
703-351-2000  
[www.ntca.org](http://www.ntca.org)

January 16, 2026

## CONTENTS

EXECUTIVE SUMMARY .....	i
I. INTRODUCTION .....	1
II. DISCUSSION .....	3
A. NTCA SUPPORTS THE COMMISSION'S ENUMERATED PROPOSED AMENDMENTS .....	3
B. PROPOSALS FROM THE 2022 FNPRM SHOULD BE SUSPENDED FROM FURTHER CONSIDERATION.....	8
C. A REALISTIC ESTIMATE OF BURDEN COSTS SUPPORT THE PROPOSED COMMISSION ACTIONS .....	18
III. CONCLUSION .....	20

## EXECUTIVE SUMMARY

NTCA–The Rural Broadband Association (NTCA) submits these comments supporting the Commission's proposed amendments to streamline broadband labeling requirements while maintaining consumer transparency. The Commission proposes six amendments to current broadband label rules, all of which NTCA supports: (1) eliminating the requirement to read labels over the phone; (2) eliminating itemization of variable pass-through fees that differ by location; (3) removing references to the defunct Affordable Connectivity Program; (4) eliminating the requirement to display labels in customer account portals; (5) eliminating machine-readable label requirements; and (6) eliminating the two-year archiving requirement for discontinued services. Additionally, NTCA urges the Commission to suspend further consideration of additional requirements contemplated in the 2022 Further Notice of Proposed Rulemaking, including expanded website accessibility standards, requirements to provide labels in languages the provider does not use for marketing, labels for bundled services that would create impossible "apples-to-oranges" comparisons, interactive label features that exceed statutory authority, cybersecurity disclosures that could reveal vulnerabilities, and expanded performance reporting that would impose uncertain costs without corresponding consumer benefits.

The proposed amendments will provide meaningful economic relief to small providers while maintaining the consumer-focused transparency that Congress intended in the Infrastructure Investment and Jobs Act.

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>Empowering Broadband</b>	)	CG Docket No. 22-2
<b>Consumers Through Transparency</b>	)	
	)	
<b>Delete, Delete, Delete</b>	)	GN Docket No. 25-133

**Comments of**

**NTCA—THE RURAL BROADBAND ASSOCIATION**

**I. INTRODUCTION**

NTCA hereby submits comments in the above-captioned proceedings. NTCA participated actively in earlier phases of these dockets and supports efforts to facilitate consumer understanding of broadband services. At the same time, NTCA advocates an approach that avoids the imposition of unnecessarily costly and burdensome requirements on internet service providers (ISPs). This balance is particularly important to NTCA, which represents approximately 850 small, locally operated rural ISPs. These companies are technology leaders in their service areas, committed to their customers and communities - but they are also small businesses with unique operational constraints. Unlike larger firms, most NTCA members lack in-house attorneys and compliance departments, requiring them to engage outside legal and consulting resources to ensure compliance with regulatory requirements. Accordingly, NTCA applauds the Commission for revisiting this proceeding to streamline operations and improve efficiency for ISPs. The instant Second Further Notice of Proposed Rulemaking (FNPRM)<sup>1</sup>

---

<sup>1</sup> *Empowering Broadband Consumers Through Transparency; Delete, Delete, Delete: Second Further Notice of Proposed Rulemaking in CG Docket No. 22-2 and Notice of Proposed Rulemaking in GN Docket No. 25-133, Docket Nos. 22-2, 25-133, FCC 25-74 (2025) (FNPRM).*

reflects a logical assessment of both existing regulations as well as additional proposals that were contemplated in a 2022 Further Notice of Proposed Rulemaking.<sup>2</sup> A thorough cost-benefit analysis - comparing the scope and goals of the underlying statute with previously promulgated as well as the pending rules - will enable efficient implementation of consumer-centric principles.

The Commission proposes several amendments to current rules:

1. Eliminate the requirement to read labels over the phone.
2. Eliminate itemization of state and local pass-through fees that vary by location.
3. Remove information about the now-concluded Affordable Connectivity Program (ACP).
4. Eliminate the requirement to display labels in customer account portals.
5. Eliminate the requirement to make labels available in machine-readable format.
6. Eliminate the requirement to archive labels for at least two years after a service is no longer offered.

