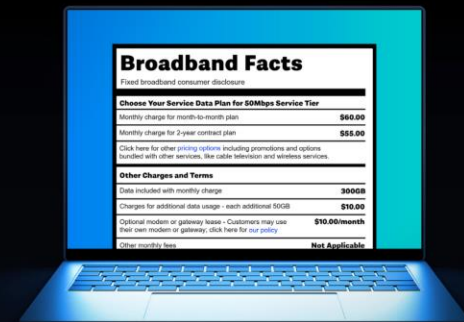
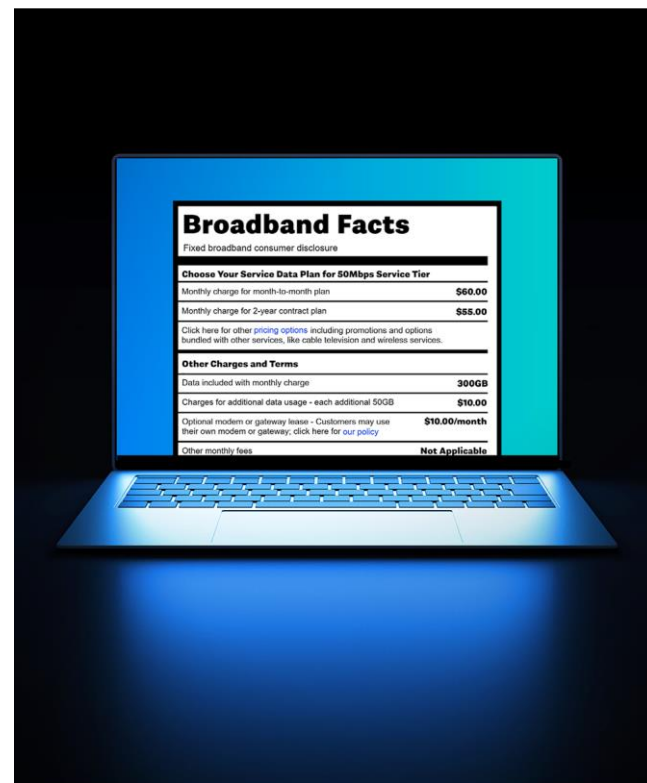


Checking the Label: How to Comply with the FCC's New Broadband Label Regulations

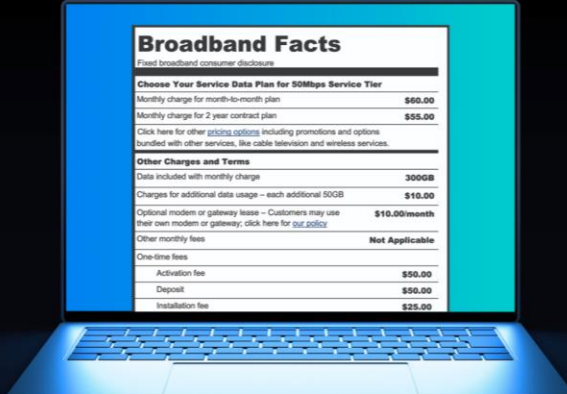


Agenda

1. What Are Broadband Labels, and Why Do They Matter?
2. What Do You Need to Do to Comply?
3. Enforcement Considerations



What Are Broadband Labels, and Why Do They Matter?



Broadband Facts	
<small>Fixed broadband consumer disclosure</small>	
Choose Your Service Data Plan for 50Mbps Service Tier	
Monthly charge for month-to-month plan	\$60.00
Monthly charge for 2 year contract plan	\$55.00
<small>Click here for other pricing options including promotions and options bundled with other services, like cable television and wireless services.</small>	
Other Charges and Terms	
Data included with monthly charge	3000B
Charges for additional data usage – each additional 500B	\$10.00
Optional modem or gateway lease – Customers may use their own modem or gateway; click here for our policy	\$10.00/month
Other monthly fees	Not Applicable
One-time fees	
Activation fee	\$50.00
Deposit	\$50.00
Installation fee	\$25.00

What are Broadband Labels and Why They Matter



Broadband Labels disclose certain information about broadband internet access service (BIAS) plans that resemble the FDA's Nutrition Facts Labels, designed to provide more transparency to consumers.



The new FCC rules require providers to display **pricing**, certain **fees**, **performance characteristics**, and **data allowance information**.



Section 60504 of the Infrastructure Investment and Jobs Act (Investment Act) directs the FCC to require providers to display labels.

