

FCC FACT SHEET*
Broadband Labels FNPRM

Empowering Broadband Consumers Through Transparency

Further Notice of Proposed Rulemaking and Notice of Proposed Rulemaking – CG Docket No. 22-2 and
GN Docket No. 25-133

Background: In this *Further Notice of Proposed Rulemaking*, the Commission proposes to eliminate six requirements from its broadband label rules and seeks comment on other ways it might streamline the requirements. Congress directed the Commission in 2021 to require broadband providers to display labels to help consumers make informed decisions when choosing a broadband plan. The Commission adopted detailed rules in 2022 and since then parties have urged the Commission to eliminate certain rules. The proposed changes would better align the requirements with the mandate from Congress and reduce unnecessary compliance burdens while preserving the core information that helps consumers compare different broadband plans.

What the Notice of Proposed Rulemaking Would Do:

- Propose to eliminate the requirements that broadband providers:
 - Read the label to consumers over the phone;
 - Itemize state and local passthrough fees that vary depending on location of the consumer;
 - Provide information about the now-concluded Affordable Connectivity Program;
 - Display labels in customer account portals;
 - Make labels available in machine readable format; and,
 - Archive labels for at least two years after a service is no longer offered to new customers.
- Seek comment on whether to eliminate the multilingual display requirement.
- Seek comment on further streamlining and eliminating any other label requirements that are unduly burdensome and provide minimal benefit to consumers.
- Seek comment on removing the label template from the CFR.
- Seek comment on minor revisions to the label template.

* This document is being released as part of a “permit-but-disclose” proceeding. Any presentations or views on the subject expressed to the Commission or its staff, including by email, must be filed in CG Docket No. 22-2 and GN Docket No. 25-133, which may be accessed via the Electronic Comment Filing System (<https://www.fcc.gov/ecfs/>). Before filing, participants should familiarize themselves with the Commission’s *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. See 47 CFR § 1.1200 *et seq.*

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

In the Matter of)	
)	
Empowering Broadband Consumers Through)	CG Docket No. 22-2
Transparency)	
)	
Delete, Delete, Delete)	GN Docket No. 25-133

**SECOND FURTHER NOTICE OF PROPOSED RULEMAKING IN CG DOCKET NO. 22-2,
NOTICE OF PROPOSED RULEMAKING IN GN DOCKET NO. 25-133***

Adopted: []

Released: []

Comment Date: [30 days after date of publication in the Federal Register]

Reply Comment Date: [60 days after date of publication in the Federal Register]

By the Commission:

I. INTRODUCTION

1. In 2021, Congress directed the Commission to require that Internet service providers (ISPs or providers) display labels to “disclose to consumers information regarding broadband internet access service plans.”¹ The Commission adopted detailed label rules in 2022.² Here we propose changes to make the FCC’s requirements more aligned with the Infrastructure Act’s mandate while reducing unnecessary compliance burdens,³ and preserving the core information that helps consumers compare different broadband plans.

2. Our Notice proposes to eliminate six requirements from our broadband label rules and seeks comment on other ways we might streamline the label requirements while preserving their consumer benefit.

II. BACKGROUND

3. The Infrastructure Act directed the Commission to “promulgate regulations to require the

* This document has been circulated for tentative consideration by the Commission at its October 2025 open meeting. The issues referenced in this document and the Commission’s ultimate resolution of those issues remain under consideration and subject to change. This document does not constitute any official action by the Commission. However, the Chair has determined that, in the interest of promoting the public’s ability to understand the nature and scope of issues under consideration, the public interest would be served by making this document publicly available. The FCC’s *ex parte* rules apply and presentations are subject to “permit-but-disclose” *ex parte* rules. *See, e.g.*, 47 C.F.R. §§ 1.1206, 1.1200(a). Participants in this proceeding should familiarize themselves with the Commission’s *ex parte* rules, including the general prohibition on presentations (written and oral) on matters listed on the Sunshine Agenda, which is typically released a week prior to the Commission’s meeting. *See* 47 CFR §§ 1.1200(a), 1.1203.

¹ The Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, § 60504(a), 135 Stat. 429, 1244 (2021) (Infrastructure Act). Section 60504 is codified at 47 U.S.C. § 1753.

² *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13686 (2022) (*Broadband Label Order*). The rules are codified at 47 CFR § 8.1(a).

³ *See Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, 40 FCC Rcd 1601 (GEN 2025) (seeking comment on rules the Commission should eliminate) (*Delete, Delete, Delete Public Notice*).

display of broadband consumer labels, as described in the Public Notice the Commission issued on April 4, 2016 (DA 16-357), to disclose to consumers information regarding broadband internet access service plans.”⁴ It required that labels “include information regarding whether the offered price is an introductory rate and, if so, the price the consumer will be required to pay following the introductory period.”⁵

4. In November 2022, the Commission released the *Broadband Label Order*, requiring providers to display labels at point of sale, including non-website locations such as physical stores and telephone sales channels, that: (1) show prices, including introductory rates; (2) provide one-time and recurring fees and data allowances; (3) provide the length of the contract term, if applicable; (4) disclose typical upload and download speed and typical latency; (5) link to network management practices, among other things; and (6) appear in English and in other languages in which the ISP markets its services in the United States.⁶ The *Broadband Label Order* also required providers to make labels available on their websites in machine-readable format;⁷ archive labels for no less than two years after a plan is no longer available; and make labels available in any customer online account portals that they offer.⁸ In an accompanying Further Notice of Proposed Rulemaking, the Commission sought comment on additional requirements, including display of additional languages, and whether ISPs should submit label information directly to the Commission.⁹

5. The label rules apply to plans offering “broadband Internet access service,” which our rules define as “a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service.”¹⁰ The label is therefore required for all standalone mass-market retail broadband internet access services.¹¹ The label requirement does not apply to enterprise service offerings or special access services because they are not mass-market retail services.¹² In addition, the label requirement does not apply to bundled services, e.g., plans bundling voice and broadband internet access services.¹³

6. In August 2023, the Commission addressed three petitions to clarify and/or reconsider

⁴ 47 U.S.C. § 1753(a). The *2016 Broadband Labels PN*, a bureau-level public notice, announced the first label and gave providers a safe harbor for compliance with broadband transparency requirements. *Consumer and Governmental Affairs, Wireline Competition, and Wireless Telecommunications Bureaus Approve Open Internet Broadband Consumer Labels*, GN Docket No. 14-28, Public Notice, 31 FCC Rcd 3358 (CGB/WCB/WTB 2016) (*2016 Broadband Labels PN*). The public notice noted stated that the label format was “similar to a nutrition label.” *Id.* at 3358.

⁵ 47 U.S.C. § 1753(b)(1).

⁶ See generally *Broadband Label Order*; 47 CFR § 8.1(a)(1) fig. 1, (4).

⁷ The Commission also required ISPs to provide the information in any label separately in a spreadsheet file format on provider websites via a dedicated URL that contains all of their labels. *Broadband Label Order*, 37 FCC Rcd at 13707, para. 68.

