

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

In the Matter of	)	
	)	
Empowering Broadband Consumers	)	CG Docket No. 22-2
Through Transparency	)	
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Delete, Delete, Delete	)	GN Docket No. 25-133
	)	

**COMMENTS OF INCOMPAS**

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## **I. INTRODUCTION AND SUMMARY**

INCOMPAS, by the undersigned, respectfully submits these comments in response to the Commission's Second Further Notice of Proposed Rulemaking ("FNPRM") (FCC 25-74) and Notice of Proposed Rulemaking ("NPRM") (GN 25-133).

INCOMPAS supports the Commission's efforts to streamline broadband label requirements. The Commission's proposals to streamline these rules strike the right balance; maintaining the purpose of the consumer label while eliminating obligations that add complexity and cost without helping consumers. Ensuring compliance is straightforward, rather than costly or burdensome, is essential, given that extensive labeling requirements have not demonstrably added to appreciable value for the average consumer.

## **II. BACKGROUND**

INCOMPAS represents a broad coalition of competitive communications providers, broadband builders, and technology innovators committed to expanding access, enabling AI infrastructure, and fostering innovation and competition in American communications markets. Our diverse membership provides broadband services to consumers, small businesses, government customers, and schools and libraries.

We appreciate the Commission's commitment to empowering consumers through transparency and agree that broadband labels can help consumers compare plans and make informed choices. Congress, through Section 60504 of the Infrastructure Investment and Jobs Act ("IIJA"), directed the FCC to require these labels, and INCOMPAS supports that statutory mandate.

However, experience with implementation and compliance shows that while labels can provide clarity at the point of sale, certain obligations arising from the rules have created unintended consequences. Instead of improving transparency, these requirements may confuse

consumers and impose significant costs on providers, particularly smaller companies, without measurable benefit.

### **III. COMPETITIVE MARKET DYNAMICS RENDER MANDATORY FORMATS FOR LABELS UNNECESSARY**

Consumers in most markets have multiple broadband options, including fiber, cable, fixed wireless, and mobile broadband. Broadband Internet Access Service (“BIAS”) providers often compete on price, speed, reliability, and customer service. In competitive environments, deceptive or confusing marketing is punished by consumers through churn and reputational damage; truthful and straightforward marketing may be rewarded with subscriber growth. These natural market incentives can be stronger and more adaptive than rigid federal templates.

INCOMPAS’s mission is to support competition. Competitive providers benefit from being truthful and transparent. To this end, our members present clear plan pages, FAQs, and disclosures tailored to their services and audiences. Mandating a single label format constrains innovation in how providers communicate and may not reflect the diversity of offerings or customer preferences across regions and technologies.

### **IV. EXPERIENCE DEMONSTRATES INCREASED COST AND COMPLEXITY OF THE CURRENT BROADBAND LABELING REQUIREMENTS WITHOUT DEMONSTRATED CONSUMER BENEFITS**

The FNPRM acknowledges that several requirements are burdensome and provide minimal consumer benefit. Providers have had to create and maintain numerous label variants to accommodate location-specific fees, portal integrations, telephonic scripts, machine-readable schemas, and archival processes. Smaller and competitive providers bear disproportionate compliance costs relative to any speculative consumer gains.

Since the initial rules were adopted in 2022, the industry has a better understanding of the operational impacts: scripting changes for customer care, retooling fee disclosures, reworking

online point-of-sale placements, and maintaining machine-readable repositories. These are non-trivial, ongoing burdens. Yet there is minimal evidence that the detailed labels and the associated compliance obligations materially improve consumer understanding or lead to better purchasing outcomes when compared to existing provider disclosures and third-party comparison tools.

## **V. THE ‘NUTRITION LABEL’ REQUIREMENT IS NOT APPROPRIATE FOR BROADBAND SERVICES**

Although Congress mandated broadband labels under Section 60504 of the IIJA, the Commission’s implementation exceeds this directive. The broadband “nutrition label” analogy was always imperfect for broadband services. Unlike food labels, which address health and safety risks and are grounded in decades of statutory authority and scientific standards, broadband labels serve a different purpose. Broadband is a complex, performance-based service where value depends on individual use cases, such as remote work, streaming, gaming, or IoT, rather than universal metrics. While transparency is important, imposing a single, static label on a dynamic service market can oversimplify and even mislead consumers. Government labeling makes sense where there are clear health or safety concerns, such as with food or medical devices, but those circumstances do not translate to broadband marketing. The consumer benefit here is less significant, and the Commission should consider whether the costs and complexity of these requirements are justified given the limited utility to consumers. INCOMPAS members strongly support transparency and believe it can be achieved through more flexible, consumer-friendly approaches that provide accurate, relevant information without imposing unnecessary burdens.

