

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend Chapter 39 of Title 28 of the D.C. Official Code to deem certain federally regulated consumer price transparency practices in the telecommunications industry compliant with District price transparency requirements.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the “Broadband Price Transparency Regulation Emergency Declaration Resolution of 2026”.

Sec. 2. (a) The Enhancing Consumer Protection Procedures Amendment Act of 2026, enacted on June 25, 2026 (D.C. Act 26-344; 73 DCR 9162) (“ECPPA”), is pending congressional review. Should it become law, it will make various changes to the District’s laws protecting consumers against unfair and deceptive practices. Most notably for purposes of this emergency legislation, section 4(f) of the ECPPA would create a new provision at D.C. Official Code 28-3204(a)(12) outlawing “[a]dvertising, displaying, or offering a price for a good or service that does not include all mandatory fees or charges other than... [t]axes or fees imposed by a government on the transaction[.]”

(b) After the ECPPA was enacted and funded, representatives of Verizon and other broadband telecommunication service and equipment merchants (collectively the “telecom merchants”) raised concerns that certain advertising practices that their industry has adopted

pursuant to Federal Communications Commission (“FCC”) regulations may violate the new ECPPA provision cited above.

(c) Specifically, the telecom merchants typically include a single base price in advertisements, and FCC regulations allow for that base price to omit certain jurisdiction-specific charges that the government arguably does not impose directly on “the transaction” but that the telecom merchants use to recoup government-imposed costs. For example, under 24 D.C.M.R. 3302, telecom merchants pay the District fees calculated based on the linear feet of underground conduits and similar public infrastructure that the telecom merchants’ equipment occupies, and the telecom merchants pass this cost through to consumers as an estimated pro rata line item. This is a mandatory charge to the consumer that is arguably not imposed “by a government on the transaction” but the telecom merchants still omit it from the base price in their nationwide advertising pursuant to FCC rules.

(d) The telecom merchants nonetheless contend that District consumers are protected from deceptive pricing because the FCC requires the telecom merchants to prepare a comprehensive, federally required, jurisdiction-specific price breakdown known as the “nutrition label” including all such charges and to present that breakdown to consumers at the point of sale.

(e) The telecom merchants further contend that even if District regulators eventually conclude that the nutrition label—taken as a whole and in conjunction with the advertised base price—may be interpreted to satisfy the ECPPA’s obligation not to omit pricing information, the telecom merchants will still be vulnerable to potentially costly private litigation with no significant public benefit, due to the cause of action provision at D.C. Official Code § 28-3905(k). (The ECPPA would amend this provision and redesignate it as § 28-3905(m).)

(f) To resolve confusion as to whether telecom merchants' compliance with the nutrition label requirements is satisfactory under the ECPPA or whether telecom merchants must alter their nationwide advertising practices to satisfy District law and avoid litigation, a narrow legislative intervention before the ECPPA takes effect is warranted.

(g) The ECPPA will become law soon. Although section 6 of the ECPPA initially made the ECPPA's applicability subject to appropriation, the ECPPA is funded in the Fiscal Year 2027 budget; accordingly, section 7264(b) of the Fiscal Year 2027 Budget Support Emergency Act of 2026, effective August 13, 2026 (D.C. Act 26-416; 73 DCR 11509) ("FY27 Emergency BSA"), repeals the ECPPA's subject-to-appropriation section. Section 9001 of the FY27 Emergency BSA provides that this change will become applicable on October 1, 2026, meaning that the ECPPA will assume the force of law immediately if and when it completes congressional review after October 1, 2026. As noted on the Legislative Information Management System page for the ECPPA (B26-174), as of the date of this resolution the Office of the Secretary to the Council estimates a projected law date of November 14, 2026, but this is based on congressional calendar plans that remain subject to change.

Sec. 3. The Council of the District of Columbia determines that the circumstances enumerated in section 2 constitute emergency circumstances making it necessary that the Broadband Price Transparency Regulation Emergency Amendment Act of 2026 be adopted after a single reading.

Sec. 4. This resolution shall take effect immediately.