

BROADBAND CONSUMER PROTECTION 05-271 TALKING POINTS

- The Commission should not rely solely on market forces to protect consumers.
- Despite industry assertions to the contrary, customers who migrate among broadband services and providers incur significant transaction costs, and, therefore, the presence of more than one broadband Internet access provider in a given market does not justify the absence of consumer safeguards.
- Consumer protection measures without adequate enforcement are meaningless.
- All broadband service consumers, regardless of the technology platform, should be afforded adequate consumer protection.
- The Commission should take steps to narrow the digital divide.
- In the absence of rate averaging, efforts to include all segments of society in the broadband era gain greater significance.
- Regardless of whether consumers rely on broadband or narrowband technology, consumer privacy safeguards are essential.
- The Commission should adopt policies regarding broadband slamming and continue to delegate enforcement to the states.
- Truth-in-billing requirements are essential for the broadband information access market to operate efficiently, and, furthermore, states should have the authority to establish additional rules as necessary.
- The Commission should move forward in requiring providers to provide notification of network outages to ensure reliable, ubiquitous service.
- Readily available information about industry participants' practices is essential to a well-functioning market place.
- Ample notification should be required of broadband providers who seek to discontinue service.
- Principles of non-discrimination are essential in the broadband Internet access market to ensure that networks remain open.
- The Commission should establish the "regulatory floor" but should also

encourage states to participate fully in the establishment and enforcement of consumer protection measures.

The following principles should guide the Commission's analysis of broadband and consumer protection:

- *Ensure and recognize states' role in consumer protection and broadband regulation:* There is concurrent jurisdiction over broadband. States are in the best position to protect consumers and therefore and states should be afforded substantial latitude in setting and enforcing consumer protection rules and regulations.
- *Ensure consumer protection in the face of rapid technological change:* Hard-fought-for consumer protection should not be sacrificed in the name of technological innovation and advancement.
- *Prevent undue price discrimination:* The two-tiered system that Verizon and other ILECs propose with premium prices for premium access to the Internet should be rejected.
- *Provide Lifeline support for broadband services:* The existing universal service program likely requires expansion to promote broadband deployment to all households. Absent such regulatory intervention, the United States may become a two-tiered society of disparate access to and use of broadband. The Ratepayer Advocate concurs with Chairman Martin's observation that "[b]roadband deployment is vitally important to our nation as new, advanced

services hold the promise of unprecedented business, educational, and healthcare opportunities for all Americans.”¹ The Ratepayer Advocate also concurs with Commissioner Adelstein’s comment that “[w]e have a lot more work to do to establish a coherent national broadband policy that signifies the level of commitment we need as a nation to speed the deployment of affordable broadband services to all Americans.”²

¹ / *NPRM*, Statement of Chairman Kevin J. Martin, at 123.

² / *NPRM*, Statement of Commissioner Jonathan S. Adelstein, at 131.