

## Zylberglait, Pablo

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**From:** Randall David Marks <rmarksftc@yahoo.com>  
**Sent:** Monday, November 22, 2021 12:27 PM  
**To:** Electronic Filings  
**Subject:** Petition Regarding Social Media Customer Service

### Request

I ask that you petition the FTC issue a notice of propose rule-making that would determine the need for a Trade Regulation Rule that would require Facebook and other social media companies with market power (*i.e.*, with a certain number of subscribers) to (a) acknowledge to customer service complaints within 72 hours and (b) provide a substantive response within 30 days (with a substantive response definition of “we fixed your probably and we cannot fix your problem because \_\_\_\_\_”). The rule should define “customer service complaints” broadly to include problems accessing accounts, harassment by other users, removal of postings and comments, closing down of groups of pages, payment issues, advertising issues, and anything that otherwise affects access to content.

### Law Violation

Such a rule would ban a practice — non-responsiveness — that is unfair under the FTC Act. 16 USC §45(n). The Act provides that an act or practice is unfair where it

- causes or is likely to cause substantial injury to consumers;
- cannot be reasonably avoided by consumers; and
- is not outweighed by countervailing benefits to consumers or to competition.

#### *Substantial Consumer Injury*

The failure to provide customer service is likely to cause substantial injury because consumers have trusted their data to social media companies and, when they cannot access that data, they may lose it forever. In addition, Facebook and or social media firms regularly delete content for violating “community standards” and that inhibits communication among users and organizations that use Facebook and other social media to advocate for causes. Nothing in the rule should prohibit the companies from enforcing their standards; all that would be required is that they answer questions and fix errors.

Because the rule would be limited to social media companies with a specified number of users, only large social media companies would be impacted. Because of network effects, which the companies themselves encourage because they profit from being large and essential, consumers suffer injury when they cannot use these social media companies.

#### *Non-Avoidability*

Because only the social media companies have access to user data, consumers have no recourse to obtain their data from anywhere else. Moreover, because of the above network effects, there aren’t viable alternatives to the large social media companies.

#### *No Countervailing Benefits*

There are no benefits to consumers from the lack of responsiveness. Indeed, the only reasons to oppose this rule is that it is overly costly and burdensome (and thus impose indirect costs on consumers) or the lack. —Indirect Costs: Social media companies are profitable (indeed, Facebook is among the most valuable companies in the world) and they make their profits by essentially selling access to their users. In addition,

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they are among the most innovative companies in the world and thus should be able to figure out how to  
comply cost-effectively. Indeed, many other companies with large numbers of customers — such as banks,  
insurers, utilities — have figured out a way to provide far better customer service.

—Lack of Necessity: The Commission should, as part of its rule-making proceeding, investigate the extent to  
which social media users are satisfied or dissatisfied with customer service of their social media  
providers. When I posted about my plight, two people contacted me and said they had never gotten access to  
their Facebook accounts. And a former FTC BCP manager told me that the problem is widespread. I'm sure  
the FTC could document that.

## Personal Evidence

Below is an example of the efforts to which I made and the lack of Facebook responsiveness.

My Facebook was hacked on 6/2 and I have been trying since then to recover the account. I've made multiple  
attempts to use its recovery function have failed: including having trusted friends verify me at least twice and  
submitting driver's license and birth certificate with this last desperate email. I've gotten more than 100  
automatically generated emails but nothing helped. (I can provide the emails.)

I wrote the email below to every Facebook address I could find (see below); only a few bounced back. [Note: I  
sent Facebook my birth certificate but have not included it in this submission, so no redaction is  
necessary.] But no human being from Facebook responded.

Finally, on July 1, a month after I lost access, I received an email from Facebook that actually worked. (When I  
got it, I was skeptical it would work but it did.)

Facebook will almost certainly argue that the fact that my account was restored is evidence its automated  
system worked, but I had no access for a month. Had I been a business reliant on social media for advertising,  
I could have been wiped out. In any event, the Commission should examine the prevalence of the problem  
and Facebook's response to it.