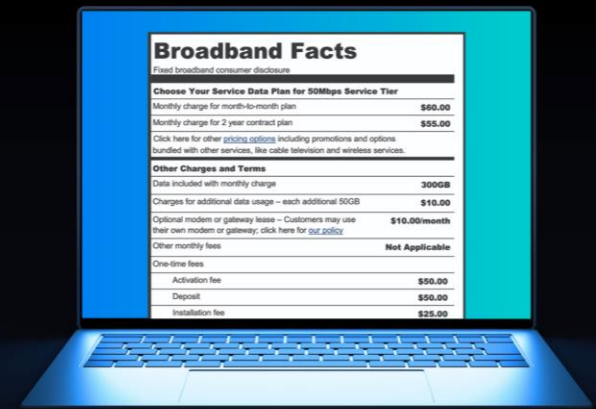


Providers can face a **\$10,000 fine** for each violation or each day of a continuing violation, not to exceed a total of \$75,000 for any single act or failure to act. *47 U.S.C. § 503(b)(2)(D)*

Implementation

- Providers **must** adopt labels by **April 10, 2024**.
- Providers with less than 100,000 broadband subscribers must adopt labels by **October 10, 2024**.
 - Based on provider's recent Form 477/Broadband Data Collection filing and, if relevant, aggregated over all the provider's affiliates.
- All providers must adopt:
 - Machine-Readable Format - **October 10, 2024**
 - Customer Online Accounts - **October 10, 2024**

What Do You Need to Do to Comply?



As a Provider, You Must:



Compile the information that must be presented on the label



Validate speed and latency



Incorporate the information into the label format



Post labels on company websites

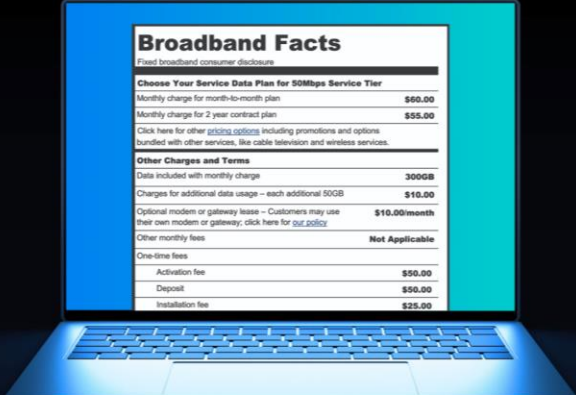


Develop and implement procedures for making any necessary changes to the labels, including website updates



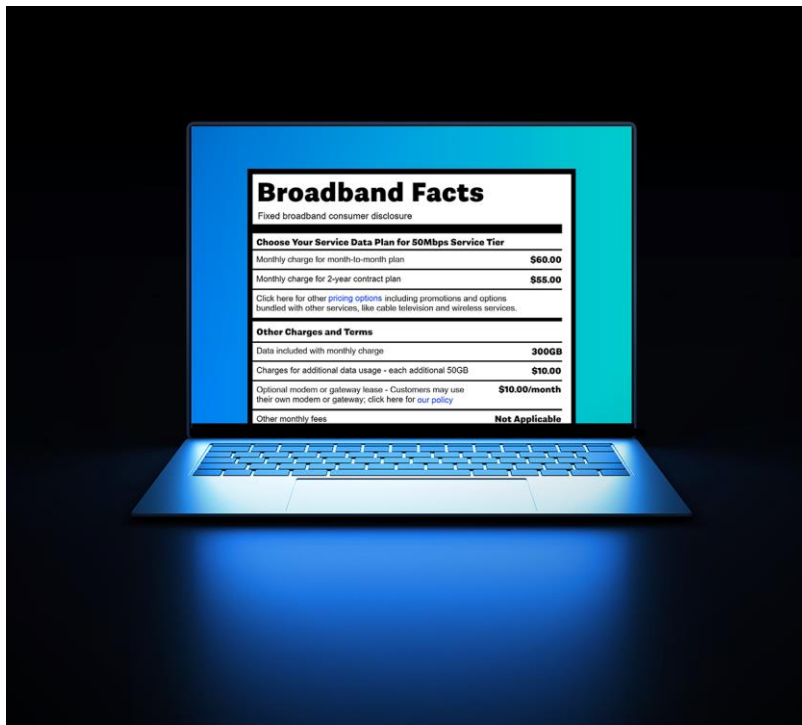
Train customer service representatives, sales agents, and other personnel