⁸ See generally *Broadband Label Order*; 47 CFR § 8.1(a)(2), (3), (5).

⁹ *Broadband Label Order*, 37 FCC Rcd at 13727-733, paras. 131-152. We refer to the first Further Notice of Proposed Rulemaking that accompanied the *Broadband Label Order* as the *First Further Notice*.

¹⁰ See 47 U.S.C. §§ 1751(1) (citing 47 CFR § 8.1(b)), 1753(a); 47 CFR § 8.1(b).

¹¹ *Broadband Label Order*, 37 FCC Rcd at 13692, para. 16; *id.* at 13696, para. 31. Entities such as coffee shops, bookstores, airlines, private end-user networks such as libraries and universities, and other businesses that acquire broadband Internet access service from an ISP to enable patrons to access the Internet from their establishments, are not required to display labels, unless the service is offered to patrons as a mass-market retail service. *Broadband Label Order*, 37 FCC Rcd at 13693, para. 20.

¹² *Broadband Label Order*, 37 FCC Rcd at 13692, para. 17.

¹³ *Broadband Label Order*, 37 FCC Rcd at 13696, para. 31.

certain broadband label requirements.¹⁴ Among other things, the Commission affirmed that providers must itemize the fees they add to base monthly prices, including fees related to government programs they choose to pass through to consumers.¹⁵

7. The rules took effect on April 10, 2024 for most providers and on October 10, 2024 for providers with 100,000 or fewer subscriber lines.¹⁶ The requirements to make label information available in machine-readable format and to make labels available in customers' online account portals took effect on October 10, 2024 for all providers.¹⁷ Throughout this proceeding, and in response to the recent *Delete, Delete, Delete Public Notice*, parties have suggested that the Commission eliminate several label requirements because they are burdensome, are not mandated by the Infrastructure Act, and/or provide minimal consumer benefit.¹⁸

III. DISCUSSION

8. We propose and seek comment on eliminating certain broadband label requirements to better align the label with the Infrastructure Act and reduce compliance costs while preserving the labels' value to consumers. Specifically, we propose to eliminate requirements that providers: (1) read the label to consumers over the phone; (2) itemize state and local passthrough fees that vary by location; (3) provide information about the now-concluded ACP; (4) display labels in customer account portals; (5) make labels available in machine readable format; and (6) archive labels for at least two years after a service is no longer offered to new customers. We also seek comment on streamlining and eliminating any other label requirements, such as the multilingual display requirement, that may be unduly burdensome and costly. Finally, we propose to end our inquiry into new requirements that would take the labels out of alignment with the authorizing statute.

9. We believe our proposals are consistent with Congress's intent in the Infrastructure Act

¹⁴ *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Order on Reconsideration, 38 FCC Rcd 8238 (2023) (*Broadband Label Reconsideration Order*).

¹⁵ *Broadband Label Reconsideration Order*, 38 FCC Rcd at 8241-42, paras. 12-19.

¹⁶ *Consumer and Governmental Affairs Bureau Announces Compliance Dates of April 10, 2024 and October 10, 2024 for Broadband Label Rules*, CG Docket No. 22-2, Public Notice, 38 FCC Rcd 9341 (CGB 2023).

¹⁷ *Id.*

¹⁸ See, e.g., Block Communications, Inc. Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 12-13; Taxpayers Protection Alliance Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 2 (stating that the labels provide information that is too technical for many consumers to find practical and focus on cost at the expense of reliability); Competitive Carriers Association Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 5; U.S. Chamber of Commerce Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 2-3; CTIA—The Wireless Association Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 3 (CTIA Delete Reply); WISPA—The Association for Broadband Without Boundaries Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 2-3 (WISPA Delete Reply). Commenters observe that some of the broadband label rules may exceed the Commission's mandate in the Infrastructure Act, and for that reason we should revise the rules. See, e.g., International Center for Law & Economics Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 18; Free State Foundation Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 9. Other *Delete, Delete, Delete Public Notice* commenters support the broadband label rules and opposed these positions. See, e.g., City of San José Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 3-4; Local Government Commenters, Anne Arundel County, MD *et al.* Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 24-25 (Local Government Delete Reply); Public Interest Joint Commenters, Access Humboldt, *et al.* Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 4 (Public Interest Delete Reply); New York State Department of Public Service Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 2 (New York Delete Reply); National Association of State Utility Consumer Advocates Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 2 (NASUCA Delete Reply); Free Press Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 2-3. New York, for example, states that the labels provide an essential benefit to empowering consumers by making the total costs of receiving broadband service more transparent. New York Delete Reply at 2. NASUCA states that the commenters' proposals in the *Delete, Delete, Delete Public Notice* docket would undermine the transparency intended by Congress and the Commission. NASUCA Delete Reply at 2.

when it directed the Commission to “require the display of broadband consumer labels.”¹⁹ The proposed changes would remove requirements that do not appear in the *2016 Broadband Labels PN* mentioned in the Infrastructure Act, and that commenters say are both burdensome to providers and/or confusing to consumers. The requirements we would retain fulfill the Infrastructure Act’s goals of preserving consumer access to clear, easy-to-understand, and accurate information about the cost for broadband services, empowering consumers to choose services that best meet their needs and match their budgets, and ensuring that they are informed about a service plan’s offerings.

A. Streamlining Label Display and Content

1. Alternate Sales Channels

10. We propose to remove the requirement that providers read labels to customers that shop for broadband service by phone.²⁰ The rules define “point of sale” to include websites²¹ and any other channels through which the service is sold, including retail locations and over the phone.²² The *Broadband Label Order* made clear that, where a consumer is shopping for broadband service over the phone, “the provider must read the entire label to the consumer over the phone.”²³

11. Commenters state that reading the label over the phone is burdensome for providers and confusing to customers.²⁴ For example, NTCA contends that it creates “a burdensome and potentially confusing interaction as ISP representatives could be required to read the label *verbatim* while consumers may interrupt to ask questions or seek clarification.”²⁵ Nothing in the Infrastructure Act or the Commission’s *2016 Broadband Label PN* suggested an intent to require customer service representatives to read aloud the entire label to customers over the phone. We believe that because the label is a fundamentally visual medium, its format does not easily lend itself to presentation in a telephone conversation. We propose to effectuate this change by excluding telephone calls from our definition of “point of sale,” as suggested by WISPA.²⁶ We note that this change would not preclude customer service representatives from conveying the information about broadband labels over the phone upon a customer’s request, nor would it negate providers’ continuing obligation to ensure the accessibility of broadband

¹⁹ See 47 U.S.C. § 1753(a).

²⁰ *Broadband Label Order*, 37 FCC Rcd at 13716, para. 95 & n.214.

²¹ 47 CFR § 8.1(a)(2); see also *Broadband Label Order*, 37 FCC Rcd at 13714-716, paras. 90-94. A provider’s primary web page is a point of sale where consumers begin to shop for and compare broadband service offerings available at their location. *Id.* at 13714, para. 90.

²² 47 CFR § 8.1(a)(2) (“‘Point of sale’ is defined to mean a provider’s website and any alternate sales channels through which the provider’s broadband internet access service is sold, including a provider-owned retail location, third-party retail location, and over the phone.”); see also *Broadband Label Order*, 37 FCC Rcd at 13715, para. 95.