Moreover, the nutrition style labeling regime for broadband services is notable for the absence of similar requirements in adjacent digital markets. Streaming video and audio platforms, as well as cloud storage services, are subject to flexible, principles-based, ex post

oversight, primarily by the Federal Trade Commission (FTC) under its Section 5 authority regarding deceptive practices. Consumers typically subscribe to tiered streaming or cloud plans with variable features and pricing by reviewing standard terms and conditions, rather than government-mandated labels. Market experience provides little evidence that broadband consumers experience significantly greater harm that would justify this disparate regulatory approach. Neither Congress, the FCC, nor the FTC has determined that labeling is necessary in these adjacent markets. The lack of such requirements elsewhere indicates that the broadband labeling regime addresses a theoretical, rather than an actual, market failure. The Commission should revise its rules to reflect Congress’s original mandate and eliminate unique burdens that increase costs without delivering measurable consumer benefits.

## **VI. WHY STREAMLINING LABELING OBLIGATIONS IS POSITIVE FOR CONSUMERS AND COMPETITION**

INCOMPAS members are committed to delivering high-speed, high-quality services at competitive rates. Broadband labels were intended to help consumers compare plans, but the current regulatory regime has layered this simple tool with complex compliance requirements that provide limited additional value to consumers. For smaller providers, these obligations divert resources away from network investment and customer service, core priorities that directly benefit consumers. Every dollar spent on building, hosting, and managing machine-readable files or archiving discontinued plans is a dollar not spent on expanding coverage or improving performance.

The Commission has acknowledged that excessive detail, such as itemizing variable fees, can lead to a “proliferation of labels,” overwhelming consumers with fine print and reducing the tool’s usefulness. Streamlining these requirements would restore the label to its original purpose:

a clear, simple shopping aid. By focusing on measures that truly help consumers while reducing unnecessary compliance costs, the Commission can strike the right balance, promoting transparency without undermining competition or slowing deployment.

INCOMPAS supports eliminating requirements that do not strike this balance between meaningful consumer benefit and the significant cost of compliance for providers, including:

- **Archiving discontinued plan labels for two years** – Consumers cannot evaluate or purchase plans that no longer exist, making this obligation costly and unnecessary.
- **Maintaining machine-readable spreadsheets at a dedicated URL** – The average consumer does not use these files, and creating and updating them requires specialized IT resources.
- **Itemizing variable fees in ways that create multiple versions of the same label** – This leads to a proliferation of labels that confuses rather than informs consumers.
- **Hosting labels in multiple formats beyond what is needed for consumer clarity** – Additional formats add complexity without improving transparency.

Removing these obligations will allow providers to reinvest in network upgrades and customer service improvements, delivering greater value to consumers, and advancing the Commission’s deployment goals.

## VII. LEGAL AUTHORITY

INCOMPAS agrees that Section 60504 of the IIJA provides the Commission authority to require broadband consumer labels. The proposed changes are consistent with Congress’s intent and the Commission’s responsibility to promote transparency, affordability, and competition. The statute directs the FCC to require the *display* of labels to aid consumer decision-making. It does not mandate archival databases or machine-readable APIs. By removing these extraneous requirements, the Commission aligns the rules more closely with Congress’s intent.

## VIII. CONCLUSION

INCOMPAS supports the Commission's efforts to streamline broadband label requirements. By eliminating burdensome reporting and recordkeeping obligations, the FCC will preserve the consumer benefits of transparency while reducing costs that hinder broadband deployment and innovation. We urge the Commission to adopt these proposals and continue to focus on rules that deliver clear, practical information to consumers without imposing unnecessary complexity on providers.

Respectfully submitted,

*/s/ Staci Pies*

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