a. Compile the Information



Broadband Facts	
Fixed broadband consumer disclosure	
Choose Your Service Data Plan for 50Mbps Service Tier	
Monthly charge for month-to-month plan	\$60.00
Monthly charge for 2 year contract plan	\$55.00
Click here for other pricing options including promotions and options bundled with other services, like cable television and wireless services.	
Other Charges and Terms	
Data included with monthly charge	3000B
Charges for additional data usage – each additional 50GB	\$10.00
Optional modem or gateway lease – Customers may use their own modem or gateway; click here for our policy	\$10.00/month
Other monthly fees	Not Applicable
One-time fees	
Activation fee	\$50.00
Deposit	\$50.00
Installation fee	\$25.00

What Needs to Be on the Label?



Fixed and Mobile Broadband Label Sample

Broadband Facts	
Provider Name	
Service Plan Name and/or Speed Tier	
Fixed or Mobile Broadband Consumer Disclosure	
Monthly Price	[\$]
This Monthly Price [is/is not] an introductory rate. [if introductory rate is applicable, identify length of introductory period and the rate that will apply after introductory period concludes]	
This Monthly Price [does not] require[s] a [x year/x month] contract. [only required if applicable; if so, provide link to terms of contract]	
Additional Charges & Terms	
Provider Monthly Fees	[\$]
[Itemize each fee or enter "None."]	
One-time Fees at the Time of Purchase	[\$]
[Itemize each fee or enter "None."]	
Early Termination Fee	[\$]
Government Taxes	[Varies by Location/Taxes Included]
Discounts & Bundles	
Click Here for available billing discounts and pricing options for broadband service bundled with other services like video, phone, and wireless service, and use of your own equipment like modems and routers. [Any links to such discounts and pricing options on the provider's website must be provided in this section.]	
Affordable Connectivity Program (ACP)	
The ACP is a government program to help lower the monthly cost of internet service. To learn more about the ACP, including to find out whether you qualify, visit GetInternet.gov .	
Participates in the ACP	[Yes/No]
Speeds Provided with Plan	
Typical Download Speed	[] Mbps
Typical Upload Speed	[] Mbps
Typical Latency	[] ms
Data Included with Monthly Price	
Charges for Additional Data Usage	[] GB [\$/GB]
Network Management	Read our Policy
Privacy	Read our Policy
Customer Support	
Contact Us: example.com/support / (555) 555-5555	
Learn more about the terms used on this label by visiting the Federal Communications Commission's Consumer Resource Center. fcc.gov/consumer	
[Unique Plan Identifier Ex. F0005937974123AB0456EM0789]	



If you're filling out a blank label for your company:

- Which elements could you provide off the top of your head?
- Where are you going to go to get the information?
- Which sections do you anticipate as being most difficult?
- How many of these will you have to create?

Broadband Facts	
Provider Name	
Service Plan Name and/or Speed Tier	
Fixed or Mobile Broadband Consumer Disclosure	
Monthly Price	[\$]
This Monthly Price [is/is not] an introductory rate. [if introductory rate is applicable, identify length of introductory period and the rate that will apply after introductory period concludes]	
This Monthly Price [does not] require[s] a [x year/x month] contract. [only required if applicable; if so, provide link to terms of contract]	
Additional Charges & Terms	
Provider Monthly Fees [Itemize each fee]	[\$]
One-time Fees at the Time of Purchase [Itemize each fee]	[\$]
Early Termination Fee	[\$]
Government Taxes	Varies by Location
Discounts & Bundles	
Click Here for available billing discounts and pricing options for broadband service bundled with other services like video, phone, and wireless service, and use of your own equipment like modems and routers. [Any links to such discounts and pricing options on the provider's website must be provided in this section.]	
Affordable Connectivity Program (ACP)	
The ACP is a government program to help lower the monthly cost of internet service. To learn more about the ACP, including to find out whether you qualify, visit affordableconnectivity.gov .	
Participates in the ACP	[Yes/No]
Speeds Provided with Plan	
Typical Download Speed	[] Mbps
Typical Upload Speed	[] Mbps
Typical Latency	[] Ms
Data Included with Monthly Price	
Charges for Additional Data Usage	[] GB [\$/GB]
Network Management	Read our Policy
Privacy	Read our Policy
Customer Support	
Contact Us: example.com/support / (555) 555-5555	
Learn more about the terms used on this label by visiting the Federal Communications Commission's Consumer Resource Center. fcc.gov/consumer	
[Unique Plan Identifier Ex. F0005937974123ABC456EMC789]	

Monthly Price

Include the base monthly price for the stand-alone broadband service offering (i.e., an offering not bundled with other services such as multichannel video or voice).

