



April 13, 2026

Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, N.W.
Mail Stop H-144 (Annex R)
Washington, DC 20580

Re: Unfair or Deceptive Rental Housing Fee Practices ANPRM, Project No. R207011

Dear Secretary Tabor:

The Bulk Broadband Alliance submits these comments in response to the FTC's Unfair or Deceptive Rental Housing Fee Practices ANPRM, Project No. R207011, in which the FTC is soliciting comment to determine if there is a need for a rule addressing consumer harm that may arise when rental property owners structure rent bills to tenants by charging for certain services through mandatory itemized charges over and above the base rent amount, rather than including payment for these services in the base rent amount. The ANPRM focuses primarily on whether a rule requiring disclosure of these additional fees is necessary, and if so, what form the rule should take.

This inquiry is important to the Bulk Broadband Alliance, which represents the collective voice of stakeholders involved in the provision of broadband services to the rental housing industry through bulk billing arrangements.¹ Through such arrangements, owners or operators of rental multi-dwelling units (MDUs) directly contract with internet service providers (ISPs) to provide broadband service to each unit in the MDU at discounted rates. Many rental properties that enter into bulk billing arrangements charge tenants for this service by including a separate itemized fee in the rent bill, rather than including the charge as part of the base rent.

These comments address both the ANPRM's questions about disclosure and the distinct suggestion that the FTC should restrict bulk billing arrangements themselves. We begin, however, with a brief overview of the consumer benefits that bulk billing arrangements produce

¹ The Bulk Broadband Alliance is a coalition of multifamily housing operators, homeowners and condominium associations, broadband service providers, and groups focused on expanding broadband access and adoption, united in educating policymakers and the public about the benefits of bulk billing arrangements and the risks of restricting them. See Bulk Broadband Alliance, <https://protectbulkbroadband.com/>.

and the reasons for them.

Bulk Billing Arrangements Are a Pro-Consumer, Pro-Competitive Practice That Helps Make Rental Housing More Affordable

Rental properties engage in bulk billing arrangements because they can negotiate significantly better deals on behalf of their tenants than the tenants would be able to achieve on their own through the retail market. In particular, MDU owners are able to negotiate highly discounted rates for broadband service compared to the retail rates that tenants would be able to negotiate themselves. Our own research has shown that these arrangements typically provide internet/video prices at least 50% lower than promotional prices for comparable retail packages, and non-recurring fees (such as installation charges) are generally not charged, unlike typical retail plans. Competition among rental properties on the basis of the total rent bill and amenity package necessarily means that a significant share of this reduction in prices is passed through to tenants.²

Bulk billing arrangements generate lower broadband fees because an MDU is able to promise 100% penetration to the ISP that wins the competitive procurement that it organizes to select a bulk provider (i.e., an RFP process).³ This assurance results in lower broadband fees for three distinct reasons.

First, bulk billing lowers an ISP's per-residential-unit cost of serving an MDU compared to providing the same service under a retail model, and these cost savings are passed along to MDUs in the form of lower prices. Specifically, a provider is able to spread the fixed costs of installing infrastructure in an MDU across all units instead of the smaller share of units it would more likely serve in a retail environment. Moreover, the provider eliminates the marketing costs and the churn expenses of disconnecting and reconnecting customers as they switch between providers.

Second, bulk billing arrangements typically generate more competition than retail deals. There are generally more competitors available to compete for a bulk arrangement serving an entire building than to compete to serve individual retail customers. In any given region, there are usually no more than two wireline providers that offer retail broadband to individual consumers. These providers would naturally compete for bulk deals with MDUs, but there are generally another two to three wireline bulk-specialist ISPs serving any given region that do not compete

² So long as renters are aware of all mandatory charges, competition among rental properties occurs over the “total price” of the rental—including all mandatory charges—because that is the price renters primarily care about. If a rental property owner's costs are reduced, competition among rental properties necessarily means that a significant share of those savings will be passed through to renters as a lower total rental price, regardless of how the charges are broken out on the bill. If an owner insists on listing an internet service charge that is too high compared to comparable properties, it will have to reduce the base rent in order to keep the total rental price competitive—or risk losing tenants to competitors.

