

**COMMISSIONER SIMINGTON ADDRESSES THE CONSUMER ADVISORY COMMITTEE  
APRIL 26, 2022**

Thank you to Steve Pociask and Scott Marshall for the kind invitation to speak today. I am pleased to join this meeting of the Consumer Advisory Committee, and I am pleased also to welcome Alejandro Roark as our new colleague and Chief of the Consumer and Governmental Affairs Bureau. I am certainly looking forward to working together in the public interest.

Today's Committee meeting concerns the Consumer Broadband Label item, and sets forth recommendations for the upcoming rulemaking. I am looking forward to working with my colleagues on the Commission and within CGB to achieve the consumer welfare goals at the heart of this rulemaking.

Thanks to tremendous investment by the broadband industry over the past several years, more Americans than ever before have a choice of several viable broadband options, with higher speeds, and lower costs, than at any time in the past. Yet it hardly can be denied that consumers need to know what they're buying, in broadband no less than in a car or a bag of groceries. Consumers deserve to know what's in the product that they're purchasing, and labeling broadband products at the point of sale with their key features will empower consumers to make buying decisions that are right for their families. After all, service plan information is one of the famous "four freedoms" articulated by Chairman Powell back in 2004.

Further, broadband labeling data may be aggregated by consumer welfare groups to provide consumers with new tools for comparing and evaluating broadband offerings from carriers. That too will arm consumers with the information that they need to make informed choices.

But we must be thoughtful in the implementation of this Congressional guidance. A well-intended consumer protection regulatory regime can be implemented in a way that tends to disadvantage both consumers and firms. Consider, for instance, GDPR. Of course, GDPR contains powerful consumer data protections, and those protections are to be applauded, and perhaps learned from here in the U.S.

But not every rule in GDPR actually netted out to improved consumer welfare. I'm sure that everyone on this call has been presented more times than they care to remember with a banner asking whether they accept cookies on this or that website. If you're one of the lucky ones, you've been asked a mere several dozen times. Many of us have been asked several hundred times.

Now, let's fess up: does any of us know any more about the cookie policy of the websites we visit? Has any of us really done better than mindlessly to click 'accept' in most instances, because we want to get to the content of the site, rather than worry over tracking that we know is happening anyway?

Why is this? Why are we not, on the whole, interrogating cookie policies? Because maximal formal consumer protection is not always maximal actual consumer welfare. One reason that we don't drive armored trucks down the highway is because the optimal level of

safety while driving is not total. The costs of total safety while driving exceed what the average person is willing to bear to get it. Yet we generally don't consider highway driving in modern cars to be a crisis of consumer misinformation. We have struck a balance between dangerous cars and uselessly overbuilt ones.

So, as we craft these rules, it is my hope that we can balance critical consumer information with regulatory burden, while at the same time preventing information overload. An evergreen, overly sensitive, and easily triggered reporting obligation on ISPs for small variances in service level created by active network management--for instance, some nominal change in packet loss the week of the Super Bowl--ought not to trigger a reporting obligation that fills millions of consumer inboxes with information that is confusing and ultimately irrelevant to their consumer experience.

Consumers need to know the basic contours of the broadband product that they are buying when they are buying it, and I believe the rules we ultimately promulgate will reflect Congress's intent to deliver that information to the American public.

It's been a real pleasure to speak today; thanks very much.