Itemize any additional discretionary fees and state that additional government taxes varies by location.

Providers may combine their monthly discretionary fees with their base monthly price and list that total price.

- Do not need to itemize those fees on the label separately
- Wireless providers can indicate "taxes included" or use similar language in the label template if taxes are part of the base price.

Introductory Rates



Indicate whether the monthly price is an introductory offer along with the post-introductory period rate.



If the listed monthly price is non-promotional, providers **must** state that it is a non-introductory rate, and no further disclosures are required on the label.

Billing and Other Discounts

- Display only the “retail” monthly broadband price.
- May link on the label to a webpage explaining discounts.
- May also separately inform consumers about discounts as part of marketing materials.

Contract Plans

- If offering a contract term, **must** display the length of that term on the label.
- Providers **must** disclose any applicable early termination fees if the consumer cancels the service before the end of the contract.
- If the provider's early termination fee is prorated based on the time the consumer cancels service, the provider may:
 - Note that on the label, along with the maximum early termination fee, and
 - Include a link to more details about its early termination policies.

Additional Monthly Charges

- Under “Additional Charges & Terms,” providers **must** list all recurring monthly fees.
- These discretionary charges include those the provider collects for its costs associated with government programs.
 - This applies only where the government has not mandated such collection, e.g., USF contributions.
- Give each fee a simple, accurate, and easy-to-understand name.
- List fees such as monthly charges associated with regulatory programs and fees for the rental or leasing of modem and other network connection equipment.

Additional One-Time Fees

- Under “Additional Charges & Terms,” providers **must** include the name and cost of each one-time fee.
 - State under “Additional Charges & Terms” that taxes will apply and may vary depending on location.
- These include charges for purchasing a modem, gateway, or router; an activation fee; a deposit; an installation fee; or a charge for late payment.
- **Must** identify any early termination fees and provide a link to a full explanation of when these fees are triggered.

Data Caps and Allowances

- Disclose any data caps or allowances and the consequences for exceeding them (e.g., additional charges, reductions in service, loss of service for the remainder of the billing cycle).
- Include website links for more detailed information about data allowances.
- Identify the increment of additional data (e.g., “each additional 50GB”).

USF Programs

- E-Rate and RHC providers **must** provide a label with any competitive bids submitted.
 - In the limited instances in which a service provider provides services without submitting a bid and has not yet provided a label to the E-Rate or RHC applicant, it **must** provide the label with the first invoice it submits to the applicant.
- Include *a link* to information about the ACP and indicate whether the provider is participating in the ACP with the following language:
 - “The Affordable Connectivity Program (ACP) is a government program to help lower the monthly cost of internet service. To learn more about the ACP, including to find out whether you qualify, visit www.affordableconnectivity.gov.”
- Link to the web address www.getinternet.gov

Bundled Plans



Only display a label for standalone broadband services.



Providers may note they offer bundled broadband services via a “click here” *link* where they describe other discounts.

Grandfathered Plans



Only display labels for plans currently offered to new customers



Providers do not need to create and display labels for services used by current customers that are no longer available to new customers

Consumer Education and the FCC Glossary

- Include *a link* to the FCC's website at the bottom of all broadband labels, where the Consumer and Governmental Affairs Bureau will post a web page with a glossary of terms used on the label.
- CGB should complete the initial website no later than *30 days* before the label display requirements become effective.

Not Required on Labels

Peak Usage Data

- Not required to tie speed reporting to “peak usage periods.”

Packet Loss

- Not required to include information on packet loss.

Performance

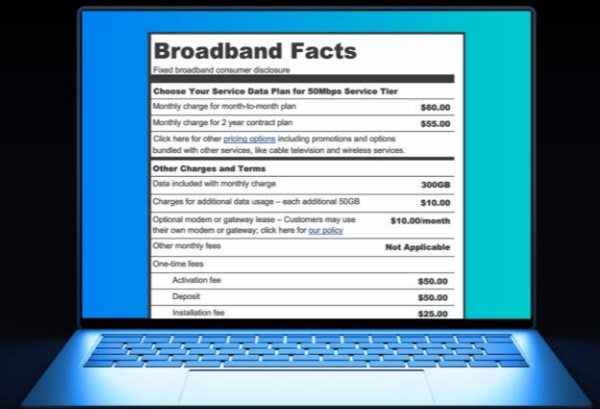
- Not required to explain the broadband speeds consumers need to perform certain tasks.