The Commission also proposes addressing multilingual requirements and ending its inquiry into other potential new requirements from the 2022 FNPRM. NTCA addresses each issue below and provides overarching considerations for this effort to restore implementation of the governing Infrastructure Investment and Jobs Act statute<sup>3</sup> to one that achieves consumer-oriented goals without overly burdensome obligations.

---

<sup>2</sup> *Empowering Broadband Consumers Through Transparency: Report and Order and Further Notice of Proposed Rulemaking*, Docket No. 22-2, FCC 22-86 (2022) (alternatively, 2022 Order and 2022 FNPRM).

<sup>3</sup> Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, § 60504(a) (2021) (IIJA).

## II. DISCUSSION

### A. NTCA SUPPORTS THE COMMISSION'S ENUMERATED PROPOSED AMENDMENTS.

#### 1. The Requirement to Read Labels Over the Phone Should Be Eliminated.

The Commission proposes to eliminate the obligation for providers to read labels over the phone.<sup>4</sup> This requirement arises from 47 CFR § 8.1(a)(2), which requires broadband providers to "display the label... at each point of sale" and defines "point of sale" to include "over the phone;" the 2022 Order accordingly requires providers to read the label verbally during phone interactions.<sup>5</sup> In the instant FNPRM, the Commission correctly notes that "the label is a fundamentally visual medium"<sup>6</sup> and points to inefficiencies inherent in this requirement.<sup>7</sup> As NTCA previously highlighted, and as the Commission notes in the FNPRM, this rule creates two problematic outcomes:

- **Burdensome interactions:** Consumers may interrupt to ask questions or seek clarification while the ISP representative reads the label verbatim, creating confusion rather than clarity.
- **Translation costs:** The rule creates a costly obligation to have translators available to read non-English labels over the phone.

Moreover, even when a consumer indicates they are not interested in hearing certain parts of the label, it remains unclear whether this absolves the ISP of the obligation to read the full label verbatim - effectively compelling providers to act contrary to consumer preferences in whose interest the rules were ostensibly crafted. In contrast, ISPs can provide specific information

---

<sup>4</sup> FNPRM at para. 10.

<sup>5</sup> *See, i.e.*, 2022 Order at paras. 29, 30, and n.113.

<sup>6</sup> *Id.*

<sup>7</sup> FNPRM at para. 11.

customers seek when they call. This is especially true in areas served by small locally operated companies (such as those that constitute the membership NTCA) that overwhelmingly feature live, "real human" customer service representatives. Additionally, an approach that swaps verbatim reading for personal interactions is far more conducive to meeting disability-access requirements. This, too, aligns with NTCA members' commitment to addressing individualized subscriber needs.

**Recommendation:** The Commission should eliminate the requirement to read labels over the phone by excluding telephone calls from the definition of "point of sale."

## **2. Variable Fees Can Be Reflected Without Multiple Labels.**

The Commission proposes to eliminate the obligation for ISPs to itemize recurring discretionary "pass-through fees" that may vary by location.<sup>8</sup> These include "charges that providers impose at their discretion, *i.e.*, charges not mandated by a government."<sup>9</sup> Examples include Universal Service Fund (USF) assessments and pole attachment fees. NTCA supports this recommendation. Like taxes, which the rules *exclude* from itemized listing, many so-called "pass-through" fees vary depending not only on the type of service ordered but also the location where service is provided. For providers whose service areas span multiple jurisdictions with different requirements (*e.g.*, crossing county lines with different 911 or other local fees, or varying rates charged by different pole owners), this rule adds substantial complexity to compliance.

The Commission partially recognized this issue in 2022, explaining that "applicable taxes often vary according to a customer's geographic location" and that "itemizing them may be

---

<sup>8</sup> FNRPM at para. 13.

<sup>9</sup> 2022 Order at para. 33.

difficult and potentially confusing for consumers."<sup>10</sup> The Commission accordingly did not require providers to list taxes on the label, requiring only a statement that additional taxes may apply.<sup>11</sup> This approach should now be extended to other variable fees.

