

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Empowering Broadband Consumers Through) CG Docket No. 22-2
Transparency)
)

ORDER

Adopted: July 18, 2023

Released: July 18, 2023

By the Chief, Consumer and Governmental Affairs Bureau

I. INTRODUCTION

1. In this Order, we amend section 8.1(a)(1) of the Commission’s rules to update the template for the recently adopted broadband consumer label. The revised label template reflects a new Affordable Connectivity Program (ACP) application landing page, now available at [GetInternet.gov](https://www.getinternet.gov). This action does not modify or otherwise change any entity’s underlying responsibilities under the *Broadband Label Order*.

II. BACKGROUND

2. In 2022, as required by the Infrastructure Investment and Jobs Act,¹ the Commission adopted broadband labels to help consumers comparison shop for broadband services.² The *Broadband Label Order* approved by the Commission requires broadband Internet access service providers (ISPs or providers) to display, at the point of sale, labels that disclose certain information about broadband prices, introductory rates, data allowances, and broadband speeds, and that include links to information about their network management practices, privacy policies, and the Commission’s ACP. In particular, the rules require all providers to include in their labels information about the ACP, including whether the provider participates in the ACP and an active link to the website for ACP information and registrations.³ At the time the rules were adopted, the relevant ACP URL was www.AffordableConnectivity.gov.

3. On May 4, 2023, the Wireline Competition Bureau (WCB) announced a new ACP application landing page available at [GetInternet.gov](https://www.getinternet.gov).⁴ In doing so, WCB stated that “this consumer-friendly site, now accessible through a simple and memorable URL, explains the benefits of the ACP, serves as a call to action for eligible consumers to apply, and enables consumers to easily apply for the

¹ The Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, § 60504(a) (2021) (Infrastructure Act).

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

³ *Broadband Label Order*, para. 54; 47 CFR § 8.1(a)(1), Figure 1.

⁴ *Wireline Competition Bureau Announces New Affordable Connectivity Program Application Landing Page at GetInternet.gov*, WC Docket No. 21-450, Public Notice, DA 23-366 (WCB May 4, 2023). In the Public Notice, WCB also stated that [AffordableConnectivity.gov](https://www.AffordableConnectivity.gov) and [FCC.gov/ACP](https://www.FCC.gov/ACP) will continue to serve as resources providing detailed information about the ACP for consumers, digital navigators, and participating providers.

program.”⁵ The Spanish-language landing page for the ACP can be found at [AccedeInternet.gov](https://www.accedeainternet.gov).⁶

III. DISCUSSION

4. In this Order, we modify the Commission’s rules to reflect an updated broadband label containing the new ACP landing page of “GetInternet.gov.” We also make clear that, should a provider be required to display a Spanish version of the label, it must include the Spanish-language landing page for the ACP: [AccedeInternet.gov](https://www.accedeainternet.gov).⁷ This change simply ensures the label contains accurate information; it does not involve any policy change. The updated label is displayed in the Appendix below.

5. We find good cause to make this rule change without notice and comment under section 553(b)(B) of the Administrative Procedure Act (APA).⁸ Section 553(b)(B) of the APA provides exceptions to the notice and comment rulemaking procedures when, among other things, the agency finds good cause that the notice and comment requirements are “impracticable, unnecessary, or contrary to the public interest” with respect to the rule at issue.⁹ We conclude that, in this case, the substitution of one Commission-supplied URL for a different Commission-supplied URL in broadband providers’ labels is insignificant in its nature and impact on regulated entities and beneficial to the broader public by ensuring the use of a URL that serves the intended purpose of the label. The minimal practical significance of the change is particularly true here, given that compliance with the label is not yet required and providers will have ample implementation time (either six months or one year, depending on the size of the provider’s subscriber base) following Federal Register publication of Office of Management and Budget approval and modification of the codified rule.¹⁰ Similarly, it is in the best interest of providers that they know as early as possible what content must be displayed in the labels as they begin to create the labels. Accordingly, we find, for good cause, that it is “unnecessary,” within the meaning of section 553(b)(B), to provide notice and an opportunity for public comment before implementing this rule revision.¹¹

IV. PROCEDURAL MATTERS

6. *Regulatory Flexibility Act.* Because this rule change is being adopted without notice and comment, the Regulatory Flexibility Act¹² does not apply.

7. *Paperwork Reduction Act.* This document does not contain new or substantively

⁵ *Id.*

⁶ The transition to the [AccedeInternet.gov](https://www.accedeainternet.gov) Spanish language ACP landing page went live on May 17, 2023. See Universal Service Administrative Company, ACP – May 2023 Newsletter at 1-2 (June 1, 2023), <https://www.usac.org/wp-content/uploads/about/documents/acp/ACP-May-2023-Newsletter.pdf>; see also FCC, *Program de Descuentos para Internet* (last visited June 9, 2023).

⁷ See 47 CFR § 8.1(a)(4) (“The label required under section 8.1(a)(1) must be provided in English and in any other languages in which the broadband internet access service provider markets its services in the United States.”).

