

August 7, 2023

Marlene Dortch
Secretary
Federal Communications Commission
45 L Street NE
Washington, D.C. 20554

Re: Notice of Ex Parte Presentation
***Empowering Broadband Consumers Through Transparency*, CG Dkt. No. 22-2**

Dear Ms. Dortch:

On August 4, 2023, Amy Bender of CTIA, Brian Hurley of ACA Connects – America’s Communications Association, Steve Morris of NCTA – The Internet & Television Association, Joshua Seidemann of NTCA – The Rural Broadband Association, and the undersigned of USTelecom – The Broadband Association (collectively, the Associations), met with Adam Cassady, Legal Advisor to Commissioner Simington, to discuss the Associations’ petition for clarification or reconsideration in the above-referenced proceeding.¹

The Associations explained that the requirement in the *Report and Order* that providers document every instance when a provider directs a customer to the label at an alternative sales channel (*e.g.*, over the phone or in a store) is wholly unwarranted.² The Commission did not propose such a requirement in the *Notice of Proposed Rulemaking*³ and no party advanced a proposal along these lines during the proceeding. Moreover, requiring that providers collect identifying information and document every customer interaction would be highly disruptive to consumers seeking information through alternative sales channels⁴ and would impose significant burdens on providers of all sizes,⁵ with no discernible benefit. Consistent with the Petition, the

¹ ACA Connects, NTCA, CTIA, USTelecom, & NCTA, Joint Petition for Clarification or, in the Alternative, Reconsideration, CG Docket No. 22-2 (Jan. 17, 2023) (Petition).

² *Empowering Broadband Consumers Through Transparency*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-86, ¶ 95 (Nov. 17, 2022) (*Report and Order*).

³ *Empowering Broadband Consumers Through Transparency*, Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-7 87 Fed. Reg. 6827 (Jan. 27, 2022) (*Notice of Proposed Rulemaking*).

⁴ See Letter from Rosa Mendoza, Founder, President and CEO, ALLvanza, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (Aug. 2, 2023).

⁵ See Letter from Ian Dillner, Associate General Counsel, Federal Regulatory & Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (May 4, 2023); Letter from Linda Vandeloop, AVP, Federal Regulatory, AT&T Services, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (May 5, 2023); Letter from Jordan Goldstein, SVP, Regulatory Affairs, Comcast Corporation, to Marlene Dortch, Secretary, FCC, CG Docket No. 22-2 (June 8, 2023); Letter from Jake Baldwin, Chief Executive Officer, Cimarron Telephone Company, Cross Telephone Company, Pottawatomie Telephone Company, *et al.* to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (June 20, 2023); Letter from John Kuykendall, Regulatory Advisor, JSI, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (July 21, 2023).

Associations suggested that, to help ensure the label is available through alternate sales channels, the Commission could clarify that a provider satisfies these rules by developing appropriate business practices to promote distribution of the label through alternative sales channels and retaining documentation of these practices for two years.⁶

The Associations also explained that the Commission's action in the *Report and Order* requiring broadband providers to display the pass-through of fees imposed by federal, state, or local government agencies on the consumer broadband label⁷ is an unwarranted departure from both the Commission's approach to taxes in the *Report and Order*⁸ and the Commission's approach in 2016. This new requirement would add unnecessary complexity and burdens to the label for consumers and providers and could result in some providers having to create many labels for any given plan. These unnecessary burdens would be felt by both small and large providers.⁹ The better approach, as proposed in the Petition,¹⁰ is for the Commission to require providers to include an explanatory statement that such fees may apply and that they vary by jurisdiction, similar to the Commission's treatment of government-imposed taxes.

Sincerely,

/s/ Diana Eisner
Diana Eisner
Vice President, Policy & Advocacy

cc: Adam Cassady

⁶ Petition at 10-13.

⁷ *Report and Order* ¶ 33.

⁸ *Report and Order* ¶ 36.

⁹ See Letter from Ian Dillner, Associate General Counsel, Federal Regulatory & Legal Affairs, Verizon, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (May 4, 2023); Letter from Linda Vandeloop, AVP, Federal Regulatory, AT&T Services, Inc., to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (May 5, 2023); Letter from Jordan Goldstein, SVP, Regulatory Affairs, Comcast Corporation, to Marlene Dortch, Secretary, FCC, CG Docket No. 22-2 (June 8, 2023); Letter from Jake Baldwin, Chief Executive Officer, Cimarron Telephone Company, Cross Telephone Company, Pottawatomie Telephone Company, *et al.* to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (June 20, 2023); Letter from John Kuykendall, Regulatory Advisor, JSI, to Marlene H. Dortch, Secretary, FCC, CG Docket No. 22-2 (July 21, 2023).

¹⁰ Petition at 6-9.