



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

Further Notice of Proposed Rulemaking under the “Empowering Broadband Consumers Through Transparency” Docket CG Docket No. 22-2.

**Comments of
The Small Company Coalition**

Firstly, the Small Company Coalition (“SCC” or “Coalition”) commends the Commission on recognizing the importance of nationally connected broadband infrastructure. As an organization comprised of small, rural, and Tribal telecommunications companies, the SCC has long sought sufficient, predictable funding for these networks in our communities.

We also understand that such funding inevitably requires transparency and accountability, both in terms of its distribution from regulatory agencies, as well as its on-the-ground implementation from companies such as our own. Furthermore, we recognize that Congress has directed the Commission to devise broadband nutrition labels as a measure of increased, customer-facing transparency from Internet Service Providers (“ISPs”).

Namely, the stated purpose of these nutrition labels is to ensure that customers “are getting what they pay for.” Again, the SCC firmly agrees with this premise, as our member companies have longstanding histories of providing high-quality service and direct engagement in the communities that we serve. We understand the vital importance of dealing honestly with our customers: in small-town and rural America, the people for whom we provide Internet service are the same people we see at the grocery store, in church, and other local gathering spaces. In many cases, our customers still come into our offices to pay their bills in person.

All of this is to say that while our companies pride themselves on superior service, on the occasions where we come up short, our customers let us hear about it—and we’re very glad that they do.



However, we encourage the FCC to draw a balance between transparency and granularity of technical data in these proposed labels.

The Coalition appreciates the opportunity to respond in more detail to requests for comment in the NPRM.

I. *The Commission requests comment on whether ISPs should be required to submit label information to the Commission directly in addition to publishing it at the point of sale.*

Given that this information will be publicly available, and the Commission has the ability to see exactly what an ISP's customer sees, the Coalition believes that requiring submission of the label directly to the FCC is a superfluous step. Furthermore, considering the Commission's stated purpose of implementing these labels to facilitate consumer price-shopping, the SCC contends that this proposal does nothing to address such stated purpose, although it will indeed increase the amount of time and effort spent on compliance.

II. *The Commission requests comment on whether ISPs should be required to publish the labels in languages in which the provider does not market their services; likewise, the Commission seeks comment on the same requirements for accommodations to be made for consumers with disabilities.*

The SCC wholeheartedly supports making our services available to all customers, regardless of the language barriers or disabilities mentioned in the FCC's request for comment. Indeed, our member companies engage in this on a daily basis and are happy to accommodate any reasonable request for information; to not adequately service our customers would be detrimental to our businesses and communities.

We believe that all who live in our communities deserve access to high-speed broadband, and we work to achieve that vision. This includes providing information on our services to the best of our ability to all who inquire. Nevertheless, requiring companies to provide the labels in multiple languages for markets we don't serve will be a costly burden for compliance purposes.



Furthermore, it's unlikely that these will be one-time compliance costs. Rather, labels will need to be continuously updated as market rates and technical capabilities shift.

As a matter of best practices, our companies serve our communities according to their needs. In instances where an individual's need is not encompassed by those of the community at large, our companies have been, and will continue to be, eager to assist all current and potential customers at their individual, reasonable requests.

III. *The Commission requests comment on including additional price information, such as potential discounts, location-specific taxes, etc., or to limit the label to the retail prices that reflect most consumer purchases or providers' most popular packages.*

It is our view that the Commission asks and answers its own question in the following line: "If the Commission were to adopt a more comprehensive set of labels, how can it best ensure that additional point-of-sale labels do not overwhelm consumers with too much information, thus rendering shopping too difficult for the average consumer?"

We strongly believe that the labels are most useful to the consumer when limited to the essentials of service: download and upload speeds of the provider's most popular package(s), latency, and the associated retail price of the package. The customer wants to know what they're getting and how much they're paying for it. Additional information, such as privacy practices, network management, and cyber security, while important, should be externally linked or available upon request. The inclusion of such dense information along with basic speeds and prices will occlude the primary factors in the customer's decision-making process.

While it is anecdotal, we believe that it's worth mentioning that a vast majority of SCC member companies' customers and prospective customers contact us with questions about our service speeds and prices; these are the questions which should be addressed in the labels.



SMALL COMPANY COALITION
WE BUILT IT, WE MAINTAIN IT, WE VALUE IT!

Finally, in response to the Commission's request for comment on using bundled services in the label as opposed to standalone broadband retail rates, it is the SCC's position that standalone rates should suffice; however, if the Commission includes bundled services in the label, it makes sense to use the provider's most popular package.

IV. The Commission seeks comment on whether there are more appropriate ways to measure speed and latency other than "typical," such as using "peak" or "average" speeds, or some other speed metric.

