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

In the Matter of	)	
	)	
Media Bureau Seeks Comment on Implementation of the Television Viewer Protection Act of 2019	)))	MB Docket No. 21-501

COMMENTS OF
NCTA – THE INTERNET & TELEVISION ASSOCIATION

NCTA – The Internet & Television Association (NCTA) submits these comments in response to the *Public Notice* in the above-referenced proceeding, in which the Media Bureau seeks comment on the status of implementation of the Television Viewer Protection Act of 2019 (TVPA).[1] NCTA is pleased to provide this update on its members' compliance with the TVPA.

The TVPA (i) requires MVPDs to provide consumers, before entering into a contract for video service, notice of the total monthly charge for video service (including any promotional discount and when it expires) and a good faith estimate of government-imposed fees associated with such service; (ii) requires MVPDs to send a copy of this information within 24 hours of entering the contract to consumers and gives consumers 24 hours after receiving this copy in which to cancel video service without penalty; (iii) imposes certain electronic billing transparency requirements; and (iv) prohibits MVPDs and providers of fixed broadband Internet access service from charging consumers for equipment they do not provide.[2] NCTA's members'

[1] *Media Bureau Seeks Comment on Implementation of the Television Viewer Protection Act of 2019*, Public Notice, MB Docket No. 21-501, DA 21-1610 (rel. Dec. 20, 2021)

[2] *See* 47 U.S.C. § 562.

implementation of these requirements required substantial resources at a time when cable operators' resources were already stretched thin by the COVID-19 pandemic.

Enabled by the flexibility built into the TVPA, individual cable operators have implemented the transparency requirements in the way that best suits their customers and existing sales and billing systems. Further, some cable operators have chosen to go beyond the requirements of the TVPA and provide similar information for all services the consumer purchases, not just video service.

For example, one major cable operator provides prospective customers a summary of services that includes the total monthly charges – including any applicable fees, the amount and duration of any promotional discounts, any applicable service agreements and their term, and any early termination fees – verbally by phone or displayed on-screen for an online enrollment, and further sends this same information by e-mail or via SMS text. This information is again sent by e-mail or SMS text once the sale is complete to confirm the customer's order. This same cable operator has also implemented a process for ensuring prompt recording of returned equipment at multiple points in the return process, to prevent improper charges for rented or leased equipment.

Another major cable operator has taken a similar approach, configuring its customer approval process for online and agent-assisted orders to prominently disclose the monthly cost of service (both during and after a term agreement and/or promotional period, if applicable); discounts for automatic payments and paperless billing; and any applicable equipment rental and installation fees, as well as an estimated monthly bill including taxes and government fees. Before the order can be completed, affirmative consent is captured online, via SMS, email, or electronic signature, or through IVR technology for phone-based sales. Order confirmation emails and electronic bills from this NCTA member include separate line items for the monthly

cost of service, taxes and government fees, automatic payment and paperless billing discount, and contract or promotional discount, including the date the contract or promotional discount will expire. A third major cable operator does the above, except where inapplicable because it does not have early termination fees or discounts for automatic payment or paperless billing. This cable operator offers a 30-day money back guarantee and allows customers to cancel their service at any point in time without penalty.

Operationalizing systems like those described above is no small feat. As NCTA explained, the TVPA's specific requirements about how, when, and where certain information must be provided differed from some of NCTA's members' past practices and technical capabilities.[3] In particular, the need to pinpoint the fees associated with each potential subscriber's location was difficult and costly to implement, since local tax and fee information had not generally been available to sales teams. Implementing the TVPA therefore required our members to develop, lab test, field test, and roll out new billing and other software capable of pulling required disclosure data from information housed in various systems across each company, and often across a nationwide footprint. NCTA's members also provided training on the new requirements to their numerous sales agents (phone, retail store, and third-party-vendors) and customer service representatives and technicians, as well as updated scripts, written training materials, and templates.

NCTA's members strive to communicate clearly and effectively with prospective and existing customers about their products and services, and we look forward to further engaging with the Commission on our members' successful implementation of the TVPA.

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[3] *See* Letter from Mary Beth Murphy, NCTA – the Internet and Television Ass'n *et al.* to Marlene H. Dortch, Secretary, Federal Communications Commission, MB Docket No. 20-61, at 2 (Mar. 26, 2020).

Respectfully submitted,

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