



United States of America  
FEDERAL TRADE COMMISSION  
Washington, D.C. 20580

Division of Advertising Practices

August 15, 2017

Laura Brett, Director  
National Advertising Division  
112 Madison Avenue, 3<sup>rd</sup> Floor  
New York, NY 10016

Re: Advertising Claims for Verizon Communications, Inc.'s FiOS Internet Service

Dear Ms. Brett:

Last month, the National Advertising Division referred to the Federal Trade Commission an NAD compliance investigation of Verizon Communications, Inc.'s claims that its FiOS internet service is faster than that of its competitors. Your referral indicated that Verizon declined to participate in NAD's self-regulatory process. Accordingly, you referred this matter to the FTC for our review.

Verizon's conduct addressed in your referral exclusively involves claims about residential broadband internet service performance and speed. Under current rules of the Federal Communications Commission, broadband internet access service is deemed a common carrier service. As a common carrier service, the FTC currently does not have enforcement authority pursuant to Section 5 of the FTC Act. We note, however, that the FCC has issued a Notice of Proposed Rulemaking to reclassify broadband internet access service as an information service rather than a common carrier service. The FTC staff has submitted a comment to the FCC supporting its proposal. The FTC staff comment emphasized that the FCC proposal would help return authority over broadband services to the FTC and allow the FTC to apply its experience and expertise to the conduct of broadband servicers, including their advertising claims.

We understand that you also have referred this matter to the FCC, which does have jurisdiction over the conduct at issue in this matter. Accordingly, we have determined not to review the referral on the merits at this time. The FTC fully supports the NAD's self-regulatory process, and we sincerely appreciate your referral and the opportunity to continue to assist in supporting NAD.

Very truly yours,

Devin W. Domond  
Chief of Staff for Advertising Practices