

**Before the
Federal Communications Commission
Washington, DC 20554**

In the Matter of)	
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)	
Empowering Broadband Consumers Through)	CG Docket No. 22-2
Transparency)	
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)	

**REPLY COMMENTS OF THE
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION (NRECA)**

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I. INTRODUCTION

The National Rural Electric Cooperatives Association (NRECA) hereby submits these reply comments in response to the Notice of Proposed Rulemaking (“*NPRM*”) in the above-captioned proceeding,¹ which seeks comment on the Commission’s proposals to adopt a broadband consumer label, as mandated by Section 60504(a) of the Infrastructure Investment and Jobs Act (“*Infrastructure Act*”).²

NRECA is the national service organization for more than 900 not-for-profit rural electric cooperatives that provide electric power to 56% of the nation’s landmass, approximately 42 million people in 48 states, or approximately 12 percent of electric customers. Rural electric cooperatives serve 88% of the counties of the United States, including 327 of the nation’s 353 “persistent poverty counties,” which is 92% of these persistent poverty counties. All but three NRECA member co-ops are small business entities as classified by the Small Business Administration.

Rural electric cooperatives were formed to provide safe, reliable electric service to their member-owners at the lowest reasonable cost. They are dedicated to improving the communities in which they serve, and the management and staff of rural electric cooperatives are active in rural economic development efforts. Electric cooperatives are private, not-for-profit entities that are owned and governed by the members to whom they deliver electricity. Electric cooperatives are democratically governed and operate according to the seven Cooperative Principles.³

¹ *Empowering Broadband Consumers Through Transparency*, Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-7 (rel. Jan. 27, 2022) (“*NPRM*”).

² Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, § 60504(a) (2021) (“*Infrastructure Act*”).

³ The seven Cooperative Principles are: Voluntary and Open Membership, Democratic Member Control, Members’ Economic Participation, Autonomy and Independence, Education, Training, and Information, Cooperation Among Cooperatives, and Concern for Community.

NRECA and its members are deeply committed to promoting the deployment of advanced telecommunications capabilities within the rural communities and areas in which electric cooperatives provide electric service. About 200 NRECA members provide fixed broadband service today, deploying fiber-based, fixed wireless or combined fiber and fixed wireless technologies. NRECA estimates that another 100 or so are currently exploring the feasibility of providing broadband, either on their own or through partnerships. Many more are exploring ways they can assist other providers in deploying vital broadband service to their unserved and underserved communities.

II. DISCUSSION

NRECA and our member electric cooperatives support the goal of the Commission to provide consumers with a clear and concise broadband label that will assist them in better understanding and comparing the different broadband services available in the marketplace. If done right, the labels will allow consumers to undertake an apples-to-apples comparison of competing service offerings and make an informed choice which one best fits their needs and pocketbook.

NRECA urges a simple, consumer-friendly broadband label that includes information on price, speed and other key performance parameters and any limitations on the service offering, such as data caps. As recounted by the Commission, the 2016 labels that the Commission now proposes to adopt would contain information pertaining to (1) price, (2) monthly data allowances, (3) overage charges, (4) equipment fees, (5) other monthly fees, (6) one-time fees, and (7) early termination fees. These categories, as well as basic information relating to broadband speed, are reasonably within the scope of information that consumers would typically seek. Other metrics that the FCC should offer providers the option of including on labels are

speed symmetry and reliability to better distinguish their offerings from the competition.

Keeping the labels to a limited number of key performance measures will ensure that the label is easy to read and understand.

Labels should only be required for service plans available for purchase and focus on standard monthly rates that are readily comparable across providers and offerings. They should not include introductory or short-term promotional rates. The label will, unfortunately, likely have to rely on providers advertised speeds. It is well known that consumers often receive actual speeds that vary and can be lower than advertised speeds to which they subscribe, especially at the lower speed tiers, such as 25/3 Mbps. For this reason, the label should make clear that actual speeds may vary.

To address the problem of relying on advertised speeds, providers should be allowed to disclose actual performance, i.e., actual speeds and latency, using methodologies that were approved by the FCC in 2011 and were re-affirmed in 2016. This will allow consumers to assess the real-world performance level of the providers they are choosing between.

The FCC should not require disclosure of overly technical information on the label that the average consumer would not understand or find confusing, such as packet loss metrics or data related to bundled services. In addition, the FCC should consider requiring the label to include a link to the provider's online network transparency disclosure.

Implementation of the broadband labels and educating the public on how to use them will take time. Electric cooperatives are small businesses and new regulatory requirements can strain limited resources. In addition, many electric cooperatives are recent entrants into the broadband business, and we anticipate many more will be entering the broadband business due to the historic level of broadband funding available. As new entrants and small businesses, they are

already expending significant resources to ensure they meet the many regulatory requirements. NRECA strongly urges the Commission to establish a two-year education and compliance period prior to subjecting any provider to enforcement action. The Commission should also offer small providers a broadband label template and consider technical assistance to assist them in establishing a label system. Finally, the Commission should also consider allowing small providers additional time to comply with the new rules adopted in this proceeding.

III. CONCLUSION

NRECA and our member electric cooperatives support the goal of the Commission to provide consumers with a clear and concise broadband label that will assist them in better understanding and comparing the different broadband services available in the marketplace. Inclusion of the NRECA recommendations contained herein will ensure consumers have the information they need to make informed decisions.

Respectfully submitted,

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