³ While these agreements provide for 100% penetration in the sense that the provider's compensation is based on serving all units in the property, they are not exclusive, as they do not prevent other providers from accessing the building and providing complementary or substitute services.

at the retail level there but do compete vigorously for bulk deals.⁴ Furthermore, MDUs generally hold well-organized competitions to choose a bulk service provider and often seek the advice of knowledgeable consultants to help structure a process that reaches the maximum number of potential bidders and secures the best possible service at the lowest possible prices. Bulk billing agreements also last only for a specified period of time, which allows property owners to re-compete them when they expire to ensure that they continue to obtain the best possible system at the lowest possible prices as technology evolves and circumstances change.

Third, bulk billing arrangements allow building owners or operators to aggregate demand across the MDU and use that volume to negotiate more favorable pricing on behalf of tenants. A bulk deal guarantees the largest possible volume of business at the MDU and thus maximizes the bargaining power that the building owner or operator can exercise on behalf of tenants.

Some critics of bulk billing arrangements argue that bulk billing reduces competitive pressure because individual tenants are required to obtain service from the provider selected by their MDU and are therefore not able to apply individual competitive pressure on the ISP. While it is correct that individual competitive pressure at the retail level is eliminated, this does not mean that competitive pressure disappears. Rather, competitive pressure shifts from the individual level to the MDU level, where providers compete to win the right to serve the building as a whole, and, as explained above, that competition almost always involves more providers and in turn produces lower prices than retail-level competition would.

Some of the savings that bulk billing produces are likely transfers from ISPs to consumers because additional competition and bargaining power reduce ISP profits, but some of the savings are due to real economic efficiencies.⁵ That is because retail competition inevitably results in the inefficiency that multiple ISPs incur duplicative fixed costs. Bulk competitions are organized to eliminate this inefficiency, and these savings are also passed on to consumers. That is, even if retail competition and bulk competition were both able to compete prices down to the point where ISPs were simply earning a fair rate of return on their investments, bulk competition would produce lower prices because it results in more efficient investment by organizing competition at the MDU level rather than at the individual tenant level.

In addition to resulting in lower prices, bulk billing arrangements also typically improve the quality of service that tenants receive. The lower cost of bulk billing arrangements and the increased competition and bargaining power created by these arrangements allow property owners to negotiate not only for lower prices but for better levels of service, common area Wi-Fi, and higher speed connections. In addition, the guarantee of 100% penetration encourages ISPs to make sunk infrastructure investments that result in faster internet connections that they would otherwise be unwilling to make. Furthermore, bulk billing arrangements inherently make

⁴ Unlike the incumbent retail providers serving the MDU, these additional ISPs generally need to build a last-mile connection to the MDU to serve it. A bulk deal guarantees a high enough participation rate to justify building such a last-mile connection.

⁵ Of course, consumer benefits that result from reductions in providers' profits are still valid consumer benefits that should be counted. However, consumer benefits that result from additional efficiencies have the "extra advantage" that no economic actors are made worse off to provide these additional benefits.

internet service more convenient for tenants moving into and out of a property because service is generally available as soon as a new tenant moves in, without the need to establish a new contractual relationship with an ISP or schedule a service visit, and no separate disconnection arrangements are required when the tenant leaves. These convenience benefits are particularly valuable to transient populations, such as students living in campus housing, where frequent resident turnover makes it important to simplify move-in and move-out, and to residents in settings such as senior housing, where reducing the complexity of obtaining internet service is often especially important.

Finally, while bulk billing arrangements are helpful to tenants at all income levels, they are particularly helpful to lower-income tenants, who are least able to afford high prices for internet/video service.⁶ Lower-income tenants face distinctive barriers to obtaining service through the retail market. Rental properties serving lower-income individuals often have difficulty inducing retail providers to make the investments necessary to provide high-speed service in their buildings. And even where service or subsidy programs are theoretically available, many eligible households do not enroll in or successfully use those programs.⁷ Bulk billing arrangements help overcome both problems: the 100% penetration guarantee will often encourage a provider to make investments it would otherwise be unwilling to make, and bulk service bypasses many of the retail adoption barriers that prevent low-income consumers from obtaining internet service, including by allowing convenient setup and especially by eliminating credit checks.

Advocates for a Disclosure Rule Have Not Presented Adequate Evidence That There Is a Need for Such a Mandate

Advocates of a disclosure rule have offered little more than scattered anecdotes about renters supposedly misled by advertisements omitting mandatory fees. Yet rental properties can readily be found that publicly disclose their internet- and cable-related charges.⁸ Isolated incidents by a

⁶ See EducationSuperHighway, *Bridging the Broadband Affordability Gap: A Historic Opportunity to Close Two-Thirds of the Digital Divide* 13 (2021) (reporting that 64% of unconnected households are offline because they cannot afford an available connection); Pew Charitable Trusts, *Broadband Challenges and Opportunities in Affordable Rental Housing* (Apr. 3, 2023) (reporting that many residents of federally subsidized multifamily housing struggle to afford the monthly subscription cost of broadband).

