

BROADBAND CONSUMER DISCLOSURE Q&A

Q1. What is the Broadband Consumer Disclosure (BCD)?

A1. The Broadband Consumer Disclosure is a simple approach to presenting key information regarding broadband services to consumers. Broadband providers are not required to present information to consumers using the BCD format, but providers that voluntarily present information in this format will be eligible for a safe harbor from FCC enforcement with respect to the *format* of their disclosure to consumers. Complaints regarding the *substance* of the disclosure to consumers are still possible, e.g., if material terms are misstated.

Q2. How does this Broadband Consumer Disclosure relate to the enhanced transparency requirements adopted in the Open Internet Order (OIO)?

A2. The Commission has identified a substantial variety of information that broadband service providers must disclose pursuant to its broadband transparency rule (47 CFR § 8.3). Pursuant to the OIO, the Consumer Advisory Committee (CAC) has been delegated authority to recommend a format for disclosing key elements of this information to consumers, and a Task Force within the CAC has undertaken that role. The information required to be included in the Broadband Consumer Disclosure is a subset of the universe of information required under the Commission's rules. As noted above, participating providers that use the BCD format will be eligible for a safe harbor as to complaints regarding the format of their disclosure to consumers.

Q3. Why did the Task Force choose to include only certain information in the Broadband Consumer Disclosure?

A3. As noted above, the Broadband Consumer Disclosure covers only a subset of the universe of information that broadband providers are required to disclose to consumers. Including all of the required information on the Broadband Consumer Disclosure would make it unwieldy, difficult to read, and confusing for consumers. The Task Force had lengthy discussions with the goal of identifying the key pieces of information that would assist consumers in comparing offerings of different providers and only that information was included.

Q4. At what point in the consumer shopping experience will the Broadband Consumer Disclosure help consumers?

A4. The Broadband Consumer Disclosure is intended to be most helpful to consumers at the point when they are shopping for broadband service options, either as a new customer or as a customer that is considering switching providers or levels of service. In particular, we have focused on information that would be useful in comparing providers, although other information that would be relevant to a prospective customer also is included.

Q5. Will a consumer need to provide personal identifying information to access the Broadband Consumer Disclosure?

A5. The only information that consumers may need to provide is a zip code so that providers can estimate service availability and price offerings. However, once a consumer determines that

they are interested in purchasing service they will ultimately need to input an address on a participating provider's website or convey it to a customer service representative in order to verify service availability and actual price offerings at their home.

Q6. Will the Broadband Consumer Disclosure appear on the customer's monthly bill?

A6. No, as noted above, the Broadband Consumer Disclosure is intended to be most helpful to consumers at the point when they are shopping for broadband service. It will not be provided as part of the bill. That said, because the Broadband Consumer Disclosure will be posted on a participating provider's website, a customer can always consult the website to find current information on a provider's broadband offerings.

Q7. Where on a participating provider's website should consumers expect to find the Broadband Consumer Disclosure?

A7. A link to the Broadband Consumer Disclosure should be presented in a location on the website where it is most likely to be seen by prospective customers. At a minimum, we would expect that a participating provider's main marketing page would include links to the Broadband Consumer Disclosure(s) for its broadband offerings and that these links would be presented in proximity to text describing the relevant service tiers. Participating providers also may want to include a link to the Broadband Consumer Disclosure(s) at the bottom of the company's home page, which is a location where links to other regulatory disclosures often are located.

Q8. Why are the Broadband Consumer Disclosures for fixed broadband and mobile broadband different?

A8. There are a number of differences in the manner in which price and performance information typically is presented for fixed and mobile broadband service. Because it would be more complicated and confusing to attempt to incorporate both types of services into a single Broadband Consumer Disclosure, the decision was made to create two separate disclosure formats.

Q9. Does the Broadband Consumer Disclosure address bundled services?

A9. No. The transparency disclosure rules of the OIO pertain primarily to broadband Internet access service and therefore the Task Force decided that only information regarding Internet service purchased on a stand-alone basis must be provided. That said, the non-price elements of the Broadband Consumer Disclosure generally will apply to the broadband service whether it is purchased in a bundle or on a stand-alone basis. In addition, the *Additional pricing options...* link on the Broadband Consumer Disclosure may direct consumers to promotions and bundled offerings if the participating provider offers services in addition to broadband service.

Q10. How does the disclosure address promotional offerings?

A10. There is no requirement that providers include promotional rates in the Broadband Consumer Disclosure because promotions tend to vary geographically and be of limited duration and displaying them in the Broadband Consumer Disclosure could add unnecessary complexity. The *Additional pricing options...* link on the form may direct consumers to promotions if the participating provider offers them.

Q11. How are the performance metrics gathered for the fixed Broadband Consumer Disclosure?

A11. The source of the performance metrics for fixed broadband may vary by provider. A group of the largest fixed broadband providers (covering over 80 percent of the residential broadband marketplace) participate in the Measuring Broadband America (MBA) broadband performance measurement program administered by the FCC, and the OIO provides a safe harbor for these providers to use MBA results for their disclosure. The FCC has also provided guidance for sources of performance metrics for providers that do not participate in the MBA program, which include using the methodology developed through the MBA project or conducting their own internal or third-party testing, either of which may be used for this Broadband Consumer Disclosure.

Q12. How are the performance metrics gathered for the mobile Broadband Consumer Disclosure?

A12. A mobile MBA broadband performance measurement program is now under way but a report has not been issued yet. Therefore, a set of metrics that uses a common methodology does not exist and the Commission has yet to consider how any such metrics, if they are developed, might apply to mobile providers. The OIO acknowledges that a mobile MBA report does not exist yet, but mobile providers still are expected to disclose reliable data on the actual performance of their networks through their own or third-party testing.