²³ *Broadband Label Order*, 37 FCC Rcd at 13716, n.214.

²⁴ See, e.g., NTCA—The Rural Broadband Association Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 11-12 (NTCA Delete Comments) & NTCA—The Rural Broadband Association Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 11 (NTCA Delete Reply); WISPA—The Association for Broadband Without Boundaries Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 3-4 (WISPA Delete Comments) & WISPA Delete Reply at 2; Vantage Point Solutions Reply, GN Docket No. 25-133 (Apr. 18, 2025) at 7 (Vantage Point Delete Reply); see also CTIA—The Wireless Association Comments, GN Docket No. 25-133 (Apr. 11, 2025) at A-4 (CTIA Delete Comments) & CTIA Delete Reply at 3 (seeking elimination of point of sale disclosures for in-store and telephone sales channels); Thomas A. Schatz, President, Citizens Against Government Waste Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 3 (CAGW Delete Comments) (same); U.S. Chamber of Commerce Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 2 (Chamber Delete Comments) (seeking elimination of point of sale disclosures generally); Digital Liberty Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 4 (Digital Liberty Delete Comments) (same).

²⁵ NTCA Delete Comments at 11-12 (emphasis in original). NTCA observes that reading the labels over the phone may require translators to read the labels to non-English speakers. *Id.* at 12.

²⁶ WISPA Delete Comments at 4.

labels for people with disabilities.²⁷

12. We seek comment on this proposal. Are we correct that the requirement is burdensome and does not help consumers? How many consumers purchase broadband service via a telephone call? Do providers typically share the information disclosed on the label as part of a typical phone call where a consumer is shopping for a new service? We recognize that section 8.1(a)(1) of our rules states that “The label must be prominently displayed, publicly available, and easily accessible to consumers, including consumers with disabilities. . . .” If we adopt our proposal, how can we ensure providers comply with this disability-access requirement?

2. Itemized Recurring Fees that Vary by Location

13. We propose to eliminate the requirement that providers itemize discretionary, recurring monthly fees that represent costs they choose to pass through to consumers and which vary by consumer location.²⁸ Examples include state and local right of way fees, pole rental fees to utility companies,²⁹ and other discretionary charges where the provider does not set rates or terms directly. We seek comment on whether providers should instead display on the label the aggregate amount of such fees.

14. Commenters state that itemizing such fees requires providers to produce multiple labels for identical services.³⁰ We believe, consistent with commenters in the *Delete, Delete, Delete* proceeding,³¹ that itemizing can lead to a proliferation of labels and of labels so lengthy that the fees overwhelm other important elements of the label. And nothing in the Infrastructure Act leads us to believe that Congress intended to require itemizing pass through fees that vary by location.

15. If we were to allow providers to aggregate the fees, i.e., display all such fees on a single

²⁷ See 47 CFR § 8.1(a)(1) (“The label must be prominently displayed, publicly available, and easily accessible to consumers, including consumers with disabilities . . .”).

²⁸ *Broadband Label Order*, 37 FCC Rcd at 13695-696, paras. 32-35. The “Additional Charges & Terms” section of the label must include the name and cost of each one-time fee assessed by the provider when the consumer signs up for service, such as charges for a modem, gateway, or router; an activation fee; a deposit; or an installation fee. *Broadband Label Order*, 37 FCC Rcd at 13696, paras. 34. The provider must also identify an early termination fee that might be imposed and provide a link to a full explanation of when such fee is triggered. *Id.* ISPs must state under “Additional Charges & Terms” that taxes will apply and may vary depending on location. *Id.* at 13698, para. 36. We do not propose to change that requirement. Rather, we seek comment here on other fees that may vary based on a customer’s location.

²⁹ Pole attachment fees are imposed by the pole owner and are not government imposed fees, although either a state or the FCC (depending on jurisdiction) can determine the maximum fee in some cases.

³⁰ USTelecom explains that listing itemized discretionary charges, including pass through government imposed fees, is onerous because providers must create labels to account for geographic variability in government fees and the burden of compliance far outweighs any consumer benefit of the detailed fee information. USTelecom – The Broadband Association Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 8 (USTelecom Delete Comments). Other commenters also suggest that we remove the requirement to itemize government fees. See, e.g., CTIA Delete Comments at A-4 (do not require itemizing state/local government fees); CAGW Delete Comments at 3 (same); NCTA—The Internet & Television Association Comments, GN Docket No. 25-133 (Apr. 11, 2025) at A-9 (NCTA Delete Comments) (same); ACA Connects—America’s Communications Association Comments, GN Docket No. 25-133 (Apr. 11, 2025) at 12 (ACA Connects Delete Comments) (same); Cogeco Communications, Inc. operating as Breezeline Reply, GN Docket No. 25-133 (Apr. 28, 2025) at 4 (Breezeline Delete Reply) (same); NTCA Delete Reply at 11; see also Chamber Delete Comments at 2 (seeking elimination of requirement to list state and local government fees and taxes); Digital Liberty Delete Comments at 4 (same). NASUCA disagrees with these commenters, and states that removing government fees from the label would reduce transparency. NASUCA Delete Reply at 2.

³¹ USTelecom Delete Comments at 8; CTIA Delete Comments at A-4; CAGW Delete Comments at 3; NCTA Delete Comments, at A-9; ACA Connects Delete Comments at 12; Breezeline Delete Reply at 4; NTCA Delete Reply at 11; Chamber Delete Comments at 2; Digital Liberty Delete Comments at 4.

line, should we require that the amount associated with the line be the actual, precise amount of those fees? Or should we instead require only that it state the maximum (or “up to”) amount consumers would incur? We seek comment on this proposal. Are there other more streamlined ways that the fees could be presented in the label for consumers? Are there other ways consumers can find details on the fees? What specific types of fees does this proposal affect, and we have correctly identified them? What other factors should we consider?

3. Affordable Connectivity Program

16. We propose to permanently eliminate the requirement that providers include ACP information in the broadband label because that program is no longer funded by Congress and ended on June 1, 2024.³² The label’s purpose is to provide clear, easy-to-understand, and accurate information about broadband services, and including information about a program that no longer exists would be confusing.³³ We seek comment on this proposal.

4. Customer Account Portal

17. We propose to eliminate the requirement that providers that offer their customers online account portals display labels in such portals.³⁴ Commenters state this requirement may confuse customers over time and imposes a significant burden on providers.³⁵ For example, as data and prices change, the original label could become outdated and no longer useful. The *2016 Broadband Label PN* did not have such a requirement, and it was not included in the Infrastructure Act.

18. We seek comment on this proposal. Are we correct that displaying the label in customers’ account portals may create confusion over time? Is the information contained in the label available elsewhere in the customer’s account so that the customer can easily compare his or her current plan to other available plans?

