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February 18, 2011

The Honorable Jonathan D. "Jon" Leibowitz, Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, D.C. 20580

RE: Public Comments on December 1, 2010 Preliminary FTC Staff Privacy Report

Dear Mr. Leibowitz:

Aeroquest Optimal, Inc. (Optimal) is a full-service aerial mapping firm, engaged in airborne remote sensing, surveying, photogrammetry, aerial photography, LIDAR, aerial image processing, GPS, and GIS data collection and conversion services. Optimal provides these services to many State, County and Municipal Governments, Private Engineering and Architectural Firms, the U.S. Army Corps of Engineers and other Federal Agencies.

Optimal is deeply concerned that the December 1, 2010, Federal Trade Commission (FTC) report, *Protecting Consumer Privacy in an Era of Rapid Change*, would result in a serious threat to our business of providing professional mapping services. The report is very broad in its application. Ostensibly, the report is targeted at internet-based cyber tracking of personal data. However, through the use of terminology without definition, and a failure of the report to limit its scope to specific problem areas, the restrictions suggested in the report would hamper the ability of firms, agencies and organizations to collect, use, share, or apply geospatial data.

I respectfully urge the FTC not to implement any enforcement or broad regulation that would have a harmful affect on firms like mine in the broad private geospatial community.

Specifically, the FTC report imprecisely uses and regulates the term "precise geolocation information" or "precise geolocation data". This would adversely impact consumers, geospatial firms, and government programs. Optimal is particularly concerned that this term was not defined in the FTC staff report and the proposed regulations will have broad and harmful unintended consequences.

The use of the term "geolocation" or other geospatial relevant terminology that appear in the FTC regulations will impose a significant new liability on my firm. It regulates areas of the economy and geospatial activities that have not been identified as a problem or pose any privacy concern to citizens.



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The regulations could thwart common, legitimate, and emerging uses of geospatial data for emergency response/post disaster remediation, insurance, environmental protection, E-911 & ambulance services, fleet management broadband mapping, home security, navigation, mortgage foreclosure monitoring/early warning system, and others.

Moreover, activities, technologies, and applications development could be deemed illegal. For example, it would be impractical, if not impossible, for my firm to obtain prior approval or consent from individual citizens prior to acquiring or applying data such as satellite imagery, aerial photography, or parcel, address, or transportation data. The FTC regulation would effectively ban my firm, or our clients, from important value-added, integration and application activities.

Finally, any such FTC regulation could put U.S. companies at a significant and insurmountable competitive disadvantage against foreign firms that may not be covered by that regulation, or for which enforcement would be impractical.

FTC should provide the necessary and desirable privacy protections to individual citizens; however, it should not limit the geospatial community's ability to grow, prosper, and bring to the market those technologies and applications that meet the economic demands of consumers and citizens.

Respectively Submitted,

Mark W. Brooks  
Vice President & General Manager  
Aeroquest Optimal, Inc,