

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC**

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

COMMENTS OF THE FIBER BROADBAND ASSOCIATION

I. INTRODUCTION

The Fiber Broadband Association (“FBA”)¹ hereby submits comments in response to the Notice of Proposed Rulemaking (“NPRM”) issued by the Federal Communications Commission (“Commission”) in the above-captioned proceeding.² The NPRM seeks to implement Section 60504(a) of the Infrastructure Investment and Jobs Act, which directs the Commission to adopt regulations requiring the display of broadband consumer labels.³ FBA’s comments are directed solely to one issue: expanding the content of the label to include the type of network technology over which the service is provided. Our proposal reflects the fact that consumers choose a broadband Internet access service (“broadband”) provider, in part, based on whether the network

¹ FBA is a not for profit trade association with more than 350 members, including telecommunications, computing, networking, system integration, engineering, and content-provider companies, as well as traditional service providers, utilities, and municipalities. Its mission is to accelerate deployment of all-fiber access networks to ensure digital equity and enable every community to leverage economic and societal benefits that only fiber can deliver. A complete list of FBA members can be found on the organization’s website: <https://www.fiberbroadband.org/>.

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

³ The Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 429, § 60504(a) (2021) (“Infrastructure Act”).

technology is all-optical fiber, hybrid fiber/coaxial cable, fixed wireless, xDSL, or satellite. FBA is not alone in recognizing that that the type of network technology is relevant to the provision of broadband service – and thus of import to consumers. The Commission requires that providers identify their network technology when collecting and reporting their broadband availability data.⁴ Most recently, the U.S. Department of Treasury encouraged State and local governments “to prioritize investments in fiber-optic infrastructure wherever feasible, as such advanced technology enables the next generation of application solutions for all communities and is capable of delivering superior, reliable performance and is generally most efficiently scalable to meet future needs.”⁵ And, numerous consumer ratings entities also highlight the broadband connectivity technology. Thus, as we elaborate upon herein, the Commission should use its authority under the Infrastructure Act to add information about the network technology over which broadband service is provided.

II. THE COMMISSION HAS AUTHORITY TO ADD RELEVANT INFORMATION TO THE 2016 BROADBAND CONSUMER LABEL

At the outset of the NPRM, the Commission inquires about the extent to which it may “depart from the labels described in the 2016 Public Notice,” which did not include information

⁴ See e.g., “Technology Codes Used in Fixed Broadband Deployment Data,” Federal Communications Commission, available at <https://www.fcc.gov/general/technology-codes-used-fixed-broadband-deployment-data>; *Establishing the Digital Opportunity Data Collection et al.*, WC Docket No. 19-195 *et al.*, Second Report and Order and Third Further Notice of Proposed Rulemaking, 35 FCC Rcd 7460, 7465-7473 paras. 12-31 (2020), in which the Commission sets forth different broadband availability reporting requirements based on different technologies.

⁵ “Coronavirus State and Local Fiscal Recovery Funds, Final Rule,” U.S. Department of the Treasury, *Federal Register*, Vol. 87, No. 18, at 4418 (Jan. 27, 2022) available at <https://www.govinfo.gov/content/pkg/FR-2022-01-27/pdf/2022-00292.pdf>.

about the network technology for fixed broadband service.⁶ FBA submits the statute’s use of the term “as described” in the 2016 Public Notice⁷ gives the Commission sufficient flexibility to adjust the content of the labels so long as any change is consistent with the statutory directive to disclose information regarding broadband service plans and with the overall format and appearance of the labels. Further, freezing the content of the labels as they were approved in 2016 would run counter to the aim of the statute to provide consumers with sufficient information to make educated decisions about choosing a broadband service because the provision of broadband service is not static. Broadband providers are changing the capabilities and attributes of their offerings as network technologies and applications evolve, and consumers are changing which of these capabilities and attributes they most value as applications and content evolve. Accordingly, the statute gives the Commission leeway, which it should use, to amend or adjust the content of the label so it provides information most relevant to consumers about broadband service plans.

III. THE FIXED BROADBAND CONSUMER LABEL SHOULD REFLECT THAT CONSUMERS, IN SELECTING A BROADBAND SERVICE, BASE THEIR DECISION TO A SIGNIFICANT EXTENT ON THE TYPE OF NETWORK TECHNOLOGY OVER WHICH THE SERVICE IS OFFERED

The NPRM asks about whether the Commission should add content to the labels “given changes in the broadband marketplace.”⁸ FBA submits that the Commission should add a single line about “Network Technology,” which should reflect the Technology Codes it uses to collect and report data for Form 477 and Digital Opportunity Data Collection. Our proposal is based on

⁶ NPRM, para 12.

⁷ “Consumer and Government Affairs, Wireline Competition, and Wireless Telecommunications Bureaus Approve Open Internet Broadband Consumer Labels,” FCC Public Notice, GN Docket No. 14-28, DA 16-357 (2016).