⁷ See EducationSuperHighway, *Bridging the Broadband Affordability Gap: A Historic Opportunity to Close Two-Thirds of the Digital Divide* 13 (2021) (reporting that participation rates in Lifeline and the Emergency Broadband Benefit were only between 17% and 25%); Institute for Local Self-Reliance, ACP Dashboard (data current as of Apr. 2024) (reporting that 44% of eligible households were enrolled in the ACP at the end of the program); Pew Charitable Trusts, *Broadband Challenges and Opportunities in Affordable Rental Housing* (Apr. 3, 2023) (reporting that many lower-income households were unaware of discount plans or found the sign-up process difficult).

⁸ Six examples of properties whose websites disclose a charge for internet service or bundled internet and video service are Park 25

(https://www.canva.com/design/DAGkDoTj_Uc/89VYvrykWqrBH2pE1Ff2TQ/view#:~:text=ESSENTIALS-Internet%20Services,-%2452.00), Pioneer Creek Townhomes

(<https://www.pioneercreekth.com/amenities/#:~:text=%2460.00%20Monthly%20Cable/Internet%20Package>), McCauly Crossing (<https://mccaulycrossing.com/fees/#:~:text=Internet%20%26%20Cable,%24129.99>), Forest Ridge Apartments

(<https://theforestridge.com/amenities/#:~:text=High%2DSpeed%20Internet%20and%20Cable%20starting%20at%20>

small number of bad actors attempting to take advantage of consumers are inevitable in an industry as large as the rental property industry and do not establish the kind of prevalent, systemic consumer harm that would justify moving forward with new regulation. New regulation would also impose compliance and enforcement costs that would ultimately be borne, at least in part, by consumers. The FTC therefore should not consider additional regulation unless it has a sufficient basis to conclude that the alleged harm is prevalent and cannot be adequately addressed through less burdensome means.

The rental relationship between a tenant and a property owner is not a simple one-time transaction. Rather it is a complex long-term relationship and the lease document between the landlord and tenant describes the obligations of both parties under a wide variety of different circumstances that could arise over the lifetime of the lease. A one-size-fits-all regulation that attempts to promulgate a standard set of disclosure rules that all property owners must follow in all circumstances is very likely to impose unanticipated burdens on rental property owners subject to special circumstances that a one-size-fits-all rule cannot take into account. A rule of this kind could lead to a long series of complicated proceedings to resolve disputes over these issues and to issue guidance. If a new regulation significantly increases the compliance, legal, and litigation costs of rental property owners, these cost increases will inevitably be passed on to renters.

The FTC has recently demonstrated that it is able to successfully bring actions under its existing authority against rental property owners who do not sufficiently disclose rental fees.⁹ Thus the FTC has demonstrated that it is already able to deal with inadequate fee disclosure without adopting any new rules. The significance of the FTC's demonstrated ability to bring enforcement actions under existing regulations goes far beyond its impact on the small number of property owners that it may actually bring actions against. More importantly, the fact that the FTC has now demonstrated that it is able to successfully bring enforcement actions under its existing authority will likely create powerful new incentives for the entire industry to voluntarily adopt practices that more fully disclose rental fees in order to minimize the threat of prosecution. Furthermore, industry associations for rental property owners are also involved in a variety of initiatives to develop and promote voluntary industry standards to more fully disclose rental fees.¹⁰ If the industry can organize itself to develop self-imposed standards, this will likely result

<https://midlineapartments.com/faqs#:~:text=We%20provide%20Xfinity,prices%20may%20vary>), Midline Apartments
(<https://www.bridgeatpaloma.com/faqs#:~:text=We%20have%20a%20required%20amenity%20package%20that%20includes%20Spectrum%20WiFi%20and%20Cable%20for%20%2475/month%2C>).

⁹ See ANPRM, Section I.B (describing FTC enforcement actions against Invitation Homes and Greystar Real Estate Partners concerning allegedly inadequate rental-fee disclosures).