Modifications

- Not required to notify consumers directly about changes to the terms and conditions in the displayed labels.



b. Validate Latency and Speed

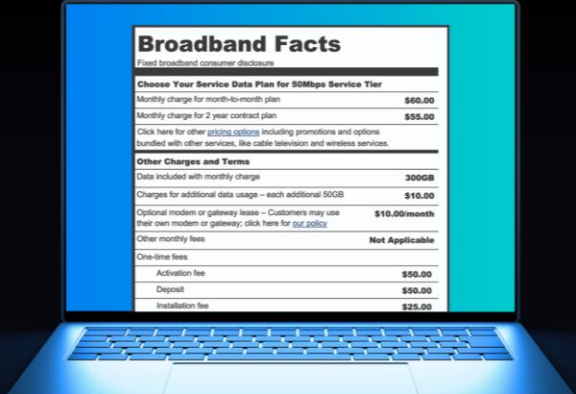


Speed and Latency Disclosure

Speeds Provided with Plan	
Typical Download Speed	[] Mbps
Typical Upload Speed	[] Mbps
Typical Latency	[] Ms
Data Included with Monthly Price	
Charges for Additional Data Usage	[] GB [\$/GB]
Network Management	Read our Policy
Privacy	Read our Policy

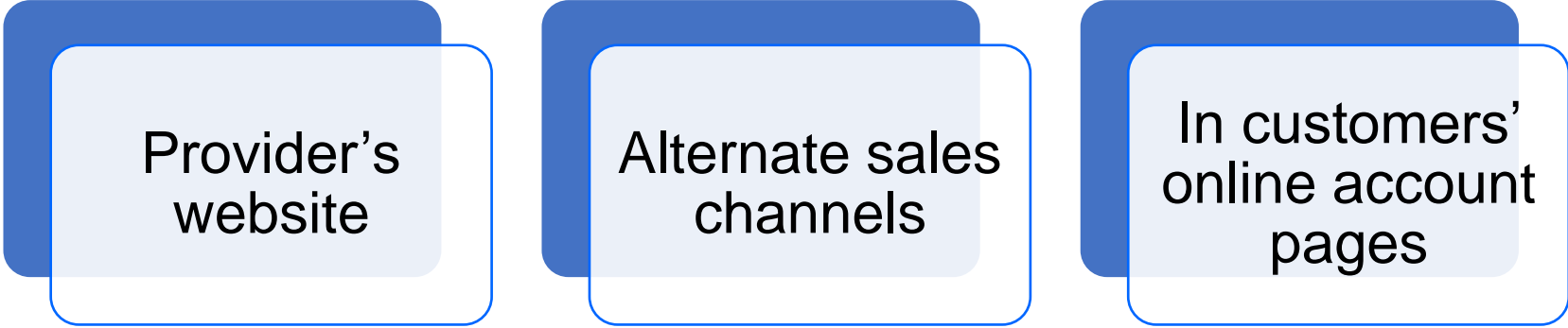
- Requires disclosure of speed and latency
- Specifies that some performance data must be used to substantiate the label
- Talk to your engineers
- Measuring Broadband America program is FCC approved
- Ookala tests should run on a local server
- Maintain a speed and latency policy

c. Post Labels



Broadband Facts	
Fixed broadband consumer disclosure	
Choose Your Service Data Plan for 50Mbps Service Tier	
Monthly charge for month-to-month plan	\$60.00
Monthly charge for 2 year contract plan	\$55.00
Click here for other pricing options including promotions and options bundled with other services, like cable television and wireless services.	
Other Charges and Terms	
Data included with monthly charge	3000B
Charges for additional data usage – each additional 500B	\$10.00
Optional modem or gateway lease – Customers may use their own modem or gateway; click here for our policy	\$10.00/month
Other monthly fees	Not Applicable
One-time fees	
Activation fee	\$50.00
Deposit	\$50.00
Installation fee	\$25.00

Display Locations



Provider's
website

Alternate sales
channels

In customers'
online account
pages

Display Location



Point of Sale.



