

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

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

REPLY COMMENTS OF VANTAGE POINT SOLUTIONS

March 16, 2023

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I. **EXECUTIVE SUMMARY**

The Commission has responded to the requirement from the Infrastructure Act to require broadband Internet service providers to display nutrition type labels that communicate certain specified information regarding their broadband Internet access service plans. With the patterning after nutrition type labels, the challenge the Commission faced is balancing “what makes broadband taste good” (price, speed, and latency) with “what makes broadband good for you” (network management practices, privacy policies, and cybersecurity practices). The current approach strikes the appropriate balance to assist consumers to “make smart choices without overwhelming them with information or unnecessarily burdening providers.” The current label specifications requiring disclosure of broadband prices, introductory rates, data allowances and broadband speeds provide consumers with baseline data. The links to information about the provider’s network management and privacy policies provide the platform under which the broadband will be provided.

VPS believes if the Commission were to expand the language requirement beyond English and any languages the relevant company markets in, the costs of that effort will exceed the benefits. Requiring languages not used in the service territory is a step too far.

VPS believes that cybersecurity will continue to be an important issue for customers. All parties agree that cybersecurity is an emerging and present risk that all stakeholders must commit to addressing. Disclosures of practices in effect must be handled with the utmost care, given the proprietary nature of the information and the risk that data could be used by bad actors and criminals, both foreign and domestic.

In this reply comment filing, we offer suggested standard language for a cybersecurity link that balances the needs of customers, the Commission, and providers. Avoiding cybersecurity issues is short-sighted and ignores customer concerns.

II. INTRODUCTION AND BACKGROUND

Vantage Point Solutions, Inc. (“VPS”)¹ submits these reply comments in response to the Report and Order and Further Notice of Proposed Rulemaking² (“Report” and “Further Notice”) adopted by the Federal Communications Commission (“Commission” or “FCC”) in the above-captioned proceeding.

As the Commission notes at paragraph 2, the President signed into law the Infrastructure Investment and Jobs Act.³ The Infrastructure Act directed the Commission to require broadband Internet service providers (“ISPs” or “providers”) to display nutrition type labels that communicate certain specified information regarding their broadband Internet access service plans. These labels are required at the point of sale and disclose broadband prices, introductory rates, data allowances, and broadband speeds, and include links to information about a provider’s network management practices, privacy policies, and the Commission’s Affordable Connectivity Program (“ACP”).

Vantage Point is well-positioned to offer a valuable perspective on the challenge of implementing broadband labels in the rural and remote areas of the country. We are pleased to share a perspective from an on-the-ground view from an engineering and consulting partner of nearly 800 broadband providers in the U.S. VPS can share an informed view of whether the current balance contained in the label assists consumers *“make smart choices without overwhelming them with information or unnecessarily burdening providers.”*⁴ The VPS reply comments address foreign language requirements and cybersecurity information.

¹ VPS provides engineering and consulting services to carriers across the United States. These companies provide a full suite of rural broadband services in some of the most rural and remote towns, communities, and villages in the United States.

² *Empowering Broadband Consumers Through Transparency*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 22-2, FCC 22-86 (rel. November 17, 2022) (“Report and Further Notice” or “FNPRM”).

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

⁴ Report and Further Notice at para. 3. Further Notice begins at para. 131.

III. COMMENTERS SUPPORT USING LANGUAGES INSIDE THE COMPANY'S MARKETING PLATFORM

The Commission patterned its broadband labels after the nutrition type labels that the consumer sees in a grocery store that are primarily published in English. The Commission created a result that reflects the proper balance⁵ regarding the languages the broadband label must be published in.

Commenters endorsed this approach. The Joint Commenters⁶ “*oppose a requirement to make the label available in languages other than those in which the ISP markets its services. Such a mandate would impose costly, unwarranted, and unnecessary burdens, especially on small providers. . . The costs of marketing in multiple languages are significant and ongoing as marketing campaigns change. . . Broadly drawn regulatory intervention, in contrast, should not suppose a keener sense of the local market.*”

The Rural Wireless Association⁷ voiced similar concerns: “*Internet Service Providers (“ISPs”) should not be required to make the label available in languages other than those in which they market their services. RWA members and other small rural ISPs are intimately familiar with the consumers in their markets as management and staff live and work in the communities in which they provide broadband service, and know the languages spoken and read by their neighbors. . . a requirement that ISPs translate broadband labels into scores of languages that are not spoken in their area is not only completely unnecessary, it imposes substantial burdens on the broadband provider, who would need to look outside their service area for the numerous specialized translators required to translate labels into each language.*”

⁵ The current rule applicable to broadband labels states in Section 8.1(a)(4): *The label required under Section 8.1(a)(1) must be provided in English and in any other languages in which the broadband internet access service provider markets its services in the United States.* This approach is a reasonable balance of recognizing customer needs while balancing the burden placed on broadband providers. If a carrier is marketing to customers in a language other than English, it is reasonable to extend the broadband label provisions to that activity.