¹⁰ The two largest industry associations representing the rental property industry are the National Apartment Association (NAA) and the National Multifamily Housing Council (NMHC). Both organizations have fully endorsed the goal of helping and encouraging their members to improve price transparency and have introduced specific programs to help standardize how fees are disclosed. For example, the NAA has developed a standardized "know your costs" summary page for its members to use. See National Apartment Association, <https://naahq.org/naa-nmhc-joint-letter-consumer-protection-examining-fees-financial-services-and-rental-housing>. The NMHC, through the Real Estate Technology and Transformation Center (RETTTC), has developed a set of

in a much more flexible set of practices that allow rental properties to avoid the costly sort of inefficiencies that mandatory regulations could produce. The FTC should consider giving these voluntary efforts a reasonable time period to fully develop and then assess their effectiveness before resorting to the alternative of mandatory one-size-fits-all regulation. If the FTC decides to delay additional regulation while it waits to see if the industry can come up with better solutions of its own, this in and of itself will provide powerful incentives for rental property owners and their industry associations to take additional actions to increase rental fee transparency.

Going Beyond Disclosure Regulation by Restricting Bulk Billing Arrangements Would Be Harmful to Renters

The ANPRM also raises the possibility, separate from its disclosure focus, that the FTC should restrict the services rental property owners may offer tenants, or at least restrict separate charges for those services, on the rationale that “tenants should be free to choose their own service provider” and/or “tenants should not be forced to pay for services they do not want.”

While it is correct that tenants that choose a property offering bulk internet service will bear the costs of that service, they benefit from a lower total rental bill because competitive rental markets necessarily pass on a significant share of any cost savings these arrangements achieve to renters. Only a relatively small fraction of rental properties engage in bulk billing arrangements,¹¹ and tenants who prefer other service models can choose among many properties that do not offer internet/video service as part of the rental package. Bulk billing arrangements simply offer tenants another housing option to consider in choosing among properties. Tenants choose properties offering bulk billing arrangements when they believe they are receiving an overall better value by choosing such a property, and property owners enter into bulk arrangements to enable them to offer internet/video service to their tenants only if they believe that there are tenants who would be attracted by this service at rental prices that would still allow property owners to earn a profit. There is no more reason for the FTC to restrict the ability of rental property owners to offer internet/video service than there is to restrict their ability to offer other amenities or services, such as a swimming pool or fitness room, or for that matter, to make investments that increase the quality of rental property in any way such as higher grade appliances or higher quality construction.

We are not alone in concluding that bulk billing arrangements are pro-consumer, make rental housing more affordable, and should not be regulated. The Federal Communications

standards and computer software that property owners can use to describe their fee structure and communicate this information in a standardized way to technology partners that make this information available to prospective renters. See Real Estate Technology and Transformation Center, <https://rettc.org/press-release/rettc-announces-release-of-updated-data-model-to-improve-fee-transparency-for-renters#:~:text=Newsroom%20/%20Press%20Releases-.RETTTC%20Announces%20Release%20of%20Updated%20Data%20Model%20to%20Improve%20Fee,improving%20housing%20affordability%20and%20accessibility>.

¹¹ Even among rental MDUs with at least 50 housing units, where bulk billing is most common, only about 5.7 million of the approximately 27.0 million housing units in such properties nationwide—or 21 percent—offer internet/video service through bulk billing arrangements.

Commission (FCC), which is the expert agency that has most closely studied bulk billing arrangements under its responsibility to oversee broadband markets, has studied the practice of bulk billing three separate times over the last 16 years and has consistently opted not to regulate these arrangements due to their pro-consumer, pro-competition benefits.

In 2010, the FCC issued an order concluding that bulk billing arrangements, on balance, benefit consumers.¹² The FCC found that these arrangements promote reduced rates, operational efficiencies, and broadband deployment. The FCC also acknowledged that some residents had complained about bulk arrangements, but concluded that such incidents appeared “few, isolated, and atypical of bulk billing as a whole.”¹³ The FCC further concluded that prohibiting bulk billing in order to benefit a small number of dissatisfied residents would raise service charges for the much larger group of residents who benefit from such arrangements.¹⁴

In 2017, the FCC issued a Notice of Inquiry seeking further comments on the effects of bulk billing arrangements, specifically requesting comment on its 2010 decision not to prohibit or restrict MVPDs’ bulk billing arrangements.¹⁵ Despite the inquiry, and despite subsequently adopting new rules addressing other MDU issues,¹⁶ the FCC took no further action to regulate bulk billing arrangements.