Provider's *primary advertising web page*—Display the label at the time the consumer views the specific plans available to them.



Must display the actual label—not simply an icon or a link to the label—in close proximity to the associated plan advertisement.



Providers should ensure that the labels are prominently displayed on any device on which the consumer accesses and views the labels, including mobile devices.

Alternative Sales Channels

- Providers that use alternate sales channels **must** make the label available to consumers at each point of sale.
- Providers **must** make the label available in hard copy for those consumers who cannot access the label either via a home Internet connection or in a retail location.
- Other ways to satisfy this requirement include:
 - Provide Internet access at the retail location;
 - Give customers a card with the printed URL or a QR code; or
 - Orally share label information with consumers over the phone.

Customer Online Accounts

- Providers that offer online account portals to their customers **must** make each customer's label easily accessible to the customer in such portals.

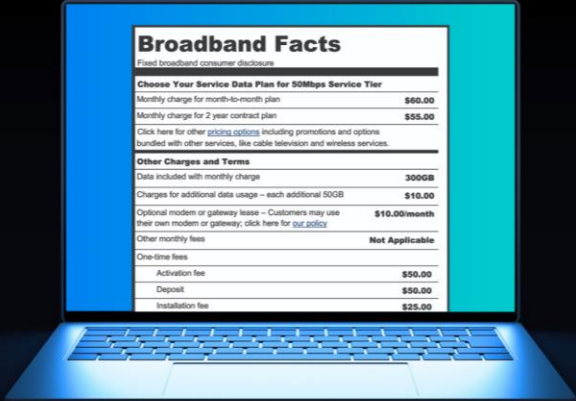
Not Required

Mass marketing channels or prior to customers specifying their service location.

Consumer's monthly bill.

Font size for the label information.

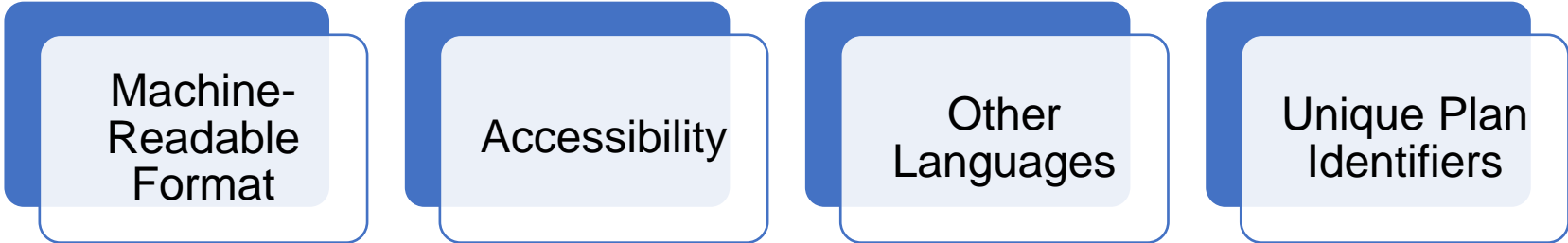
d. Incorporate the Information Into the Label Format



The image shows a laptop screen displaying a 'Broadband Facts' label. The label is titled 'Broadband Facts' and includes a sub-header 'Fixed broadband consumer disclosure'. It contains a table with service tiers and their associated costs, followed by a section for 'Other Charges and Terms'.

Broadband Facts	
Fixed broadband consumer disclosure	
Choose Your Service Data Plan for 50Mbps Service Tier	
Monthly charge for month-to-month plan	\$60.00
Monthly charge for 2 year contract plan	\$55.00
Click here for other plans, options including promotions and options bundled with other services, like cable television and wireless services.	
Other Charges and Terms	
Data included with monthly charge	3000B
Charges for additional data usage – each additional 500B	\$10.00
Optional modem or gateway lease – Customers may use their own modem or gateway; click here for our policy	\$10.00/month
Other monthly fees	Not Applicable
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Installation fee	\$25.00