The Commission proposes alternatives for compliance, including allowing providers to aggregate fees on a single line, or requiring providers to state the maximum that might be charged (*i.e.*, "up to but not exceeding"), and asks if there are other ways that fees could be presented.<sup>12</sup> NTCA proposes consider a flexible safe harbor based on the 12-month average of such fees over the preceding calendar year. Alternatively, NTCA supports the proposal to permit ISPs to display the maximum fee that might be charged. Both approaches ensure prospective customers know either the maximum out-of-pocket cost or a reasonable approximation based on near-term historic experience.

**Recommendations:** NTCA recommends providers should be deemed in compliance if they include either the average of the last calendar-year's fees or an alternative "up to" amount on the label.

### **3. The ACP No Longer Exists - Labels Should Not Reference This Program.**

The Commission proposes to eliminate the requirement that labels include information about the ACP.<sup>13</sup> This recommendation is eminently logical. It makes little sense to provide customers with information about a program in which they cannot enroll and which no longer exists. Including this information contravenes the statute's intent to make it easier to shop for

---

<sup>10</sup> 2022 Order at para. 36.

<sup>11</sup> 2022 Order at para. 24.

<sup>12</sup> FNPRM at para. 15.

<sup>13</sup> FNPRM at para. 16.

broadband services, frustrating that endeavor by teasing information about unavailable programs. Additionally, including the ACP on labels could implicate violations of 16 C.F.R. § 238, specifically, Federal Trade Commission (FTC) prohibitions on "bait and switch" tactics. A customer might be lured by the inclusion of ACP information, only to be told the program is no longer available and that only more expensive options may be purchased. Both outcomes contravene the consumer-focused intent of the underlying statute.

**Recommendation:** NTCA recommends the removal of ACP references from broadband labels.

#### **4. Labels in Customer Account Portals Create Substantial and Unnecessary Costs.**

The Commission proposes ending the obligation that labels be displayed in online customer account portals.<sup>14</sup> NTCA supports this recommendation. NTCA members confirm this requirement imposes significant burdens and costs without concomitant benefit to subscribers. Including labels in customer portals does not increase transparency - subscribers can access labels elsewhere on the website simply by opening the associated page. More fundamentally, including labels in account portals is divorced from the purpose of labels: to facilitate *shopping* for broadband services. Customers with account portals have already *purchased* services and would presumably be less interested in a label for their *current* subscribed service than for an *alternative* service, which would *not* be available in their portal under this requirement.

**Recommendation:** NTCA supports eliminating the requirement to display labels in customer account portals.

---

<sup>14</sup> FNPRM at para. 16.

## 5. The Typical Consumer Does Not Use Machine-Readable Labels.

The Commission characterizes requirements to maintain machine-readable labels and related database requirements as "burdensome."<sup>15</sup> NTCA agrees. Labels are intended to provide consumers with easy-to-read and easy-to-understand information about offered services. Machine readability provides little to no value to typical consumers. The modeling of broadband labels on nutrition labels supports the proposition that labels are intended to be a clear, consumer-focused effort rather than a misguided attempt to facilitate "third-party shopping comparison tools."<sup>16</sup> NTCA recognizes the good faith and important public service motivations of certain supporters of the machine readability requirement. At the same time, NTCA affirms that sound regulatory policy must consider implementation costs that fall exclusively on regulated entities, and that in this instance the goals and costs of the consumer-facing statute are not served by requiring machine readable labels. A comparison may be made to food nutrition labels upon which format of broadband labels are based: The Nutrition Labeling and Education Act of 1990 clearly states that labels are intended to "enable the public to readily observe and comprehend" the information contained thereon.<sup>17</sup> Machine-readable labels, by contrast, do not align with the goals of the underlying provisions of the IIJA. As the 2022 Order observed, machine-readable labels may facilitate larger-scale analysis, but this type of comparison shopping is unlikely to be engaged in by typical individual consumers. The requirement to provide machine-readable labels imposes costs on broadband providers with no discernible benefit to the consumers whose interests the governing statute seeks to serve.

---

<sup>15</sup> FNPRM Sec. B.1.

<sup>16</sup> 2022 Order at para. 76. *See, also*, 2022 Order at para. 69 ("machine readability will enable third parties to more easily collect and aggregate data . . .").

