

Federal Communications Commission – Broadband Labeling Requirements

Guide for Businesses

The Federal Communications Commission (“FCC”) has released new disclosure requirements for broadband providers in the form of a label, akin to the FDA’s nutrition label, to be visible at the point of sale for broadband plans. This checklist provides a high-level guide to the content requirements applicable to providers when creating their labels. For a more detailed analysis and summary of the rules and how providers must comply, see our alert/memo, [here](#). Do not hesitate to reach out to us with questions about how the rules apply to your organization.

FCC Broadband Labeling Checklist

1. Who Must Comply

All providers of mass-market retail broadband internet access service, or any service that the Commission finds to be a functional equivalent thereof, must comply with the labeling requirement.

2. What Plans Must Be Labeled

Labels must be created for all broadband plans currently being marketed to consumers. Providers need not produce labels for legacy plans.

3. Format of the Consumer Label

Broadband labels must follow a uniform format similar to FDA nutrition labels. The label must be prominent and readable, though there is no particular font size requirement.

4. Content of the Consumer Label

Content requirements are the same for both fixed and mobile broadband providers.

a. Provider Name

Labels should begin by listing the provider’s name.

b. Service Plan Name

The plan name must also be placed at the top of the label.

c. Pricing

Labels must display the base monthly price for the broadband offering, without including taxes, fees or product bundles.

Introductory Rates: If the rate is introductory, the label must prominently indicate (1) the rate’s time-limited nature, including either the length of the introductory period or its end date, and (2) the rate that will apply after the introductory period is over. Further details may be provided via a link on the label.

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Contracts: Providers offering a discount for contract plans must include the length of the term on the label, as well as any applicable early termination fees.

Additional Monthly Charges and One-Time Fees: Labels must include an “Additional Charges & Terms” section, under which all additional monthly charges and one-time fees should be listed. Charges and fees listed in this section should be named simply and accurately.

Discounts: The base rate should be the retail monthly broadband price and not include any discounts for things such as paperless billing, autopay or bundling.

Affordable Connectivity Program (ACP): Labels must indicate whether the provider participates in the ACP and include the following statement: “The Affordable Connectivity Program (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 www.affordableconnectivity.gov.” The link must be active.

d. Performance Information

Labels must include typical upload and download speeds and latency.

e. Data Included with Monthly Price

Overage fees for data use in excess of plan limits should be listed in this section, and must note the increment of data and the specific charge. Any other consequences must also be included. Further information can be included via a link in the label.

f. Network Management Practices

Labels must include a link to providers’ network management practices.

g. Privacy Policy

The label must include a link to the provider’s privacy policy.

h. Glossary:

The label must include a link to the FCC’s website where a glossary of terms used on the label will be housed.

i. Unique Identifier

Each plan must be given a unique identifier to be included on the label. The identifier should appear on the label without spaces, e.g., “F0009876543123ABC456DEF789.” Identifiers must be unique to each plan and cannot be reused after a plan is discontinued.

5. Label Display Location

Labels must be displayed at the point of sale which can differ depending on if the point of sale is physical, a webpage, or if it involves E-Rate and Rural Health Care program participants. After the purchase of a plan, the relevant label must be easily accessible in a consumer’s online account.

6. Archiving

As plans are discontinued, providers must archive labels that are no longer in use, as well as data supporting their content and the information at any included links, for a minimum of two years.

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7. Timeframe for Compliance

Generally, providers with more than 100,000 subscriber lines must comply with the broadband label requirements within six months of publication in the Federal Register that the Office of Management and Budget (OMB) has completed its review of these rules. Providers with 100,000 or fewer subscriber lines must be in compliance one year after OMB approval.

8. Example of FCC Format of Mass Market Broadband Label

| 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 affordableconnectivity.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 | |
| Charges for Additional Data Usage | [] GB [\$/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] | |

Contacts

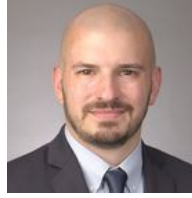


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