

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

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

**COMMENTS OF THE
SCHOOLS, HEALTH & LIBRARIES BROADBAND (SHLB) COALITION AND THE
CONSORTIUM FOR SCHOOL NETWORKING (COSN)**

The Schools, Health & Libraries Broadband (SHLB) Coalition¹ and the Consortium for School Networking (CoSN) respectfully submit these comments in response to the Federal Communications Commission's (Commission) Second Further Notice of Proposed Rulemaking in CG Docket No. 22-2 and Notice of Proposed Rulemaking in GN Docket No. 25-133 seeking public feedback on proposed changes to the current broadband label requirement (*Broadband Label Second Further Notice*).² Specifically, we write to express our continued support of broadband labels for mass-market services offered to anchor institutions including schools, libraries, and health care providers that participate in the E-Rate and Rural Health Care (RHC) programs.

¹ The SHLB Coalition is a broad-based public interest organization consisting of over 325 members who share the goal of promoting open, affordable, high-quality broadband for anchor institutions and their communities.

² *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Second Further Notice of Proposed Rulemaking, *Delete, Delete, Delete*, GN Docket No. 25-133, Notice of Proposed Rulemaking, FCC 25-74 (rel. Nov. 03, 2025) (*Broadband Label Second Further Notice*).

I. INTRODUCTION

When it established the broadband label rules, the Commission affirmed that the label requirement applies to “broadband Internet access service plans,” which is defined in section 8.1(b) of its rules as “a mass-market retail service by wire or radio that provides the capability to transmit data to and receive data from all or substantially all internet endpoints, including any capabilities that are incidental to and enable the operation of the communications service, but excluding dial-up internet access service.”³ The Commission exempted enterprise service offerings and special access services from the label disclosure requirement. It confirmed that enterprise/special access services are not “mass-market retail services,” but rather services that are “typically offered to larger organizations through customized or individually negotiated arrangements.”⁴

Regarding E-Rate and RHC services, the Commission did not exclude internet service providers (ISPs) who participate in those programs from the label requirement.⁵ Instead, it confirmed that the label requirement applies to “mass-market broadband services offered in the E-Rate and RHC programs,” and exempted the label requirement for enterprise/special access service offerings, noting that the exemption “typically applies when the service offering is customized for the beneficiary through individually negotiated agreements.”⁶ SHLB supported

³ *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Report and Order and Further Notice of Proposed Rulemaking, ¶ 16 (rel. Nov. 17, 2022) (*Broadband Label Order*); see also *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2, Order on Reconsideration, ¶ 24 (rel. Aug. 29, 2023) (*Order on Reconsideration*).

⁴ *Broadband Label Order* ¶ 17.

⁵ *Id.* ¶ 18.

⁶ *Order on Reconsideration* ¶ 25-26. The Commission specifically emphasized that, “regardless of how the provider names or defines its offering, the manner in which the service is offered is dispositive of whether the labeling requirements apply.” *Id.* ¶ 25.

the label requirement for mass-market broadband services offered to E-Rate and RHC program participants, believing that such disclosures would especially benefit smaller and more rural schools, libraries, and health care providers.⁷

Earlier this year, the Competitive Enterprise Institute (CEI) suggested that the Commission eliminate the broadband label requirement for ISPs serving E-Rate and RHC program participants.⁸ It argued that customers like schools, libraries, and health care providers “routinely enter into transactions of larger value and complexity without the aid of labels” and “[l]ike businesses, they can make informed decisions without the imposed labeling burden on ISPs.”⁹ SHLB disagreed, arguing that institutions requesting service offerings through the E-Rate and RHC programs may very well purchase mass-market services, and would thus benefit from product information provided via a broadband label.¹⁰ In the *Broadband Label Second Further Notice*, the Commission now asks if there are “label requirements that we should consider eliminating or streamlining, such as narrowing the scope of offerings to which the labels apply,” and cites to CEI and SHLB’s comments regarding E-Rate and RHC services as outlined above.¹¹

⁷ SHLB Request for Clarification of Broadband Label Requirements for Services Offered in the E-rate and Rural Health Care Programs, *Empowering Broadband Consumers Through Transparency*, CG Docket No. 22-2 (Feb. 15, 2023).

⁸ Comments of the Competitive Enterprise Institute, *In Re: Delete, Delete, Delete*, GN Docket No. 25-133, 10 (Apr. 10, 2025) (CEI Comments).

