

FCC Proposes New Broadband “Nutrition” Labels

Update: *This article was updated on February 8, 2022, to include that the deadline for comments is March 9, 2022, and the deadline for reply comments is March 24, 2022.*

The Federal Communications Commission (FCC) recently [proposed new rules](#) that would require internet service providers (ISPs) to display labels that allow consumers to comparison shop for broadband services. The proposal responds to a directive in the Infrastructure Investment and Jobs Act (IIJA) for the FCC to require ISPs to create consumer-friendly labels. Under the proposed rules, broadband providers would have to display labels at the point of sale that show prices, including introductory rates, speeds, data allowances, network management practices, and other critical broadband service information.

The proposal for the labels is based on the format of previously adopted broadband labels that were created by [several FCC bureaus](#) in 2016 following the FCC's adoption of the 2015 Open Internet Order, by which the FCC implemented its previous "net neutrality" rules. The format of the broadband labels was designed to serve as a safe harbor for ISPs seeking to comply with the 2015 disclosure requirements and to help consumers make informed decisions about broadband services. Modeled after food nutrition labels, the broadband labels were also designed to be accessible and easy to read for consumers. The labels provided information on pricing (particularly promotional prices and when they ended), data allowances, additional fees, performance metrics, network management practices, and links to the provider's privacy policy and where the consumer could file complaints. Ultimately, the labels were never adopted because the FCC [largely repealed the increased transparency requirements](#) in 2018 as part of its repeal of the 2015 net neutrality rules.

With the 2016 broadband labels as a starting point, the FCC seeks comments on whether broadband service offerings and consumers' use of them have changed enough since 2016 to require modifying the proposed labels. Specifically, the FCC wants to know what information broadband providers currently disclose, how consumers currently evaluate broadband plans, and whether the 2016 label content includes the necessary information to help in that process. The FCC is searching for the correct balance of information for the labels with the purpose that they are informative, but not overwhelming, for consumers. The FCC also seeks comments on whether any changes to the broadband marketplace since 2016 should affect the labels' content. For example, the FCC asks if the labels should include information about any service limitations based on the number of connected devices.

In addition to whether the content needs updating, the FCC seeks feedback on the 2016 labels' design. For example, the FCC seeks comment on how the labels should look on the provider's website and whether the requirements under the Americans with Disabilities Act (ADA) and the Web Accessibility Initiative (WAI) are still appropriate for ensuring the label is accessible.

The FCC also seeks comments on how it should consider enforcement and other statutory goals. For enforcement, the FCC asks how it can verify the accuracy of broadband providers' labels and what rules are necessary to enable enforcement. For its other statutory goals, the FCC seeks comments on whether to include information about broadband providers' participation in the FCC's Affordable Connectivity Program and asks how the labels facilitate equal access and otherwise advance diversity, equity, and accessibility.

The deadline for comments is March 9, 2022, and the deadline for reply comments is March 24, 2022.

Authors



Marc S. Martin

Partner

MMartin@perkinscoie.com [202.654.6351](tel:202.654.6351)



Ashley Connelly

Associate

AConnelly@perkinscoie.com [202.654.6296](tel:202.654.6296)



Tyler D. Robbins

Associate

TRobbins@perkinscoie.com [202.654.3313](tel:202.654.3313)

Explore more in

[Technology Transactions & Privacy Law](#) [Advertising, Marketing & Promotions](#) [Communications](#)
[Digital Media & Entertainment, Gaming & Sports](#)

Related insights

Update

[**FERC Meeting Agenda Summaries for October 2024**](#)

Update

[**New White House Requirements for Government Procurement of AI Technologies: Key Considerations for Contractors**](#)