Format



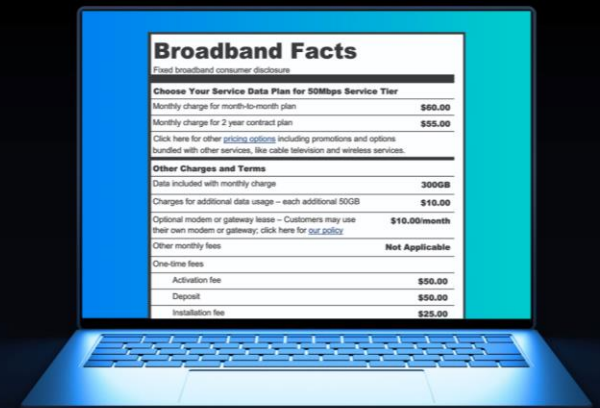
Machine-Readable Format

Accessibility

Other Languages

Unique Plan Identifiers

e. Develop and Implement Procedures



Network Management Practices

- Include a link to the provider's network management practices.
- Providers must either include necessary information on their websites about blocking, throttling, and paid prioritization or transmit this information to the FCC.
- Network Management Practices are made more visible to the consumer due to a link on the label.
- Many JSI clients are using a Distributed Denial of Service (DDOS) mitigation service, such as the JSI SmartAdvantageSM DDOS Mitigation.
- Such tools must be disclosed in the Network Management Practices document.

Privacy Policy



Include *a link* to the service provider's privacy policy on its website.



Must continue to comply with the FCC's current directives regarding privacy policy disclosures.

Documentation

- Archive all labels for *two years* once a plan is no longer available for new customers.
 - This archive **must** include all labels no longer available on the provider's website and alternative sales channels.
- This includes evidence sufficient to support the accuracy of the labels' content.
- Providers are not required to make the archived labels available to the public but **must** provide any label to the FCC or a current customer upon request within 30 days.

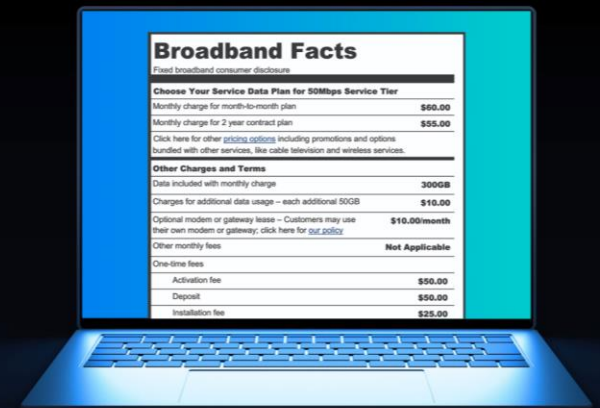


Transparency Rules

While the new label requirement and the FCC's existing broadband transparency rule are interrelated, a provider's display of the label alone will not satisfy its transparency rule obligations under 47 CFR § 8.1(a) to publicly disclose certain information on its website or through transmittal to the FCC.

Displaying a compliant label does not by itself satisfy the transparency rule.

Enforcement Considerations



Enforcement Considerations

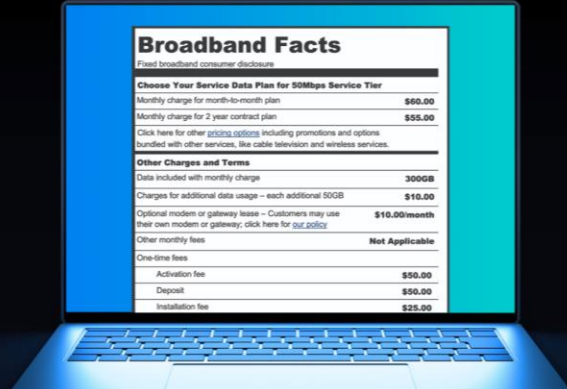
- Providers can face a \$10,000 fine for each violation or each day of a continuing violation
 - not to exceed a total of \$75,000 for any single act or failure to act. *47 U.S.C. § 503(b)(2)(D)*
- Enhanced Congressional Scrutiny on Emergency Broadband Benefit Program, Affordable Connectivity Program, and Broadband Data Collection

Conclusion

- The FCC adopted rules requiring BIAS providers to prepare and post broadband "nutrition" labels on their websites and at points of sale.
- Providers must comply within six months or one year, depending on size, once OMB approves the rules.
- The FCC will levy fines against providers who do not comply.
- To get ready to comply:
 - Validate speed and latency now.
 - Assess number of broadband only plans and potentially refine plans
 - Assess current network management practices.
 - Gather required label information and prepare policies.

Discussions and Questions

Jenn Holtz
 Vice President
 Regulatory Services
Jenn.Holtz@jsitel.com



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Fixed broadband consumer disclosure	
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