⁹ *Id.*

¹⁰ Reply Comments of SHLB, *Delete, Delete, Delete, Delete*, GN Docket No. 25-133, *Schools and Libraries Universal Service Support Mechanism*, CC Docket Nos. 02-6, 96-45, 97-21, *Modernizing the E-rate Program for Schools and Libraries*, WC Docket No. 13-184, *Promoting Telehealth in Rural America*, WC Docket No. 17-310, *Rural Health Care Support Mechanism*, WC Docket No. 02-60, 11-12 (Apr. 28, 2025).

¹¹ *Broadband Label Second Further Notice* ¶ 26, fn. 56.

II. THERE ARE A VARIETY OF CIRCUMSTANCES THAT WOULD RESULT IN A SCHOOL, LIBRARY, OR HEALTH CARE PROVIDER PURCHASING MASS-MARKET INTERNET SERVICE.

CEI suggests that ISPs should be excluded from providing broadband labels to those participating in the E-Rate and RHC programs. Their reasoning centers on the argument that schools, libraries, and health care providers are equipped to make informed decisions without a broadband label because they “routinely enter into transactions of larger value and complexity without the aid of labels.”¹² While many E-Rate and RHC participants might negotiate customized service contracts with ISPs without the aid of a broadband label, CEI’s contention fails to account for the variety of circumstances that would precipitate a school, library, or health care provider to instead purchase standard, mass-market services.

First, E-Rate and RHC both operate as discount programs, meaning that participants must pay a certain percentage of the costs for the service and equipment they request that are not covered by the program.¹³ As such, schools, libraries, and health care providers with constrained budgets may determine that they can acquire adequate connectivity more affordably by purchasing a standard, mass-market service plan than they could if they negotiated a more individualized agreement with an ISP. This may be especially true for smaller or more rural applicants who are often in a position where they must consider any and all price saving opportunities to stretch limited budgets.

¹² CEI Comments at 10.

¹³ Discounts for E-Rate support range from 20 percent to 90 percent, depending on the applicant’s level of poverty and whether the school or library is located in an urban or rural area. RHC program support is either based on an urban/rural differential for Telecom Program funding or a flat 65% discount for eligible services purchased through the Healthcare Connect Fund program.

Second, mass-market service plans might be the sole or only viable means of connectivity for many schools, libraries, and health care providers. For example, these institutions may be located in areas where there is sparse, or non-existent, market competition that would otherwise allow them to purchase customizable service options that are specifically tailored to their needs. Additionally, E-Rate or RHC applicants who issue a request for bids from ISPs may receive no responses, prompting them to alternatively seek available mass-market services in their area.

Third, many smaller E-Rate and RHC applicants may not have the capacity, time, resources, or technical expertise (such as having a dedicated IT director on staff) that would enable them to navigate proposals for more custom-tailored service offerings or negotiate individualized contracts.

Accordingly, the fact that some E-Rate and RHC customers negotiate for customized Internet services with ISPs does not mean that all are able to do so, or find it advantageous given their unique circumstance. When these institutions choose to purchase mass-market service offerings, the Commission's rules are clear that they should have the benefit of accessing easy-to-understand information about those services via a broadband label.

III. BROADBAND LABELS ARE ESPECIALLY IMPORTANT FOR E-RATE AND RHC PROGRAM PARTICIPANTS, WHO COMPARE SERVICE PLANS AND SUBMIT DETAILED FUNDING REQUESTS.

CEI further contends that E-Rate and RHC program customers should not be afforded with the benefit of a broadband label because “[l]ike businesses, they can make informed decisions without the imposed labeling burden on ISPs.”¹⁴ We disagree. As stated previously, not all schools, libraries, and health care providers have the technical expertise to make informed decisions about the mass-market services that best serve their needs without first having access

¹⁴ CEI Comments at 10.

to clear and understandable information about those offerings. Additionally, even if all of these institutions possess the requisite technical experience or expertise as CEI suggests, it does not negate the utility of a broadband label, which can be helpful—and even consequential—for schools, libraries, and health care providers since they have to navigate specific E-Rate and RHC program requirements.

For example, in the *Broadband Label Order*, the Commission rightly recognized the practical benefits of broadband labels for E-Rate and RHC participants, stating that labels might help schools, libraries, and health care providers compare ISP bids against alternative service plans that are available in the marketplace and ensure that service offerings comply with program rules.¹⁵ When schools, libraries, and health care providers request or competitively bid for Internet service, program rules require them to evaluate the bids received and choose the one that is most cost-effective.¹⁶ As such, the Commission is correct that broadband labels can assist institutions with this endeavor, since labels standardize information across ISPs that participants can then use to clearly compare market offerings and help them decide the most cost-effective option.