5. Multilingual Requirement

19. Providers must currently display the labels in English and any other languages in which the provider markets its services in the United States.³⁶ Several commenters have asked us to eliminate this requirement.³⁷ We seek comment on whether to eliminate the multilingual requirement and the

³² *Wireline Competition Bureau Announces the Final Month of the Affordable Connectivity Program*, CC Docket No. 21-450, Public Notice, 39 FCC Rcd 2063, 2067 (WCB 2024) (*ACP Final Month PN*). The *ACP Final Month PN* stated that “[w]ith the upcoming end of the ACP, providers will not be required to include information on the ACP in their labels,” but also made clear that this guidance “is subject to change should the funding status of the ACP change.” See *ACP Final Month PN* at 5. We propose here to make this guidance permanent.

³³ *Broadband Label Order*, 37 FCC Rcd at 13704, para. 55 (noting that “[i]ncluding language on the labels directing consumers to learn about the ACP in the event that the ACP has ended or is no longer accepting new enrollments could cause customer confusion and frustration”).

³⁴ 47 CFR § 8.1(a)(2). The *Broadband Label Order* required providing the label in the customer’s account portal but did not discuss whether the label in the portal would need to be updated when the customer’s plan changes. *Broadband Label Order*, 37 FCC Rcd at 13715-716, para. 97.

³⁵ See, e.g., NCTA Delete Comments at A-9 (stating that the costs of this requirement outweigh the benefits); Breezeline Delete Reply at 5 (observing that the charges on the label may change over time and that there is no compelling justification for having to provide a broadband label in a post-sale context, considering that the customer’s monthly billing statement reflects the necessary information about service charges).

³⁶ See 47 CFR § 8.1(a)(4).

³⁷ See, e.g., CTIA Delete Comments at A-4; CAGW Delete Comments at 3; Chamber Delete Comments at 2; Digital Liberty Delete Comments at 4; NTCA Delete Comments at 12 & NTCA Delete Reply at 11; Vantage Point Delete Reply at 8; American Consumer Institute, Reply Comments, GN Docket No. 25-133 (Apr. 28, 2025) at 5 (ACI Delete Reply). The Public Interest Joint Commenters ask us to require labels in multiple languages. Public Interest Delete Reply at 4.

associated rule altogether.

B. Eliminating Burdensome Reporting and Recordkeeping Requirements

1. Machine-readability and Database Requirements

20. We propose to eliminate the requirement that providers display label information on their websites in a machine-readable format.³⁸ This includes the requirement to provide the information in any label separately in a spreadsheet file format on provider websites via a dedicated URL that contains all of their labels.³⁹ Many commenters contend that the requirement imposes significant costs on providers without offering a corresponding benefit to consumers.⁴⁰ Breezeline states, for example, that the requirement “adds significant technical complexity and cost with little evidence of widespread use or benefit to consumers” and that “the highly granular nature of the required information and the static format of machine-readability makes it difficult for providers to accurately convey dynamic pricing, promotional offers, and bundled service discounts, potentially leading to consumer confusion rather than clarity.”⁴¹ Others characterize the requirement as “needlessly burdensome” and going beyond Congress’s mandate.⁴² Moreover, this requirement was not in the *2016 Broadband Labels PN*, nor was it addressed by the Infrastructure Act. This change does not impact any ADA or other accessibility obligations providers may have to ensure that information displayed on their website, including broadband label information, is compatible with screen readers and assistive technologies used by people with disabilities.

21. We are unconvinced that the machine-readability requirement is a necessary component for transparency. Machine readability might facilitate research or comparisons across many providers’ plans by third parties, but the FCC’s statutory mandate is to allow for the greater disclosure of information to *consumers* broadband internet access service plans. We seek comment on our proposal. Is there evidence the requirement has benefited consumers? Are there third-party shopping comparison tools for broadband internet access services that use the machine-readable spreadsheets?

2. Archiving

22. We propose to eliminate the requirement that providers archive all labels for no less than two years after a service plan is no longer available to new customers and has been removed from the provider’s website or alternate sales channels.⁴³ Congress did not expressly require that the FCC impose an archive requirement in the Infrastructure Act. Further, commenters have identified it as being burdensome and costly.⁴⁴ One states that it is a “needlessly burdensome recordkeeping requirement and there is little to no evidence that consumers or the Commission need access to archived versions of the labels.”⁴⁵ Another describes the requirement, along with others, as “render[ing] no clear benefit to

³⁸ 47 CFR § 8.1(a)(3).

³⁹ *Id.*; see also *Broadband Label Order*, 37 FCC Rcd at 13708, para. 68. One commenter states that it is costly for providers to update and maintain spreadsheets with data from potentially hundreds of labels. USTelecom Delete Comments at 9. Another commenter notes that the machine readability requirement offers no clear benefit to consumers. NTCA Delete Reply at 11. If we remove the machine-readable requirement, we would also remove the requirement to maintain the spreadsheets on a dedicated URL.

⁴⁰ See, e.g., CTIA Delete Comments at A-4 & Reply at 3; CAGW Delete Comments at 3; Chamber Delete Comments at 2; NCTA Delete Comments at 10; Digital Liberty Delete Comments at 3; ACA Delete Comments at 11-12; USTelecom Delete Comments at 9; Breezeline Delete Reply at 4-5; NTCA Delete Reply at 11.

⁴¹ Breezeline Delete Comments at 4-5.

⁴² Block Delete Comments at 13; Chamber Delete Comments at 2; Digital Liberty Delete Comments at 4.

⁴³ See 47 CFR § 8.1(a)(5).

⁴⁴ See, e.g., ACA Delete Comments at 12; Breezeline Delete Reply at 5; NTCA Delete Reply at 11.

⁴⁵ Breezeline Delete Reply at 5.

consumers.”⁴⁶ Does it represent a burden to providers? Is there any value to the archive for consumers when the covered services are no longer offered or available? One commenter suggested that the FCC maintain a central repository of these labels to aid enforcement.⁴⁷ Would such a repository be worth the cost to the government to maintain? Are there other relevant regulatory compliance requirements that relate to record retention that we should consider?

C. The Label Template

1. Removing the Template from the CFR

23. We believe that replacing the label template in the Code of Federal Regulations (CFR)⁴⁸ with a link to a template on the Commission’s website would provide advantages to the Commission and providers without depriving consumers of the information needed regarding the FCC’s rules. Doing so would allow the Commission to more easily update the visual layout and other formatting elements of the template, such as spacing between sections or font type, over time to reflect consumer preferences and accepted best practices. Is this assertion correct? Would we need to specify in our rules that providers must include information in the label about monthly price, additional charges and terms, discounts and bundles, speeds, data, network management, privacy, and customer support?⁴⁹ We seek comment on any other effects of our proposal.

2. Updating the Template

24. The template in the CFR currently refers to “fcc.gov/consumer,” which does not lead consumers directly to information about the broadband labels.⁵⁰ We propose to replace the “fcc.gov/consumer” reference in the template with “fcc.gov/broadbandlabels” so that consumers are brought directly to broadband label information. We seek comment on this proposal.

