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PROTECTING CONSUMERS SINCE 1975

March 9, 2022

Via Electronic Submission

Federal Communications Commission
 Office of the Secretary
 CG Docket No. 22-2, FCC 22-7
 45 L Street NE
 Washington, DC 20554

**RE: Empowering Broadband Consumers Through Transparency
 CG Docket No. 22-2, FCC 22-7**

Dear Secretary Dortch:

The South Carolina Department of Consumer Affairs (“SCDCA”/“Department”) is pleased to offer comments in response to the Federal Communications Commission’s (“FCC”/“Commission”) proposed rule updates regarding empowering broadband consumers through transparency.

SCDCA is the state’s consumer protection agency. Established in 1974, SCDCA is responsible for the administration and enforcement of over 120 state and federal laws. A large part of our authority stems from Title 37 of the South Carolina Code of Laws, the Consumer Protection Code (the “Code”). The Code requires the Department to undertake activities to encourage business and industry to maintain high standards of honesty, fair business practices, and public responsibility in the production, promotion and sale of consumer goods and services.¹

SCDCA supports the proposed rule updates and offers for the FCC’s consideration the following comments regarding ways to improve the broadband display labels. The goal of these recommendations is to help simplify the document and improve readability, while still conveying

¹ SC Code § 37-6-117(f) (2019).



important information to consumers. These comments are based upon SCDCA's experience in developing content and numerous publications for our consumer education and outreach efforts.²

Discussion

The Commission proposes to adopt the content of the 2016 labels for both fixed and mobile broadband services with appropriate modifications. The Department shares with the Commission the belief that consumers make better-informed decisions when they have clear and concise information. The Department offers the following recommendations that we think would help consumers in making their decisions:

- **Fees/Price Changes.** Any potential fees or price changes, including price changes after introductory rate periods expire, should be clearly disclosed in the labels. Also, the labels should state whether the offered rate is contingent on consumer consent to paperless billing or electronic payment.
- **Data Usage Disclosure.** The labels should include a practical reference for data usage to aid the consumer's understanding of their data needs. For example, the labels could include an explanation that the data usage example is based on the average consumer need for basic tasks such as normal internet browsing, answering emails, and streaming on up to two devices. If the consumer decides to purchase a higher data usage tier, their label could be updated based on their chosen level of data usage.
- **Technical Language.** The labels include some technical language not easily understandable by the average consumer, such as speed downstream, speed upstream, latency and packet loss. We believe that this content is useful to consumers in making informed decisions, but recommend that if this specific language is used, an appropriate definition should also be included. If a definition cannot be feasibly added to the form itself, the form could include a link to additional information.
- **Affordable Connectivity Program.** The Department recommends that information about the Affordable Connectivity Program be included in the broadband labels to increase awareness of its existence. The labels should mention, at a minimum, the name of the payment assistance program and provide a link to additional information and the requirements for qualification. This information could be listed in the "Choose Your Service Data Plan" section.

² Education is a central part of SCDCA's mission. The Department's Public Information and Education Division ("Division") serves as the main consumer education portal for consumers, business and the media. The Division informs consumers and businesses on their rights and responsibilities in the marketplace through traditional and alternative media distribution.



- **Formatting.** To increase readability, we suggest all fonts be a minimum of 12-point font. Also, if length of the label isn't an issue, adding more white space across the entire document would make it easier to read. This would include adding more space before and after headers and more space around general text. With additional whitespace, the FCC could also consider whether the form may be easier to read by removing some of the lines currently used to separate sections of the form.

Conclusion

The FCC's proposed disclosure labels provide guidance for consumers with selecting a broadband provider that best fits their needs and we hope you find the information we provided beneficial as you decide a path forward for this proposed rule. We commend the Commission for the work and effort put into this process and appreciate the opportunity to comment. Should you have any questions pertaining to our comments, please feel free to contact me at 803-734-4240.

Regards,

A handwritten signature in blue ink, appearing to read "Roger Hall".

Roger Hall, Esq.
Deputy Consumer Advocate