We concur with the FCC's decision to eschew using "marketing terms" such as "4G, 5G, etc.," as these descriptors are vague and somewhat malleable. Using a metric such as peak download and upload speeds provides the exact, relevant information to the customer, without requiring significant technical knowledge with which to interpret it.

A more open-ended item for consideration is whether the labels should contain some basic description of the function of download speeds versus upload speeds. It's not uncommon for providers to emblazon their promotions with high download speeds without the same visibility for the upload component. Indeed, it is the SCC's experience that upload speeds are generally less understood by our customers. As such, the value of synchronous service (as opposed to asynchronous) may not be fully appreciated, nor does it enter the calculations of customers who might benefit from high upload speeds without realizing it.

The Commission rightly notes the problems with using a metric that doesn't take into account the many components contributing to the end-user's speed (or lack thereof), which can include the customer's own equipment. For this reason, we propose using the most reliable metric possible, that being the peak speed that is sent from the ISP's facilities to the customer's premises.

A link to additional information on how this speed, as experienced by the customer, may be affected under various circumstances will offer further edification.



SMALL COMPANY COALITION
WE BUILT IT, WE MAINTAIN IT, WE VALUE IT!

V. *The Commission seeks comment on the inclusion of a “reliability” metric in the labels.*

While it would be convenient to capture in a glance the reliability of an ISP’s service, the way this information could be contained in a single, user-friendly variable is unclear. For example, an ISP indeed has an understanding of how much “downtime” it may experience in a given time period; however, as the Commission is aware, outages and other service-interrupting events rarely occur in a network-wide manner. Rather, specific incidents such as automobile accidents taking down aerial fiber on telephone poles, wildlife and environment-caused cable degradation, and other anomalous incidents result in portions of the network going “down.”

Does this downtime accurately reflect on the quality of the ISP’s network reliability? In our estimation, it does not; moreover, encapsulating this “reliability” in a statistic will not convey meaningful information to the consumer. An ISP can accurately report 100% uptime for its network in a given period, but several end-users may disagree, as the service received in their home was interrupted due to one of the circumstances above.

In short, we believe that the category of reliability is best left to the marketplace of customer reviews, as the quantifiable picture captured by a reliability metric is not necessarily more helpful than customer testimonies and other third-party assessments.

VI. *The Commission seeks comment on the disclosure at the point of sale, information about the ISP’s cybersecurity practices.*

While certain information might be made available upon request to more cybersecurity-sensitive consumers or businesses, this should only ever be done at the discretion of the ISP. Under no circumstance should this information be required to be publicly displayed or contained within the labels. The Commission asks, “Should broadband labels warn consumers if an ISP has left certain cyber risks unmitigated by reasonable security measures?” It is difficult to imagine any such label



that contains this information that would not be viewed as a bright, red target for potential bad actors; likewise, banks don't advertise their security shortcomings on their front door.

In response to the Commission's question, "What standards or best practices should be used to benchmark a broadband service's security posture?" the SCC strongly suggests that this is a determination to be made between the ISP and the relevant cybersecurity entity; concerned consumers should reach out directly to the ISP if they require or desire detailed information on cybersecurity practices.

VII. *The Commission requests further comment on network management practices and privacy policies.*

Network management practices and privacy policies are of the utmost importance, and SCC members hold themselves to the highest standards in these regards. Therefore, the question here is not whether the consumer should be informed on these topics, but whether such information is best placed in these broadband nutrition labels. It is the SCC's opinion that linking to these resources is the optimal practice, as including either of these categories will obfuscate the most pertinent, customer-requested information.

Briefly stated, the labels will be most useful to the end-user when they are focused on the service itself. Ultimately, our customers want a quick-glance resource to price-shop services; the greater the wall of text on these labels, the more chance there is of suffering a "terms-of-service effect" where the consumer resigns themselves to scrolling through or past the tedious, dense details (important as they may be to some).

Finally, in direct response to the Commission's query as to whether network management practices, either in the label or linked, should be written clearly for non-technical audiences, it is the Coalition's experience that non-technical audiences are not generally concerned with network management practices (a rather technical subject).



Furthermore, it would be difficult, if not impossible, to objectively determine what is “clear and understandable for non-technical audiences.” This is another component of the proposed labels that the SCC believes is best left to the discretion of our capable customer service departments and technicians, who are available to answer any questions that are not covered in the linked resources.

In closing, we urge the FCC to view the implementation of these labels from the very perspective of the price-shopping customers that the Commission seeks to serve in its stated purpose. The more direct and succinct the label, the more user-friendly it will be.

Respectfully submitted,

Luke Kail
Manager of Government Affairs
Small Company Coalition