⁸ 5 U.S.C. § 553(b)(3)(B) (notice and comment is not necessary “when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest”).

⁹ 5 U.S.C. § 553(b)(B).

¹⁰ See 47 CFR § 8.1(a)(7). We determine that this rule change does not involve new or substantively modified information collection requirements under the PRA. To the extent this rule change may involve non-substantive modifications to an information collection under the PRA, we will either: (1) include this rule change as part of the submission(s) of new or modified PRA information collections adopted by the Commission in the *Broadband Label Order*, FCC 22-86, for OMB review; or (2) separately submit it to OMB for approval pursuant to OMB’s non-substantive modification process.

¹¹ See, e.g., *Util. Solid Waste Activities Grp. v. EPA*, 236 F.3d 749, 755 (D.C. Cir. 2001) (notice and comment is “unnecessary” when “the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public”).

¹² 5 U.S.C. § 601 *et seq.* See *id.* § 601(2).

modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104-13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107-198, see 44 U.S.C. 3506(c)(4).

8. This document may contain non-substantive modifications to an information collection. Any such modifications will be submitted to the Office of Management and Budget (OMB) either (1) as part of the submission of PRA information collection requirements adopted by the Commission in the *Broadband Label Order*, FCC 22-86, for OMB review, or (2) separately pursuant to OMB's non-substantive modification process.

9. *Congressional Review Act.* The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is "non-major" under the Congressional Review Act, 5 U.S.C. § 804(2). The Commission will send a copy of this Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. § 801(a)(1)(A).

10. *Additional Information.* For more information, contact Erica H. McMahon, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at Erica.McMahon@fcc.gov or (202) 418-0346.

V. ORDERING CLAUSES

11. Accordingly, **IT IS ORDERED**, pursuant to sections 4(i), 4(j), 13, 201(b), 254, 257, 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 163, 201(b), 254, 257, 301, 303, 316, 332, section 60504 of the Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429 (2021), section 904 of the Consolidated Appropriations Act, 2021, Pub. L. No. 116-260, 134 Stat. 1182 (2020), as amended, section 553(b)(3)(B) of the Administrative Procedure Act, 5 U.S.C. § 553(b)(3)(B), and section 0.361 of the Commission's rules, 47 CFR § 0.361, that this Order is **ADOPTED**, and that Part 8 of the Commission's rules, 47 CFR Part 8, **IS AMENDED** as set forth in the Appendix.

12. **IT IS FURTHER ORDERED** that this Order **SHALL BE EFFECTIVE** 30 days after publication in the Federal Register. Compliance with this amendment to 47 CFR § 8.1(a)(1) will not be required until the later of: i) OMB approval of this amendment to 47 CFR § 8.1(a)(1) pursuant to OMB's non-substantive modification process; or ii) one year after OMB completes its review of any information collections resulting from amendments to 47 CFR § 8.1(a)(1) adopted by the Commission in FCC 22-86 that the Consumer and Governmental Affairs Bureau determines are subject to the Paperwork Reduction Act for providers with 100,000 or fewer subscribers **and** six months after OMB completes its review of any information collections resulting from amendments to 47 CFR § 8.1(a)(1) adopted by the Commission in FCC 22-86 that the Consumer and Governmental Affairs Bureau determines are subject to the Paperwork Reduction Act for all other providers. The Consumer and Governmental Affairs Bureau will announce compliance dates for the amendments to 47 CFR § 8.1(a)(1) by subsequent Public Notice and will cause 47 CFR § 8.1 to be revised accordingly.

13. **IT IS FURTHER ORDERED** that, pursuant to 47 CFR § 1.4(b)(1), the period for filing petitions for reconsideration or petitions for judicial review of any aspect of this Order will commence on the date that a summary of this Order is published in the Federal Register.

14. **IT IS FURTHER ORDERED** that the Office of the Managing Director, Performance Evaluation and Records Management, **SHALL SEND** a copy of this Order in a report to be sent to Congress and to the Governmental Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. § 801(a)(1)(A).

FEDERAL COMMUNICATIONS COMMISSION

Alejandro Roark
Chief
Consumer and Governmental Affairs Bureau

APPENDIX**Final Rules**

For the reasons discussed in the Order, the Federal Communications Commission amends 47 CFR part 8 as follows:

PART 8 – INTERNET FREEDOM

1. The Authority citation for Part 8 continues to read as follows:

AUTHORITY: 47 U.S.C. 154, 201(b), 257, 303(r), and the Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429 (2021).

2. Section 8.1(a) is amended by revising paragraph (a)(1) as follows:

(a) * * *

(1) Any person providing broadband internet access service shall create and display an accurate broadband consumer label for each stand-alone broadband internet access service it currently offers for purchase. The label must be prominently displayed, publicly available, and easily accessible to consumers, including consumers with disabilities, at the point of sale with the content and in the format prescribed by the Commission in “[Fixed or Mobile] Broadband Consumer Disclosure,” **[include revised label template below as Figure 1 to Paragraph (a)(1)]**

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 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 **[] GB**
 Charges for Additional Data Usage **[\$/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]