On March 5, 2024, then-FCC Chairwoman Jessica Rosenworcel announced that she was considering issuing a Notice of Proposed Rulemaking (NPRM) that would seek comment on the imposition of new restrictions on bulk billing arrangements or a mandate that residents be permitted to opt-out of such arrangements.¹⁷ The announcement sparked considerable bipartisan opposition and the FCC did not reach a decision on the NPRM under Chairwoman Rosenworcel. Her successor, Brendan Carr, withdrew the NPRM from circulation a few days after becoming Chairman of the FCC and issued a statement noting that the proposal “could have raised the price of Internet service for Americans living in apartments by as much as 50 percent . . . and would have hit families right in their pocketbooks.”¹⁸

Chairman Carr also emphasized “the broad and bipartisan coalition of groups opposing the

¹² *In the Matter of Exclusive Contracts for Provision of Video Services in Multiple Dwelling Units and Other Real Estate Developments, Second Report and Order*, MB Docket No. 07-51, 25 FCC Rcd. 2460, ¶ 2 (2010) (“MDU Second Report and Order”).

¹³ *MDU Second Report and Order* ¶ 27 (stating that incidents of consumers being subjected to prices they believed were not discounted or to inferior service under certain bulk billing deals were “few, isolated, and atypical of bulk billing as a whole”).

¹⁴ *Id.* ¶ 28 (stating that “it would be a disservice to the public interest if, in order to benefit a few residents, we prohibited bulk billing, because so doing would result in higher MVPD service charges for the vast majority of MDU residents who are content with such arrangements”).

¹⁵ *In the Matter of Improving Competitive Broadband Access to Multiple Tenant Environments, Notice of Inquiry*, GN Docket No. 17-142, 32 FCC Rcd 5383 (2017).

¹⁶ *In the Matter of Improving Competitive Broadband Access to Multiple Tenant Environments, Report and Order and Declaratory Ruling*, GN Docket No. 17-142, 37 FCC Rcd 2448 (2022).

¹⁷ *FCC Chairwoman Announces Push to Lower Broadband Costs & Increase Choice for Families Living in Apartments*, FCC Press Release (Mar. 5, 2024).

¹⁸ *Chairman Carr Stops Costly Regulatory Overreach*, FCC Press Release (Jan. 27, 2025).

plan.”¹⁹ For example, a bipartisan coalition of 51 mayors wrote a letter to the FCC prior to the Chairman’s withdrawal of the draft NPRM, making the following statement:

One key factor behind the deployment of better broadband infrastructure and more affordable service, particularly for apartment and multi-unit dwelling residents, is the utilization of bulk billing arrangements. These arrangements leverage the collective buying power of residents to secure significantly lower prices for broadband internet, compared to individual plans. Moreover, these agreements deliver robust services and great customer service to residents. These outcomes are beneficial for all consumers, but especially for vulnerable populations such as seniors on fixed incomes, low-income individuals, and students, who often lack access to high-speed services and face affordability barriers. . . . We, therefore, strongly oppose any FCC action to ban, limit, or otherwise regulate bulk billing arrangements in apartments and community-governed properties. Furthermore, we urge you to withdraw your draft further notice of proposed rulemaking from consideration, as such regulation would harm these arrangements. Bulk deals serve the public interest and directly benefit countless individuals within communities.²⁰

With respect to internet/video services, we strongly caution the FTC against adopting measures that would eliminate arrangements that benefit tenants. Going beyond disclosure rules to restrict the ability of rental property owners to engage in bulk billing arrangements would harm tenants who benefit from those arrangements today and stand to do so in the future.²¹ Whatever the merits of additional disclosure requirements, at a minimum, any NPRM in this area should be limited to disclosure requirements and should not extend to restricting bulk billing arrangements themselves.

Sincerely,

The Bulk Broadband Alliance

¹⁹ *Id.*; see also Bulk Broadband Alliance, *What They Are Saying*, <https://protectbulkbroadband.com/what-they-are-saying/> (collecting statements from local officials, housing organizations, and other stakeholders stating that bulk billing is pro-consumer and helps reduce rental-housing costs).

²⁰ Letter from 51 Mayors to Jessica Rosenworcel, Chairwoman, Federal Communications Commission, *In the Matter of Improving Competitive Broadband Access to Multiple Tenant Environments*, GN Docket No. 17-142 (Aug. 20, 2024).

²¹ See FCC, *FY 2025 Agency Financial Report* (Dec. 18, 2025) (stating that bulk-billing programs “allow families living in apartments to access lower-cost internet services” and that regulating them “could have led to a significant increase in internet prices for rental tenants”).