Broadband labels can also be helpful to applicants when they are planning for a broadband procurement (when they perform a scan of the broadband landscape). Having access to information via a broadband label can help them “see” what is available in the marketplace.

¹⁵ *Broadband Label Order* ¶ 19.

¹⁶ See USAC, Step 2: Selecting Service Providers, available at <https://www.usac.org/e-rate/applicant-process/selecting-service-providers/>; see also USAC, Step 3: Evaluate Bids & Select Service Provider, available at <https://www.usac.org/rural-health-care/healthcare-connect-fund-program/step-3-evaluate-bids-select-service-provider/> and USAC, Step 3: Evaluate Bids & Select Service Provider, available at <https://www.usac.org/rural-health-care/telecommunications-program/step-3-evaluate-bids-select-service-provider/>.

Based on what they find, they will be better informed about whether they need to plan for a formal competitive bidding process or if they can utilize a program exemption.¹⁷

Finally, unlike traditional consumers who compare service offerings and choose the package that best fits their needs, schools, libraries, and health care providers must document detailed and accurate information about the services they request in their applications for funding support. Not only do broadband labels provide information that program participants often enter into funding applications (including terms such as monthly price, length of the services or contract, and upload and download speed),¹⁸ but they do so in a uniform and concise manner that may otherwise be more difficult for the applicant to locate or verify. These labels can also help a school, library, or health care provider with program documentation requirements, such as when applicants are asked to verify the services and terms included in their funding request. In this respect, being able to provide a broadband label as verification for services purchased not only

¹⁷ For example, ISPs participating in the E-Rate program might offer Commercially Available Business class Internet Option (CABIO) Category 1 service. The Commission's rules allow applicants a competitive bidding exemption if: 1) the service is publicly available to non-residential customers in the same form and at the same rates that it is offered to schools or libraries (they may not be purchased through a master contract signed for just certain customers, even if the contract includes schools and libraries); 2) the total annual pre-discount cost for the service, including any one-time costs such as installation, does not exceed \$3,600 per year per school or library; and 3) the service provides bandwidth speeds of at least 100 Mbps downstream and 10 Mbps upstream. See USAC, Low Cost, High Speed Internet Access, *available at <https://www.usac.org/e-rate/applicant-process/competitive-bidding/low-cost-high-speed-internet-access/>*.

¹⁸ E-Rate applicants must file the FCC Form 471 to apply for program discounts. Examples of the types of information entered onto the Form 471 can be found by viewing the FCC Form 471 download tool located on USAC's Open Data website, *available at <https://opendata.usac.org/stories/s/gifc-3grz>*. Likewise, examples of the types of information that RHC program participants enter onto their funding request applications can be found by viewing the RHC Commitments and Disbursements Tool located on USAC's Open Data website, *available at <https://opendata.usac.org/Rural-Health-Care/RHC-Commitments-and-Disbursements-Tool/sm8n-gg82>*.

eliminates complexity for the program participant, but can also streamline administrative and auditing procedures in the programs.

IV. THE COMMISSION SHOULD CONTINUE TO SUPPORT THE BROADBAND LABEL REQUIREMENT FOR INTERNET SERVICE PROVIDERS WHO OFFER MASS-MARKET SERVICES TO SCHOOLS, LIBRARIES, AND HEALTHCARE PROVIDERS THAT PARTICIPATE IN THE E-RATE AND RURAL HEALTH CARE PROGRAMS.

Access to transparent, clear, and easy-to-understand information from ISPs about mass-market retail services is both helpful, and particularly important, for E-Rate and RHC applicants. Many schools, libraries, and health care providers might opt to purchase mass-market services yet lack the technical expertise to make fully informed decisions about which offerings would best meet their connectivity and budgetary needs. This is a gap where broadband labels can provide meaningful assistance. Additionally, broadband labels promote clarity of service offerings in a consistent manner among ISPs. This is particularly beneficial for E-Rate and RHC program participants when they compare offerings across the broadband marketplace and submit funding applications that require service information that they can easily obtain and verify from a broadband label.

Accordingly, we urge the Commission to continue to support the broadband label requirement for ISPs providing mass-market service offered to anchor institutions including schools, libraries, and health care providers that participate in the E-Rate and Rural Health Care (RHC) programs.

Respectfully submitted,

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January 12, 2026