<sup>17</sup> Nutrition Labeling and Education Act of 1990, Pub. L. No. 1001-535, 104 Stat. 2353, § 2(b)(1)(A) (1990).

**Recommendation:** NTCA supports elimination of the requirement to provide machine-readable labels.

## 6. Archiving Rules Create Unnecessary Costs.

The Commission proposes to remove the requirement that providers archive all labels for no less than two years after a service is no longer available to new customers.<sup>18</sup> NTCA supports this recommendation. The purported purpose of this regulation is questionable from the outset. After acknowledging the "substantially diminished benefit for purposes of comparison shopping,"<sup>19</sup> the Commission nevertheless imposed an archiving requirement in 2022, stating, "we are persuaded that [providers] should maintain an archive of all labels that have been removed from their websites or alternate sales channels."<sup>20</sup> The Commission articulated no reason for the rule other than "aiding enforcement of labeling requirements, which might arise"<sup>21</sup> if complaints are filed. As the Commission now notes, Congress did not expressly require archiving in the governing statute.<sup>22</sup> Moreover, the Commission's prior justification was based on speculative future utility in complaint proceedings. Providers seeking "just in case" defenses are free to maintain records at their discretion but should not be required to engage in prophylactic compliance to guard against hypothetical future liability. The corollary of this principle is that regulators should likewise not impose these burdens on providers.

Maintaining archives of labels for discontinued services is excessively burdensome, especially in an industry where technology and consumer interests evolve rapidly to support

---

<sup>18</sup> FNRPM at para. 22.

<sup>19</sup> 2022 Order at para. 101.

<sup>20</sup> 2022 Order at para. 102.

<sup>21</sup> *Id.*

<sup>22</sup> FNPRM at para. 22.

innovative offerings at new capabilities and price points, resulting in regularly grandfathered services. Archived labels, like information about the ACP, are of no value to consumers because they describe services *no longer available* to new subscribers. Imposing burdens on providers because labels *might* be used in future enforcement proceedings is evidentiary insurance taken too far, a costly exercise with indeterminate consumer benefit.

**Recommendation:** NTCA recommends elimination of the label archiving requirement.

#### **7. Regulated Entities Should be Permitted to Continue Current Activities Without Unwinding Costs.**

NTCA supports the Commission's efforts to streamline regulations and increase efficiency. To avoid imposing new costs on ISPs that have already invested significantly in compliance infrastructure - such as creating machine-readable labels and integrating them into customer portals - NTCA recommends making compliance with revised regulations voluntary. Specifically, if a provider's current practice reflects compliance with a rule that is no longer effective, that provider should be permitted to continue the practice regardless of its regulatory status. Mandating changes like converting to non-machine-readable formats or removing portal labels would impose unnecessary costs. Voluntary compliance would allow ISPs to adopt new regulations when administratively or financially advantageous, aligning updates with natural product cycles rather than regulatory timelines.

If the Commission does adopt mandatory new requirements, NTCA urges sufficient implementation time for smaller providers, consistent with prior extended phase-ins. A six-month implementation period would accommodate small providers, who typically lack in-house counsel or dedicated compliance staff.

**Recommendation:** The Commission should permit ISPs to maintain compliance with existing regulations where more feasible, rather than requiring costly transitions to new requirements.

**B. PROPOSALS FROM THE 2022 FNPRM SHOULD BE SUSPENDED FROM FURTHER CONSIDERATION.**

The Commission proposes additional streamlining measures, including suspending further consideration of additional regulations contemplated in the 2022 FNPRM. NTCA supports this approach. These proposals include:

1. Website and accessibility standards.
2. Display of labels in non-English languages in which the company does not market its services.
3. Bundled services.
4. Interactive labels.
5. Cybersecurity and Other Directives.
6. Performance.

NTCA addresses these issues below.

