

**STATEMENT OF  
COMMISSIONER GEOFFREY STARKS**

*Re: In the Matter of Promoting the American Economy: Cable Operator and DBS Provider Billing Practices*, MB Docket No. 23-405, Notice of Proposed Rulemaking

There are some items that come before me at the FCC, that hit me not just as a regulator, but as an everyday consumer. I felt that way about our June 2023 NPRM, proposing to require MVPDs to clearly provide the bottom-line, all-in price for video service to consumers in both promotional materials and on subscribers' bills. And I feel that way about today's NPRM, which follows that item in many ways.

Obscuring the bottom-line fee isn't fair to consumers, and neither is imposing exorbitant, unexpected fees on consumers cancelling their service. We've begun our inquiry on the former; today we ask questions about the latter. Take, for example, early termination fees, or ETFs. I know what it's like to cancel a service, and get slapped with a startling high termination fee. I'd hazard a guess that most of us do – it's an experience that's all too common. That's why the Biden Administration's Executive Order on Promoting Competition in the American Economy encouraged the FCC to consider "prohibiting unjust or unreasonable early termination fees for end-user communications contracts."<sup>1</sup>

But first, we have to understand how fees like this may be used in MVPD contracts. Do they unfairly prohibit consumers from switching providers? Are there circumstances in which they may benefit consumers – for example, by giving consumers a choice between a costlier, month-to-month contract and a cheaper, longer-term contract with an ETF? Even if those situations exist, are there ways we can protect consumers from unreasonable fees? These are the questions we're asking today. I look forward to seeing the record develop.

Not only is today's NPRM in conversation with the FCC's action in June on all-in pricing, it's in step with our sister agencies across the government. From the FTC to the CFPB, the government is pursuing proposals and advisories to protect consumers from unjust and unreasonable fees across industry. As President Biden said, this is "just about simple fairness."<sup>2</sup> I agree.

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<sup>1</sup> Executive Order on Promoting Competition in the American Economy, July 9, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/07/09/executive-order-on-promoting-competition-in-the-american-economy/>.

<sup>2</sup> Remarks by President Biden on New Actions to Protect Consumers from Hidden Junk Fees and Put More Money Back in the Pockets of Hardworking Americans, Oct. 11, 2023, <https://www.whitehouse.gov/briefing-room/speeches-remarks/2023/10/11/remarks-by-president-biden-on-new-actions-to-protect-consumers-from-hidden-junk-fees-and-put-more-money-back-in-the-pockets-of-hardworking-americans/>.