⁸ NPRM, para. 20.

substantial evidence that consumers value information about network technology in selecting a broadband service. For instance, a survey from HighSpeedInternet.com in September 2021 found that –

- “75% Would Switch to Fiber Internet If Available,”
- “[N]early half of the respondents who wanted fiber wanted it because they considered it the best type of internet connection available,”
- “Most respondents focused on the faster speeds and greater reliability of fiber as its top benefits, but 22% specifically mentioned fiber’s resilience to slowdowns associated with cable connections,” and
- “Fiber also beats cable in other areas, such as faster upload speeds, which can make a big difference for content creators and those who work or study from home.”⁹

Further, in December 2021, HighSpeedInternet.com published an article entitled “DSL v. Cable: Which One is Right for You?”, which examined which network technology option would best meet a consumer’s needs.¹⁰

⁹ “Survey Finds 75% Would Switch to Fiber Internet If Available,” HighSpeedInternet.com (Sept. 24, 2021) available at <https://www.highspeedinternet.com/resources/fiber-internet-survey>. *See also*, “AT&T says customers are demanding fiber broadband,” Fierce Telecom (Mar. 8, 2021) available at <https://www.fiercetelecom.com/telecom/at-t-says-customers-are-demanding-fiber-broadband>; “Fiber Optic Internet in the USA,” BroadbandNow (Mar. 23, 2021) (“Fiber internet service is the gold standard of residential internet connections. Considering that a fiber internet connection can be easily ten times as fast as a standard cable connection, it is no surprise that fiber optics are becoming more popular.”) available at <https://broadbandnow.com/Fiber>.

¹⁰ “DSL v. Cable: Which One Is Right for You?,” HighSpeedInternet.com (Dec. 21, 2021) (“When you’re looking for a new internet provider, there are two connection types that you’ll notice pop up frequently: DSL and cable. Both are widely available, but which internet service is better? We’ll give you the scoop on what you need to know before you decide if cable or DSL is right for you...DSL internet is an excellent choice for folks who enjoy streaming music and videos, shopping online, posting on social media, and

Evidence that consumers are aware of and place value on the type of broadband network technology is further indicated in a survey of 4,300 consumers by RVA LLC Market Research & Consulting conducted for FBA in May 2021, which found that all-fiber networks have the highest consumer satisfaction with an average net promoter score of 20%, whereas scores of other broadband types ranged from -5% to -45%.¹¹

Various publications today also include the type of broadband network technology when rating broadband service providers and offerings. For instance, U.S. News in its 2022 ranking of broadband providers highlights the “connection type” – fiber, hybrid fiber coax (cable), DSL, satellite – in addition to the cost and speed of the broadband service.¹² So do the rankings in CNET¹³ and REVIEWS.org.¹⁴

browsing the internet. It’s affordably priced and offers increasingly faster speeds as technology advances. But if your household looks more like the bustling atmosphere of Modern Family and less like Ryan Gosling’s austere bachelor pad in Drive, or if you have some avid gamers in the house, cable internet might be the better choice for you. Faster plans are good at supporting devices streaming simultaneously and multiplayer online gaming. It can be pricier than DSL, but it offers lightning-fast speeds.”) available at <https://www.highspeedinternet.com/resources/dsl-vs-cable>.

¹¹ “2021 Broadband Consumer Survey,” RVA LLC Market Research & Consulting (released Nov. 2021) available at www.fba.org. This survey also found that having an all-fiber connection increases the value of home by 3.4% and apartment rental prices by 8.1%.

¹² “Best Internet Service Providers of 2022,” U.S. News 360 Reviews (Jan. 21, 2022) (“Types of Internet Service. There are four main residential connection options for broadband internet: cable, fiber optic, satellite, and DSL.”) available at <https://www.usnews.com/360-reviews/services/internet-providers>.

¹³ “Best Internet Service Providers of 2022,” CNET (Jan. 27, 2022) (“The telecom giant’s DSL and fixed wireless plans are much less impressive, but if AT&T fiber is available at your address, consider yourself lucky, because there really isn’t much reason to consider anything else... You’ll find better bang for your buck with fiber providers like AT&T, but if fiber isn’t an option, a cable connection is the next best thing.”) available at <https://www.cnet.com/home/internet/best-internet-providers/>.

¹⁴ “8 Best Internet Service Providers,” REVIEWS.org (Feb. 25, 2022) (“We always recommend fiber internet if you can get it. And Verizon Fios Home internet gives you

In sum, there is more than sufficient evidence in the market that consumers recognize there are differences in technologies delivering broadband service and use that information in selecting a broad provider. We urge the Commission to include such information in its broadband consumer labels.

Respectfully Submitted,



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plenty more reasons to choose it over other ISPs: low prices, fast download speeds, and some of the best customer service...AT&T Fiber now offers 2-gig and 5-gig internet service, yowza. If you're looking for those excellent fiber internet speeds but can't get Verizon Fios Home Internet in your area, AT&T Fiber is well worth checking out...With the fastest speeds satellite can provide, Viasat is our pick for anyone who can't get cable or DSL service in their area.") available at <https://www.reviews.org/internet-service/best-internet-service-providers/>.