**1. Website and Accessibility Requirements**

NTCA urges the Commission to decline imposition of additional website and other accessibility requirements. For small providers in particular, recommendations like displaying labels in Braille or via QR codes with tactile indicators would impose unnecessary and significant costs.<sup>23</sup> As locally operated businesses, NTCA members are naturally inclined to serve the needs of their customers, whether typical or individualized. Accordingly, locally operated providers are best positioned to determine the pathways that meet needs in their communities, as opposed to blanket "one size fits all" requirements. The current encouragement by the Commission to rely on Web Content Accessibility Guidelines (WCAG)<sup>24</sup> is a sensible

---

<sup>23</sup> See, 2022 FNPRM at para. 132.

<sup>24</sup> 2022 FNPRM at para. 133.

construction within which ISPs can operate. At the same time, NTCA commends the Commission for declining to adopt specific criteria based on WCAG standards, including "definitions of words or phrases used in an unusual or restricted way, including idioms and jargon and abbreviations."<sup>25</sup> As NTCA noted in its 2022 comments, existing rules already require ISPs to provide a link to the Commission's own web-based glossary.<sup>26</sup> This, combined with the record of locally operated companies serving their communities, renders unnecessary additional website requirements.

**Recommendation:** NTCA recommends the Commission to decline additional website and other accessibility requirements beyond existing obligations.

## 2. Expanded Non-English Language Requirements

NTCA supports the Commission's proposal to place reasonable limits on obligations to provide labels in non-English languages. The 2022 Order reached a reasonable conclusion: requiring ISPs that market their services in languages other than English to provide labels in those other languages. NTCA does not oppose this outcome that is consistent with other Federal regulations. For example, the FTC determined nearly 30 years ago that where "clear and conspicuous" disclosure is required, the disclosure shall be made either in "the predominant language" of the publication or in the language "principally used in the advertisement or sales material."<sup>27</sup> Similarly, broadband providers that market in languages other than English have presumably determined a business advantage to duplicating materials in that language, and there is, accordingly, reasonable independent basis for them to provide ancillary materials and

---

<sup>25</sup> *Id.*

<sup>26</sup> *See*, 2022 Order at para. 59.

<sup>27</sup> 16 CFR § 14.9(a). *See*, 63 Fed. Reg. 34807, 34808 (Jun. 26, 1998).

disclosures in those same languages. The costs of marketing in multiple languages are significant, and ISPs undertaking such efforts have determined that these additional marketing costs are warranted by potential customer bases in their communities. In contrast, arbitrary directives (such as proposed in the 2022 FNPRM) to provide labels even in languages in which the provider does not market should be declined.<sup>28</sup> Creating materials in non-English languages would require, *inter alia*, costs of hiring translation experts, additional print and electronic formatting for non-English languages (including added costs for languages not written in Roman characters), and hiring experts in foreign language idiomatic expression to reflect technical and other "terms of art." These costs may be warranted when the provider itself assesses a business justification to market in non-English languages. In those instances, creating labels in non-English languages will impose additional costs, but the "sunk costs" of obtaining and executing translation services have already been accepted and incurred in the initial marketing. In contrast, requiring non-English labels where the ISP does not even market in that language would initiate costs unforeseen, undesired, and unneeded.

The Commission would not be treading new ground in this approach. Federal agencies regulating food, pharmaceuticals, and workplace safety do not impose non-English language requirements and have specifically declined to implement such measures. Food, pharmaceuticals, and workplace conditions implicate, quite literally, human health and safety. Yet Federal agencies overseeing those industries have relied on English as the *lingua franca* to convey critical information to consumers. The very inspiration for broadband labels - FDA nutrition labels - are not subject to non-English language requirements. This cannot be attributed to the FDA "forgetting" this issue: Nutrition labels have evolved through several iterations affecting both

---

<sup>28</sup> 2022 FNPRM at para. 134.

content and format, and throughout these iterations the FDA has specifically declined to require manufacturers to publish in non-English languages.

For example, during the most recent revision of nutrition labels, the FDA addressed comments suggesting educational campaigns to "reach consumers who are least likely to understand and use the label, including lower income consumers, [and] communities with diverse languages and literacy levels . . ." <sup>29</sup> The FDA noted that some commenters observed that people with lower educational attainment or income would be "significantly less likely to correctly assess the Nutrition Facts . . ." <sup>30</sup> Yet despite these observations, the FDA declined to require non-English language labels and instead positioned itself, not food producers, as educator and conveyor of explanatory information, reiterating that role by pointing to FTC-created "educational materials (*e.g.*, videos, an array of public education material and brochures (in English and Spanish)) on numerous nutrition topics . . ." <sup>31</sup> This approach appears analogous to the Commission's self-hosted broadband glossary and suggests that providing information on the Commission's glossary webpage in additional non-English languages would be a more logical path than imposing requirements on providers.

