



NEWS

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See *MCI v. FCC*, 515 F.2d 385 (D.C. Circ 1974).

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T-MOBILE AGREES TO IMPROVE DISCLOSURES FOR CONSUMERS USING MOBILE SPEED TESTS

Washington, D.C. – The Federal Communications Commission announced today that T-Mobile US, Inc. (T-Mobile) has agreed to take steps to ensure that customers who run mobile speed tests on the carrier’s network will receive accurate information about the speed of their broadband Internet connection, even when they are subject to speed reductions pursuant to their data plans.

As part of the agreement, T-Mobile will send text messages to customers that will enable them to more easily get accurate speed information, place direct links to accurate speed tests on customer handsets, and revamp its website disclosures to provide clearer information about the speeds customers actually experience.

“The FCC is committed to ensuring that broadband providers are transparent to consumers. I’m grateful T-Mobile has worked with the FCC to ensure that its customers are better informed about the speeds they are experiencing,” said FCC Chairman Tom Wheeler. “Consumers need this information to fully understand what they are getting with their broadband service.”

T-Mobile offers several data plans that feature a designated allotment of high-speed data. After a customer uses the monthly high-speed data allotment, that customer will receive data at a reduced speed limited to either 128 kbps or 64 kbps, depending on the customer’s data plan, for the remainder of the monthly billing cycle. These speed reductions are specified in T-Mobile’s agreements with customers, and T-Mobile customers do not receive overage charges for exceeding their data caps. In June, T-Mobile began exempting the use of certain speed test applications, which allow consumers to measure the speed of their Internet connection, from customers’ monthly high-speed data allotments.

Currently, customers who have their speeds reduced after exceeding their monthly high-speed data cap cannot easily understand the results of exempted speed tests. When these customers run speed tests that T-Mobile has exempted from data caps, they receive information about T-Mobile’s full network speed, and not the actual reduced speed available to these customers at that time. The FCC was concerned that this could cause confusion for consumers and prevent them from obtaining information relevant to their use of T-Mobile services.

The FCC and T-Mobile have agreed that T-Mobile will begin implementing the agreement immediately and will fully implement it within 60 days. Specifically, T-Mobile will take the following steps to ensure that consumers have clear and accurate information about the speed of their broadband connections:

- Send customers a text message once they hit their monthly high-speed data allotment linking to a speed test that customers can use to determine their actual reduced speed;

- Provide a button on customer smartphones linking to a speed test that will show actual reduced speeds;
- Modify the text messages it currently sends to customers once they hit their monthly high-speed data allotment to make it clear that certain speed tests may show network speeds, rather than their reduced speed. The modified texts also will provide more information about the speeds that will be available after customers exceed their data cap; and
- Modify its website disclosures to better explain T-Mobile's policies regarding speed test applications and where consumers can get accurate speed information.

The FCC has been actively investigating wireless carriers' speed reduction practices since this summer, when Chairman Wheeler sent letters to four major nationwide carriers about these practices, including T-Mobile. In response, Verizon Wireless announced last month that it had cancelled its plan to begin speed reductions for 4G customers on unlimited plans, an announcement that Chairman Wheeler commended as responsible action by the carrier. In addition, the FCC issued an Enforcement Advisory in July warning providers, including wireless carriers, about their responsibility to disclose accurate information to protect consumers. The FCC continues to actively monitor and address these important issues.

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