D. Additional Streamlining and Issues Raised in the *First Further Notice*

1. Additional Streamlining

25. We propose to remove the implementation deadlines currently in section 8.1(a)(7), regarding the implementation deadlines for the *Broadband Label Order*. As those deadlines have already passed, we propose to remove that rule section.

26. We seek comment on other ways to improve the labels. For example, are there elements of the labels that are not important to consumers when shopping for broadband service? Several commenters to the *Delete, Delete, Delete Public Notice* request that we permit providers to display their labels through an icon or link instead of providing the entire label on their website.⁵¹ Would such a change benefit consumers by, e.g., making viewing labels on mobile devices easier? As another example, should we consider more closely aligning the label’s performance standards (e.g., “typical” speed) with other Commission reporting requirements (e.g., the Broadband Data Collections maximum advertised speeds)? If so, how should we go about that to ensure efficiency and consistency? Are there other label requirements that we should consider eliminating or streamlining, such as narrowing the scope of

⁴⁶ NTCA Delete Reply at 11.

⁴⁷ See, e.g., Next Century Cities and Consumer Reports Comments, CG Docket No. 22-2, at 9-10 (Feb. 16, 2023).

⁴⁸ 47 CFR § 8.1(a)(1).

⁴⁹ See 47 CFR § 8.1(a)(1); *Broadband Label Order*, 37 FCC Rcd at 13694-97, paras. 23-37.

⁵⁰ 47 CFR § 8.1(a)(1) fig. 1.

⁵¹ See, e.g., ACA Delete Comments at 12; Chamber Delete Comments at 2; CTIA Delete Comments at A-4; USTelecom Delete Comments at 9; WISPA Delete Comments at 3; Breezeline Delete Reply at 4; NTCA Delete Reply at 10-11; WISPA Delete Reply at 2.

offerings to which the labels apply?⁵²

2. Issues from the First Further Notice of Proposed Rulemaking

27. In the *First Further Notice*, the Commission proposed and sought comment on a number of measures that likely would add more complexity to the labels while increasing compliance costs for providers without obvious consumer benefits. And these proposals, like those above, would appear to take the labels further outside the scope of what Congress intended in the Infrastructure Act and the *2016 Broadband Labels PN*. We thus intend to close our inquiry into those proposals. We seek comment on that approach. Parties would, of course, be able to seek new requirements via Petition for Rulemaking and any other appropriate procedural avenue.

E. Legal Authority

28. We believe that section 60504 of the Infrastructure Act provides the Commission with the authority to make the proposed modifications to the broadband label rules. The Infrastructure Act directs the Commission to promulgate rules to require the display of broadband consumer labels to provide consumers with information they need to evaluate broadband Internet access service plans through the tool of broadband labels.⁵³ The Commission's other statutory obligations include promoting the justness, reasonableness, and affordability for consumers of service charges and practices and promoting marketplace competition.⁵⁴ The broadband label requirements are designed to directly advance the government's substantial interest by providing consumers with the basic tools necessary to understand the broadband services they are purchasing and the prices for those services. To the extent that broadband labels continue to be used for offerings through the E-Rate and Rural Health Care universal service programs, authority for the broadband label requirements comes from section 254.⁵⁵

29. We seek comment on our authority under the Infrastructure Act and on the use of Title III authority, insofar as the broadband label requirements apply to wireless licensees. Do our proposed broadband labeling requirements also advance other statutory goals? When the Commission has adopted disclosure requirements in the past, such as the transparency rule and its truth-in-billing requirements, it has evaluated its approach to ensure it was consistent with the First Amendment.⁵⁶ We seek comment on

⁵² See, e.g., Competitive Enterprise Institute (CEI) Delete Comments at 10 (arguing the broadband labels requirement should not apply to any services offered to businesses customers, or to E-rate and RHC customers). *But see* Schools, Health and Libraries Broadband Coalition Delete Reply Comments at 12 (opposing the CEI suggestion and arguing that many small and rural schools purchase off the shelf mass-market services and should have the benefits the broadband label provides).

⁵³ 47 U.S.C. § 1753(a); *see also* 2016 Broadband Label PN, 31 FCC Rcd 3358.

⁵⁴ See, e.g., 47 U.S.C. § 151 (a purpose of the Commission is to make available communications services "at reasonable charges"); Telecommunications Act of 1996, Pub. L. 104-104, 110 Stat. 56, preamble (1996) (enacting the 1996 act "[t]o promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies"); *Restoring Internet Freedom*, WC Docket No. 17-108, Declaratory Ruling, Report and Order, and Order, 33 FCC Rcd 311, 448-49, para. 236 (2018) (*Restoring Internet Freedom Order*) (discussing statutory bases for finding "substantial government interests in encouraging competition and innovation").

⁵⁵ 47 U.S.C. § 254.

⁵⁶ See, e.g., *Truth-in-Billing and Billing Format*, CC Docket No. 98-170, Report and Order and Further Notice of Proposed Rulemaking, 14 FCC Rcd 7492, 7530-33, paras. 60-64 (1999) (rejecting the suggestion that standardized labels would violate the First Amendment); *Empowering Consumers to Prevent and Detect Billing for Unauthorized Charges ("Cramming")*, *Consumer Information and Disclosure, Truth-in-Billing, and Billing Format*, CG Docket Nos. 11-116, 09-158, CC Docket No. 98-170, Report and Order and Further Notice of Proposed Rulemaking, 27 FCC Rcd 4436, 4482-84, paras. 129-35 (2012) (applying *Zauderer v. Office of Disciplinary Counsel*, 471 U.S. 626 (1985) (*Zauderer*) to cramming rules adopted there before going on to find that the rules also satisfy *Central*.

(continued....)

any First Amendment considerations relevant here with our proposals to revise the label requirements. We seek comment on this and any other sources of authority for our proposals.

F. Costs and Benefits

30. In this Notice, we seek comment on eliminating broadband label requirements that we tentatively conclude are not necessary for consumers and may be burdensome for providers, while ensuring that the information provided on the labels remains clear and useful. We expect that providers will benefit from reduced regulatory requirements and because these proposals involve eliminating requirements that we tentatively conclude may be unnecessary, we anticipate minimal loss of benefit to consumers. We seek comment on whether proposed changes to the label, if adopted, would result in some costs to providers and if in the long-term providers will realize cost savings. We seek comment on this analysis and on any costs or benefits to consumers and providers that may result from these proposed rule changes.

IV. PROCEDURAL MATTERS

A. Initial Regulatory Flexibility Act Analysis

31. The Regulatory Flexibility Act of 1980, Public Law 96-354, as amended (RFA),⁵⁷ requires that an initial regulatory flexibility analysis be prepared for notice-and-comment rule making proceedings, unless the agency certifies that “the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.”⁵⁸ Accordingly, we have prepared an Initial Regulatory Flexibility Analysis (IRFA) concerning the potential impact of rule and policy changes in this Notice of Proposed Rulemaking on small entities. The IRFA is set forth in Appendix B. Written public comments are requested on the IRFA. Comments must be filed by the deadlines for comments on the Notice indicated on the first page of this document and must have a separate and distinct heading designating them as responses to the IRFA.