Additionally, there is no basis for requiring transactional information such as broadband prices, late fees, and speed tiers to be provided where the provider does not even market in that

---

<sup>29</sup> "Food Labeling: Revision of the Nutrition and Supplement Facts Label," 81 Fed. Reg. 33749 (2016). These include such measures as specifications for the relative type size for different information as well as font effects such as requirements to print certain information in bold typeface. The content of the labels, as well, has been updated over time to both eliminate and add certain information. For example, the FDA removed "Calories from Fat" but retained other fat information. Similarly, the FDA revised requirements to include Vitamin D and potassium but made the inclusion of Vitamins A and C voluntary. The FDA also evaluated the relative effectiveness of pie charts, graphs, or other visual representations to convey information about macronutrients.

<sup>30</sup> *Id.* The FDA also considered comments that "some racial groups . . . are less likely . . . to use and understand nutrition labels, primarily because of lack of time to read labels and lack of understanding of the nutrition information." In sum, the FDA considered a full panoply of concerns as it revised the nutrition label requirement but nevertheless declined to impose non-English language requirements.

<sup>31</sup> *Id.* at 81 Fed. Reg. 33750.

language.<sup>32</sup> The Commission should reject the proposals in the 2022 FNPRM, including census-based requirements and on-request translation.<sup>33</sup> U.S. Census Bureau American Community Survey (ACS) data or other identifiable metrics should neither guide nor serve as a basis for non-English language requirements. Such requirements would impose substantial burdens on providers (particularly small providers) to translate idioms and technical jargon. Likewise, the 2022 FNPRM asks whether providers should be required to translate labels into other languages upon consumer request.<sup>34</sup> This inquiry must be placed in realistic perspective: According to Translators Without Borders, there are between 350 and 430 spoken languages in the United States<sup>35</sup> (the 2018-2022 ACS reports that approximately 78% of U.S. households speak only English at home).<sup>36</sup> A requirement to translate labels into other languages upon request would be simply unmanageable for small providers, even if limited to the top ten non-English languages (including Spanish, numerous varieties of Chinese, Tagalog (including Filipino), Vietnamese, Arabic, and French). For these reasons, NTCA supports limiting non-English label publication obligations to those languages in which the ISP chooses to market its services.

***Recommendation:*** The Commission should decline to impose additional non-English language requirements.

---

<sup>32</sup> 2022 FNPRM at para. 134.

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> "Language Data for the United States of America," Translators Without Borders, (<https://translatorswithoutborders.org/language-data-for-the-united-states-of-america/>) (visited Dec. 15, 2025).

<sup>36</sup> "Most Americans Speak Only English at Home or Speak English 'Very Well,' U.S. Census Bureau, Press Release No. CB23-208 (Dec. 7, 2023) (<https://www.census.gov/newsroom/press-releases/2023/language-at-home-acs-5-year.html>) (visited Dec. 15, 2025).

### 3. Bundled Services

NTCA urges the Commission to reject proposals to require labels for discounted or bundled services.<sup>37</sup> Bundled services reflect numerous inputs aimed at meeting specific market interests and creating narrowly tailored responses to them. While the goal of broadband labels is to enable easy comparison shopping, that intent cannot be realized when customers compare dissimilar service packages. A customer comparing two packages featuring identical 100/20 Mbps service might be able to engage in an "apples-to-apples" comparison. But a customer comparing two offerings that include options as diverse as equipment choices, specialized support and service plans, and bundled video, security, or other services alongside the basic capacity specs would face an impossible task of comparing "apples-to-oranges" among the various differences.

***Recommendation:*** The Commission should decline to require labels for bundled services.

### 4. Interactive Labels

NTCA urges the Commission to decline proposals to require interactive options or expanded labels with additional information.<sup>38</sup> These proposals go far beyond the basic transparency and clarity envisioned by the underlying statute and would constitute inappropriate directives to private firms regarding how to present, market, and sell their services.