⁶ See Joint Comments of NTCA – The Rural Broadband Association and WISPA – Broadband without Boundaries (NTCA/WISPA), CG Docket No. 22-2, at 5 (February 16, 2023).

⁷ See Comments of Rural Wireless Association, Inc. (RWA), CG Docket No. 22-2, at 1-2 (February 16, 2023).

In its comments, the NCTA⁸ offered a similar perspective: “*Similarly, the Commission should not revisit its decisions regarding accessibility or language requirements. The recently adopted rules require the broadband labels to be provided in an accessible format on the providers’ websites and in English and any other languages in which they market their services in the United States. These requirements strike the correct balance and provide sufficient accessibility to people with disabilities and non-English speakers without imposing an undue burden on providers.*”

US Telecom⁹ continues this theme with its statement: “*Third, the Commission struck the right balance in the Report and Order by requiring that providers create labels in the languages in which they market their services. Rather than prescribing that providers develop labels in languages in which they do not market their services, the Commission should consider ‘providing information on [its] planned glossary webpage in additional languages, including translated label templates’, as suggested in the FNPRM.*”

WTA¹⁰ shares similar concerns: “*However, WTA opposes the extension of this requirement beyond normal customer notice practices to a potentially cumbersome and confusing variety of languages other than those in which an ISP markets its services. . . Put another way, enclaves of households and businesses able to communicate only in an uncommon language are rare in rural areas, and people do not move to or remain in the types of small rural communities served by WTA members unless they have a reliable way of communicating with their neighbors and local businesses (including RLECs and ISPs). . . a requirement to do so would entail significant complications such as customer confusion and information overload, inaccurate translations and misinterpretations, and increased costs to update, translate, verify and replace sets of labels in multiple languages.*”

⁸ See Comments of NCTA – The Internet & Television Association (NCTA), CG Docket No. 22-2, at 4 (February 16, 2023). Footnotes are omitted.

⁹ See Comments of USTelecom – The Broadband Association (USTelecom), CG Docket No. 22-2, at 9-10 (February 16, 2023). Footnotes are omitted.

¹⁰ See Comments of WTA – Advocates for Rural Broadband (WTA), CG Docket No. 22-2, at 2-3 (February 16, 2023).

IV. THE RECOMMENDED CYBERSECURITY DISCLOSURES BALANCE THE NEEDS OF CONSUMERS, THE COMMISSION, AND PROVIDERS

In the Further Notice,¹¹ the Commission posed five questions addressing cybersecurity issues. Commenters presented a variety of concerns. The Rural Wireless Association¹² asserted that “*ISPs should not be required to disclose at the point of sale information about their cybersecurity practices. . . Moreover, most RWA members currently voluntarily abide by the Cybersecurity & Infrastructure Security Agency’s (“CISA”) directive on how to protect their systems from cyberattacks and are working toward compliance with the NIST framework 2.0 and CISA standards.*”

The Joint Commenters¹³ challenged the requirement but offered a default alternative: “*The Commission should refrain from requiring providers to disclose their cybersecurity practices at the point of sale. Disclosing cybersecurity practices, by any means, necessarily would reveal to the public potential vulnerabilities that would invite cybercriminals to steal customers’ private and sensitive information, harm the provider’s network and internal systems, conduct ransomware, and a host of other severe consequences for providers and their customers. . . If the Commission imposes public cybersecurity disclosure requirements, such disclosures must be limited to general statements and not be compelled to disclose details regarding a provider’s cybersecurity practices and procedures. General statements regarding cybersecurity practices include, but are not limited to, whether the provider takes reasonable administrative, physical, and technical safeguards to protect against cybercrime, and whether its management (including the board of directors) have a direct role in assessing and managing cybersecurity risks and conducts oversight over the provider’s implementation of cybersecurity policies, procedures, and strategies.*”

¹¹ Report and Further Notice at para. 143.

¹² RWA at 2.

¹³ NTCA/WISPA at 14-16.

VPS took a different path than the Joint Commenters but ended up at a similar point with respect to the specificity of the disclosure. VPS respectfully suggests that a generic declaration, with nothing in the required label link putting the company at risk by providing a road map for a hacker or bad actor to attack, will balance the needs of the customer, the Commission, and the providers. We recommend the following language be required in the cybersecurity link for the broadband label:

RECOMMENDED GENERIC CYBERSECURITY DISCLOSURE IN LINK¹⁴

Cybersecurity has evolved and will continue to be an important issue for customers to evaluate in broadband choices and decisions.

The company asserts the following:

_____ The provider takes reasonable administrative, physical, and technical safeguards to protect against cybercrime.

_____ Company management, including the board of directors, have a direct role in assessing and managing cybersecurity risks and conducts oversight over the provider's implementation of cybersecurity policies and procedures.

This link was last updated on [insert date]

¹⁴ The best way for this information to be available to consumers is to include a link on the broadband label immediately after the current entry for the privacy link, just before the customer support notation.

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Respectfully submitted,

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