B. Initial Paperwork Reduction Act Analysis

32. This Notice may propose new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on these information collection requirements, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. §§ 3501-3521. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, 44 U.S.C. § 3506(c)(4), we seek specific comment on how we might further reduce the information collection burden for small business concerns with fewer than 25 employees.

C. Filing Requirements—Comments and Replies

33. Pursuant to sections 1.415 and 1.419 of the Commission’s rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments and replies on or before the dates indicated on the first page of this document.

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the Commission’s Electronic Comment Filing System (ECFS)⁵⁹: <http://apps.fcc.gov/ecfs>.

Hudson Gas & Elec. Corp. v. Pub. Serv. Comm’n of New York, 447 U.S. 557 (1980) (*Central Hudson*) to the extent that standard applied); *Restoring Internet Freedom Order*, 33 FCC Rcd at 448-50, paras. 235-38 (concluding that the Commission need not resolve whether *Zauderer* or *Central Hudson* applied because the transparency rule satisfied even the *Central Hudson* standard).

⁵⁷ See 5 U.S.C. §§ 601-6233. The RFA has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), Pub. L. No. 104-121, Title II, 110 Stat. 857 (1996).

⁵⁸ 5 U.S.C. § 605(b); see also *id.* § 603.

⁵⁹ See *Electronic Filing of Documents in Rulemaking Proceedings*, 63 Fed. Reg. 24121 (May 1, 1998).

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing.
 - Filings can be sent by hand or messenger delivery, by commercial courier, or by the U.S. Postal Service. All filings must be addressed to the Secretary, Federal Communications Commission.
 - Hand-delivered or messenger-delivered paper filings for the Commission's Secretary are accepted between 8:00 a.m. and 4:00 p.m. by the FCC's mailing contractor at 9050 Junction Drive, Annapolis Junction, MD 20701. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
 - Commercial courier deliveries (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9050 Junction Drive, Annapolis Junction, MD 20701.
 - Filings sent by U.S. Postal Service First-Class Mail, Priority Mail, and Priority Mail Express must be sent to 45 L Street, NE, Washington, DC 20554.
- People with Disabilities. To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530.

D. Ex Parte Rules

34. The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.⁶⁰ Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda, or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). Written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must, when feasible, be filed through the electronic comment filing system in the docket established for this proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

E. Providing Accountability Through Transparency Act

35. Consistent with the Providing Accountability Through Transparency Act of 2023, Public Law 118-9, a summary of this document will be available on <https://www.fcc.gov/proposed-rulemakings>.⁶¹

⁶⁰ 47 CFR § 1.1206.

⁶¹ 5 U.S.C. § 553(b)(4). The Providing Accountability Through Transparency Act of 2023, Pub. L. No. 118-9 (2023), amended the Administrative Procedure Act to add a requirement to publish a short summary, in plain language, of each notice of proposed rulemaking.

F. Additional Information

36. For additional information on this proceeding, contact Michelle Branigan, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at michelle.branigan@fcc.gov or (202) 418-1345.

V. ORDERING CLAUSES

37. Accordingly, **IT IS ORDERED** that, pursuant to the authority found in 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, and section 60504 of the Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429, 1244 (2021), 47 U.S.C. § 1753, this Second Further Notice of Proposed Rulemaking is hereby **ADOPTED**.

38. **IT IS FURTHER ORDERED** that, pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on this Second Notice of Proposed Rulemaking on or before 30 days after publication in the Federal Register and reply comments on or before 60 days after publication in the Federal Register.

39. **IT IS FURTHER ORDERED** that the Commission's Office of the Secretary **SHALL SEND** a copy of this Second Notice of Proposed Rulemaking, including the Initial Regulatory Flexibility Act Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

FEDERAL COMMUNICATIONS COMMISSION

Marlene H. Dortch
Secretary

APPENDIX A

Proposed Rules

The Federal Communications Commission proposes to amend Part 8 of Title 47 of the Code of Federal Regulations as follows:

SUBPART A – Broadband Transparency

* * *

1. Sections 8.1(a)(1), (2) are amended 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, **on the provider's website and at physical points of sale** at the point of sale with the content and in the format prescribed by the Commission at **[insert link to Commission website.]** in “[Fixed or Mobile] Broadband Consumer Disclosure Label,” in figure 1 to this paragraph (a)(1).

~~Figure 1 to Paragraph (a)(1) – [Fixed or Mobile Broadband Consumer Disclosure Label]~~

~~[Broadband Consumer Label Template]~~

(2) Broadband internet access service providers shall display the label required under section 8.1(a)(1) **at each point of sale on the provider's website and at physical points of sale.** *Point of sale* is defined to mean a provider's website and any alternate sales channels through which the provider's broadband internet access service is sold, including provider-owned retail locations **and** third-party retail locations, **but excluding** ~~and~~ over the phone. The label must be displayed in close proximity to the associated advertised service plan. *Point of sale* also means the time a consumer begins investigating and comparing broadband service offerings available to them at their location. *Point of sale* for purposes of the E-Rate and Rural Health Care programs is defined as the time a service provider submits its bid to a program participant. Providers participating in the E-Rate and Rural Health Care programs must provide their labels to program participants when they submit their bids to participants. ~~Broadband internet access service providers that offer online account portals to their customers shall also make each customer's label easily accessible to the customer in such portals.~~

2. Section 8.1(a)(3) is removed and reserved.

(3) [Removed and Reserved]

3. Section 8.1(a)(5) is amended as follows:

(5) [Removed and Reserved]

(6) * * *

4. Section 8.1(a)(7) is removed and reserved.

(7) [Removed and Reserved]

APPENDIX B

Initial Regulatory Flexibility Analysis

1. As required by the Regulatory Flexibility Act of 1980, as amended (RFA),¹ the Federal Communications Commission (Commission) has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the policies and rules proposed in the *Notice of Proposed Rulemaking (Notice)* assessing the possible significant economic impact on a substantial number of small entities. The Commission requests written public comments on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments specified on the first page of the *Notice*. The Commission will send a copy of the *Notice*, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA).² In addition, the *Notice* and IRFA (or summaries thereof) will be published in the Federal Register.³

A. Need for, and Objectives of, the Proposed Rules

2. The Commission adopted broadband label requirements in the *Broadband Label Order* to provide consumers with easy-to-understand and accurate information about broadband service plans, as mandated by the Infrastructure Investment and Jobs Act.⁴ Since the initial implementation of these rules, for larger providers in April 2024 and for smaller providers in October 2024, the Commission has received feedback from industry stakeholders through the *Delete, Delete, Delete* proceeding asserting that certain aspects of the current broadband label requirements may be unnecessarily burdensome for providers while not providing commensurate benefits to consumers.⁵

3. The primary objective of the *Notice* is to simplify regulatory requirements while maintaining the transparency benefits that broadband labels offer consumers. The Commission seeks comment on its proposal to eliminate six label requirements from its rules. These requirements relate to: (1) providing the label at all points-of-sale (i.e., proposing to continue to require the labels on the providers' website but not for over-the-phone sales); (2) itemized fees that vary due to location, such as state and local fees, as long as such fees are otherwise disclosed in the label; (3) information for consumers about the now concluded Affordable Connectivity Program (ACP); (4) retention of a label in customer's online account portal; (5) machine readability;⁶ and (6) two-year archiving. If adopted, these six proposals do not change the core label requirements to display a broadband consumer label containing critical information about the provider's service offerings, including information about pricing, introductory rates, data allowances, and performance metrics. In addition, the Commission seeks comment on further streamlining of its rules and eliminating any other label requirements that are unduly burdensome and costly.