The Commission has authority under the IIJA to require broadband labels and has already exercised its regulatory authority to promulgate Truth in Billing requirements for regulated common carrier services.<sup>39</sup> The underlying statute, however, does not provide sufficient basis for

---

<sup>37</sup> See, 2022 FNPRM at para. 138.

<sup>38</sup> See, 2022 FNPRM at paras. 148, 149.

<sup>39</sup> See, 47 C.F.R. § 64.2401.

the Commission to adopt the type of intensive, costly, and burdensome interactivity proposed in the 2022 FNPRM. Accordingly, NTCA supports retiring proposals for interactive options and expanded labels.

**Recommendation:** Interactive labels are burdensome and without statutory basis and therefore should not be required.

## 5. Cybersecurity and Other Directives

ISPs should not be required to disclose cybersecurity practices.<sup>40</sup> Disclosing cybersecurity practices could reveal potential vulnerabilities that invite adversarial actions.<sup>41</sup> Providers' cybersecurity practices should remain proprietary. Additionally, network management disclosures are already required elsewhere.<sup>42</sup> Including them on labels risks "infobesity" - the pitfall of including so much information as to render a declaration functionally useless. For these reasons, NTCA recommends the Commission not adopt requirements to include cybersecurity and network management disclosures on the labels.

**Recommendation:** The Commission should decline to require ISPs to share cybersecurity and network management information on labels.

## 6. Performance information

As stated in the joint comments on the 2022 FNPRM, the Commission should not adopt any new or additional requirements other than the requirement to display the "typical" speed the ISP offers.<sup>43</sup> First, the average consumer is likely to be concerned with the typical experience s/he expects to receive overall, and would find confusing multiple disclosures of speed and

---

<sup>40</sup> 2022 FNPRM at para. 143.

<sup>42</sup> See, 47 C.F.R. § 8.3.

<sup>43</sup> *Joint Comments of NTCA–The Rural Broadband Association and The Wireless Internet Service Providers Association*, Docket No. 22-2 (Mar. 9, 2022).

latency values that unnecessarily complicate decision-making. Second, the term “average” would appear to require providers to measure past performance over some period of time, and that historical “average” may have no relationship to future performance.<sup>44</sup> In fact, speed and latency variations often result from factors outside the provider’s network, making measuring an “average” a moving target and one that does not yield corresponding consumer benefits. Accordingly, a disclosure based on “typical” speeds is a sounder and more efficient measurement.

Likewise, the Commission should exercise restraint in how providers may be required to report reliability. Factors outside the network, such as off-net fiber cuts, natural disasters and power outages (to name a few), and their impact on reliability cannot be anticipated. Moreover, *perceived* reliability may differ from *actual* reliability as user experience depends upon, *inter alia*, the number of connected devices at the user location, the type of equipment by which performance is measured, internal network configurations of the customer’s choosing and design. In addition, service outages may not occur on a network-wide basis, making any sort of general statement about uptime percentage inherently unreliable. At most, an “hours up/hours down” measurement might be useful, but even in that construct, ISPs must be permitted to note that factors beyond the network operator’s control may affect performance. But once that and other reasonable qualifications are added, the label may again suffer the weight of “infobesity,” with more fine print that is anathematic to the simple, consumer-friendly label Congress intended. Accordingly, performance information should not be required.

---

<sup>44</sup> This would be especially true with fixed wireless networks where the number of subscribers accessing a base station changes from time to time and over time.

**Recommendation:** The Commission should decline to adopt additional performance reporting requirements.

**C. A REALISTIC ESTIMATE OF BURDEN COSTS SUPPORTS THE PROPOSED COMMISSION ACTIONS**

Appendix B of the FNPRM sets forth the Initial Regulatory Flexibility Analysis (IRFA), intended to assess the economic impact of proposed actions on small entities.<sup>45</sup> NTCA submits that the Commission's proposals in the instant FNPRM should relieve economic burdens on small entities, and that proper disposition of measures proposed in the 2022 FNPRM (specifically, declining to implement additional requirements) should avoid imposing additional economic burdens on small entities.