¹ 5 U.S.C. §§ 601 *et seq.*, as amended by the Small Business Regulatory Enforcement and Fairness Act (SBREFA), Pub. L. No. 104-121, 110 Stat. 847 (1996).

² *Id.* § 603(a).

³ *Id.*

⁴ *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Report and Order and Further Notice of Proposed Rulemaking, 37 FCC Rcd 13686 (2022) (*Broadband Label Order*); The Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, § 60504(a) (2021) (Infrastructure Act).

⁵ *Delete, Delete, Delete*, GN Docket No. 25-133, Public Notice, DA 25-219 (GN 2025) (*Delete, Delete, Delete Public Notice*); *Consumer and Governmental Affairs Bureau Announces Compliance Dates of April 10, 2024 and October 10, 2024 for Broadband Label Rules*, CG Docket No. 22-2, Public Notice, 38 FCC Rcd 9341 (CGB 2023).

⁶ This Notice also proposes to eliminate the related requirement that all of a provider's machine readable spreadsheets are hosted and indexed at a dedicated uniform resource locator (URL).

4. In the Further Notice of Proposed Rulemaking attached to the *Broadband Label Order*, the Commission sought comment on issues related to accessibility and languages, performance characteristics, service reliability, cybersecurity, network management and privacy, formatting, and whether ISPs should submit label information directly to the Commission.⁷ We discuss the foreign language issue and performance metrics in this Notice. We do not address the remaining issues from that item here. We recognize that after the labels have been in place for a longer period of time, providers will have more experience with their production and use and we can develop a more fulsome record for any further possible revisions to the broadband label rules.

5. The Commission also seeks comment on revising the broadband label template in the CFR to update where to direct consumers within the Commission's website.

6. The Commission's approach ensures regulatory consistency with Congressional intent by maintaining compliance with the Infrastructure Act's directive for broadband consumer labels while eliminating requirements that may exceed the statutory mandate with no demonstrable consumer benefit.⁸ The proposed rule preserves the requirement that all mass-market retail broadband services, including those marketed to businesses and E-rate participants, display labels to ensure comprehensive market transparency, a core consumer protection benefit.

7. The proposed changes would reduce regulatory burden on small entities by implementing changes in a manner that gives providers flexibility in timing updates to minimize disruption and compliance costs. The Commission recognizes that smaller providers have already made substantial investments in current broadband labeling systems and believes that implementation flexibility can avoid costly system modifications that immediate change might require.

8. Finally, the proposed rule is intended to enhance the long-term sustainability of the labeling program by creating a durable regulatory framework that balances ongoing maintenance burdens with preserving consumer access to essential broadband service information. The Commission believes the proposed labeling requirements can be efficiently maintained over time without imposing excessive administrative costs that could ultimately be passed on to consumers.

9. The Commission also seeks comment on whether these objectives preserve the consumer benefits of broadband labeling, including transparency, comparability, and informed decision-making, while creating a more efficient and sustainable regulatory framework that reduces unnecessary burdens on providers of all sizes. The proposed changes recognize that effective consumer protection can be achieved through targeted requirements that focus on the information most valuable for consumer decision-making, rather than comprehensive requirements that may create administrative complexity without commensurate consumer benefits.

B. Legal Basis

10. The proposed action is authorized pursuant to sections 4(i), 4(j), 201(b), 301, 303, 316, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 201(b), 301, 303, 316, 332 and 60504 of the Infrastructure Investment and Jobs Act, Pub. L. 117-58, 135 Stat. 429, 1254 (2021), 47 U.S.C. § 1753.

C. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply

⁷ *Broadband Label Order*, 37 FCC Rcd at 13727-733, paras. 131-152. We refer to the first Further Notice of Proposed Rulemaking attached to the *Broadband Label Order* as the *First Further Notice*.

⁸ Infrastructure Act § 60504(a)-(b); *Broadband Label Order*, 37 FCC Rcd at 13691-692, paras. 18-19.

11. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted.⁹ The RFA generally defines the term “small entity” as having the same meaning as the terms “small business,” “small organization,” and “small governmental jurisdiction.”¹⁰ In addition, the term “small business” has the same meaning as the term “small business concern” under the Small Business Act (SBA).¹¹ A “small business concern” is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.¹² The SBA establishes small business size standards that agencies are required to use when promulgating regulations relating to small businesses; agencies may establish alternative size standards for use in such programs, but must consult and obtain approval from SBA before doing so.¹³

12. Our actions, over time, may affect small entities that are not easily categorized at present. We therefore describe three broad groups of small entities that could be directly affected by our actions.¹⁴ In general, a small business is an independent business having fewer than 500 employees.¹⁵ These types of small businesses represent 99.9% of all businesses in the United States, which translates to 34.75 million businesses.¹⁶ Next, “small organizations” are not-for-profit enterprises that are independently owned and operated and not dominant their field.¹⁷ While we do not have data regarding the number of non-profits that meet that criteria, over 99 percent of nonprofits have fewer than 500 employees.¹⁸ Finally, “small governmental jurisdictions” are defined as cities, counties, towns, townships, villages, school districts, or special districts with populations of less than fifty thousand.¹⁹ Based on the 2022 U.S. Census of Governments data, we estimate that at least 48,724 out of 90,835 local government jurisdictions have a population of less than 50,000.²⁰

13. The rules proposed in the *Notice* will apply to small entities in the industries identified in

⁹ 5 U.S.C. § 603(b)(3).

¹⁰ *Id.* § 601(6).

¹¹ *Id.* § 601(3) (incorporating by reference the definition of “small-business concern” in the Small Business Act, 15 U.S.C. § 632). Pursuant to 5 U.S.C. § 601(3), the statutory definition of a small business applies “unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the Federal Register.”

¹² 15 U.S.C. § 632.

¹³ 13 CFR 121.903.

¹⁴ 5 U.S.C. § 601(3)-(6).

¹⁵ See SBA, Office of Advocacy, *Frequently Asked Questions About Small Business* (July 23, 2024), https://advocacy.sba.gov/wp-content/uploads/2024/12/Frequently-Asked-Questions-About-Small-Business_2024-508.pdf.

¹⁶ *Id.*

¹⁷ 5 U.S.C. § 601(4).

¹⁸ See SBA, Office of Advocacy, *Small Business Facts, Spotlight on Nonprofits* (July 2019), <https://advocacy.sba.gov/2019/07/25/small-business-facts-spotlight-on-nonprofits/>.

¹⁹ 5 U.S.C. § 601(5).