The 2023 PRA Worksheet<sup>46</sup> estimated zero capital, operation, and maintenance costs for small companies, an outcome that was inconsistent with findings in the 2022 Order that small firms would likely need to outsource label compliance functions. Specifically, the Commission recognized in the 2022 Order that certain label tasks "may require more time for providers that are less likely to have in-house attorneys and compliance departments to assist in preparing their broadband labels, and thus will need to engage outside legal resources to implement several proposed requirements."<sup>47</sup> The Commission explained in the 2023 Worksheet that "additional time was warranted for these [small] providers that are less likely to have in-house attorneys and compliance departments to assist with their broadband labels and will need to engage outside legal resources to implement several proposed requirements."<sup>48</sup> However, even as the

---

<sup>46</sup> Supporting Statement OMB 3060-XXXX, FCC Docket No. 22-2, FR ID 126104, at 15.

<sup>47</sup> 2022 Order, at para. 118.

<sup>48</sup> PRA Worksheet at 8, 9 ("Thus, the Commission concluded that additional time was warranted for these providers that are less likely to have in-house attorneys and compliance departments to assist with their broadband labels and will need to engage outside legal resources to implement several proposed requirements.").

Commission observed that small companies would "need to engage outside legal resources," the estimate submitted for OMB review in 2022 predicted annual capital, operations, and maintenance costs for all companies at \$0.00. This conclusion was inherently contradictory.

Additionally, reliance on even existing internal staff creates costs. Leading economists have long agreed that "opportunity costs ought to be used in as an input in economic decisions."<sup>49</sup>

The alternative or opportunity cost doctrine has provided modern economic investigations with an invaluable tool of analysis. This doctrine advances the conceptualization of cost beyond its superficial identification with explicit outlays or payments. Cost is viewed as reflecting the value of *opportunities foregone*. The cost of obtaining anything is the value placed on whatever must be sacrificed in order to obtain it. Implicit in this formulation is the rejection of the idea that cost must in some way be associated with disutility. As long as time spent on a particular activity precludes the simultaneous pursuit of another activity, an opportunity cost is incurred.<sup>50</sup>

As long as time spent on a particular activity precludes the simultaneous pursuit of another activity, an opportunity cost is incurred. Accordingly, whether firms (and particularly small firms such as NTCA members) outsource or use current internal resources, compliance with the labels rules will necessarily draw staff and resources away from other tasks, thereby implicating real economic costs. For these reasons, NTCA supports the Commission's current viewpoint that elimination of certain requirements will provide economic benefits to small providers.

---

<sup>49</sup> Friedman, Laurence A., and Neuman, Bruce R., "The Effects of Opportunity Costs on Project Investment Decisions: A Replication and Extension," 18 *Journal of Accounting Research* 407 (1980).

<sup>50</sup> Levine, Aaron, "Opportunity Cost as Treated in Talmudic Literature," 15 *Tradition* 153 (1975) (emphasis in original).

### III. CONCLUSION

NTCA appreciates the Commission's thoughtful reconsideration of broadband labeling requirements and its commitment to balancing consumer transparency with regulatory efficiency. The proposed amendments eliminate requirements that impose significant costs on small providers without corresponding benefits to consumers, such as reading visual labels verbatim over telephone calls, maintaining archives of discontinued services, and creating machine-readable formats. Declining to adopt additional requirements from the 2022 FNPRM, including expanded language obligations, bundled service labels, interactive features, and cybersecurity disclosures, will prevent unnecessary burdens while preserving the statute's core purpose of enabling consumers to readily understand broadband service offerings. NTCA's members remain committed to serving their communities with transparency and responsiveness, and the Commission's proposed approach will allow these small, locally operated providers to focus resources on network investment and customer service rather than compliance with requirements that do not advance the statute's consumer-oriented goals.

Respectfully submitted,

*s/ Joshua Seidemann*  
Joshua Seidemann  
VP Policy and Industry Innovation  
NTCA-The Rural Broadband Association  
4121 Wilson Blvd., Suite 1000  
Arlington, VA 22203  
703-351-2000  
[www.ntca.org](http://www.ntca.org)

DATED: January 16, 2026