²⁰ See U.S. Census Bureau, 2022 Census of Governments –Organization, <https://www.census.gov/data/tables/2022/econ/gus/2022-governments.html>, tables 1-11.

the chart below by their six-digit North American Industry Classification System (NAICS)²¹ codes and corresponding SBA size standard.²² Based on currently available U.S. Census data regarding the estimated number of small firms in each identified industry, we conclude that the proposed rules will impact a substantial number of small entities. Where available, we also provide additional information regarding the number of potentially affected entities in the above identified industries.

Table 1. Census Bureau Data by NAICS Code Table

Regulated Industry (NAICS Classification)	NAICS Code	SBA Size Standard	Total Firms²³	Small Firms²⁴	% Small Firms in Industry
Wired Telecommunications Carriers ²⁵	517111	1,500 employees	3,054	2,964	97.05
Wireless Telecommunications Carriers (except Satellite) ²⁶	517112	1,500 employees	2,893	2,837	98.06
Telecommunications Resellers ²⁷	517121	1,500 employees	1,386	1,375	99.21
Satellite Telecommunications	517410	\$47 million	275	242	88.00
All Other Telecommunications	517810	\$40 million	1,079	1,039	96.29

²¹ The North American Industry Classification System (NAICS) is the standard used by Federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy. See www.census.gov/NAICS for further details regarding the NAICS codes identified in this chart.

²² The size standards in this chart are set forth in 13 CFR 121.201, by six digit North American Industrial Classification System (NAICS) code.

²³ See U.S. Census Bureau, *2017 Economic Census of the United States, Employment Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEEMPfirm, and *2017 Economic Census of the United States, Selected Sectors: Sales, Value of Shipments, or Revenue Size of Firms for the U.S.: 2017*, Table ID: EC1700SIZEREVfirm.

²⁴ *Id.*

²⁵ Affected Entities in this industry include Incumbent Local Exchange Carriers (Incumbent LECs), Interexchange Carriers (IXCs), Local Exchange Carriers (LECs), Wired Broadband Internet Access Service Providers.

²⁶ Affected Entities in this industry include Wireless Broadband Internet Access Service Providers and Wireless Telephony.

²⁷ Affected Entities in this industry include Toll Resellers.

Table 2. Telecommunications Service Provider Data

2024 Universal Service Monitoring Report Telecommunications Service Provider Data ²⁸ (Data as of December 2023)	SBA Size Standard (1500 Employees)		
	Total # FCC Form 499A Filers	Small Firms	% Small Entities
Incumbent Local Exchange Carriers (Incumbent LECs)	1,175	917	78.04
Interexchange Carriers (IXCs)	113	95	84.07
Local Exchange Carriers (LECs) ²⁹	4,904	4,493	91.62
Local Resellers	222	217	97.75
Toll Resellers	411	398	96.84
Telecommunications Resellers	633	615	97.16
Wired Telecommunications Carriers ³⁰	4,682	4,276	91.33
Wireless Telecommunications Carriers (except Satellite)	585	498	85.13
Wireless Telephony	326	247	75.77

D. Description of Economic Impact and Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

14. The RFA directs agencies to describe the economic impact of proposed rules on small entities, as well as projected reporting, recordkeeping and other compliance requirements, including an estimate of the classes of small entities which will be subject to the requirements and the type of professional skills necessary for preparation of the report or record.³¹

15. The *Notice* proposes to eliminate broadband label requirements to reduce regulatory burdens on ISPs while maintaining consumer transparency. These proposals would reduce existing compliance requirements rather than create new ones. More specifically, the *Notice* seeks comment on eliminating six requirements currently in our rules for the broadband labels: (1) reading the label to consumers over the phone; (2) itemizing state and local passthrough fees, which vary by customer location; (3) provide information about the now-concluded Affordable Connectivity Program (ACP); (4) display labels in customer account portals; (5) make labels available in machine readable format; and (6)

²⁸ Federal-State Joint Board on Universal Service, Universal Service Monitoring Report at 26, Table 1.12 (2024), <https://docs.fcc.gov/public/attachments/DOC-408848A1.pdf>.

²⁹ Affected Entities in this industry include all reporting fixed local service providers (CLECs & ILECs).

³⁰ Local Resellers fall into another U.S. Census Bureau industry (Telecommunications Resellers) and therefore data for these providers is not included in this industry.

³¹ 5 U.S.C. § 603(b)(4).

archive labels for at least two years after a service is no longer offered to new customers. These changes would reduce compliance costs by eliminating multiple point-of-sale obligations, technical spreadsheet maintenance, archiving requirements, and administrative burdens associated with location-based fee variations and portal maintenance. In addition, this *Notice* seeks comment on further streamlining of our rules and eliminating any other label requirements that are unduly burdensome and costly.

E. Discussion of Significant Alternatives Considered That Minimize the Significant Economic Impact on Small Entities

16. The RFA directs agencies to provide a description of any significant alternatives to the proposed rules that would accomplish the stated objectives of applicable statutes, and minimize any significant economic impact on small entities.³² The discussion is required to include alternatives such as: “(1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for such small entities; (3) the use of performance rather than design standards; and (4) an exemption from coverage of the rule, or any part thereof, for such small entities.”³³

17. The Commission has considered each of these alternatives in developing the proposals in this *Notice* and has structured the proposed revisions to minimize economic impact on small entities while maintaining essential consumer protections.

18. The *Notice* proposes that label revisions be implemented at providers' convenience, such as when making other label updates or service changes, specifically acknowledging the burden on smaller providers who have already invested in current label systems. This approach establishes flexible timetables that take into account the resources available to small entities.

19. The proposed elimination of six compliance requirements would simplify reporting obligations for all entities, particularly benefiting small providers with limited resources by removing burdens such as machine-readable formats, multilingual translations, archiving obligations, and reciting the contents of a broadband label during phone calls with consumers. This represents a significant clarification and consolidation of compliance requirements under the rules for small entities.

20. While not proposing broad small entity exemptions, the Commission specifically considered comments from small entity representatives (NTCA, WISPA, ACA)³⁴ and structured the proposals to address their primary concerns about compliance costs and administrative burden. The Commission determined that uniform requirements remain necessary to ensure consumer protection across all providers.³⁵

21. The elimination of machine-readability requirements and exemption of location-variable fees reflect performance-based standards that reduce administrative burden while maintaining transparency goals, focusing on substantive consumer benefits rather than prescriptive technical requirements.

³² 5 U.S.C. § 603(c).

³³ *Id.* § 603(c)(1)-(4).

³⁴ WISPA Delete Comments at 3 & WISPA Delete Reply at 2; ACA Delete Comments at 11-12; NTCA Delete Comments at 11-12 & NTCA Delete Reply at 10-11.

³⁵ *See, e.g.*, ACA Delete Comments at 11; CCA Delete Comments at 8-9; SBA Delete Comments at 11; Breezeline Delete Reply at 3-4.

22. The Commission will evaluate the economic impact on small entities, as identified in comments filed in response to the *Notice* and this IRFA, in reaching its final conclusions and taking action in this proceeding.

F. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

23. None.