Randall David Marks  
6615 Allegheny Avenue  
Takoma Park, MD 20912-4617

**From:** Randall David Marks <[rmarksftc@yahoo.com](mailto:rmarksftc@yahoo.com)>

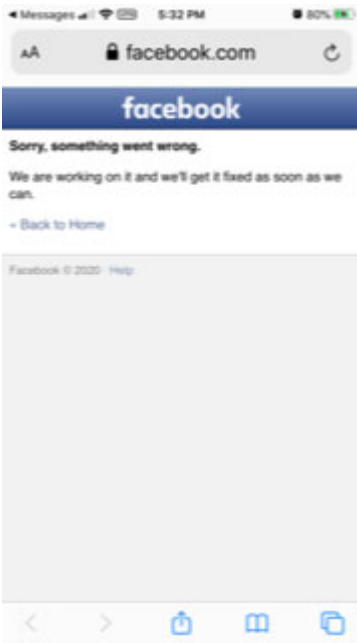
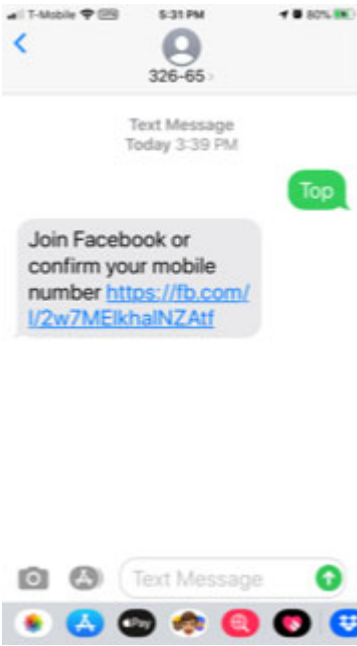
**Subject:** HELP

**Date:** June 4, 2020 at 5:39:20 PM EDT

**To:** [support@facebook.com](mailto:support@facebook.com), [helpdesk@fb.com](mailto:helpdesk@fb.com), [press@fb.com](mailto:press@fb.com), [warning@facebook.com](mailto:warning@facebook.com),  
[login@facebook.com](mailto:login@facebook.com), [privacy@facebook.com](mailto:privacy@facebook.com), [appeals@facebook.com](mailto:appeals@facebook.com), [abuse@facebook.com](mailto:abuse@facebook.com),  
[mark.zuckerberg@fb.com](mailto:mark.zuckerberg@fb.com), [mzuckerberg@fb.com](mailto:mzuckerberg@fb.com)

I am sorry to use all these email addresses. I'm feeling pretty frustrated.

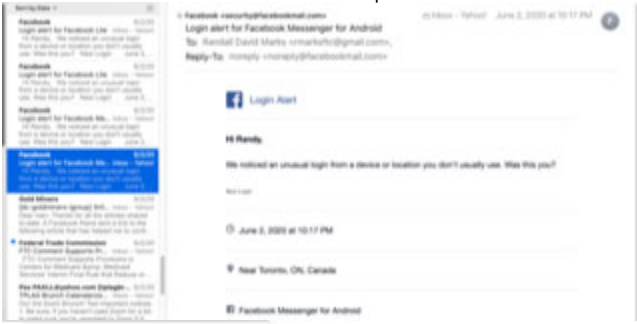
My account (Randall.David.Marks) was hacked on Tuesday night from a computer in Canada. Ever since,  
my husband (Reymart Alquiros), his cousin in the Philippines, and I have been trying to recover my  
account. We've tried the online tools numerous times and gotten about 60 emails from Facebook (see  
attached screenshots), but not one has helped. I got one text message to my phone, 2406041754, but  
the link isn't working (see attached screen shots) I'm also attaching my birth certificate. I understand  
that my husband



d had his cousin remove the email addresses so the only contact would be by cell, but they are still in your system. I have gotten one text message, but it didn't work (see attached).

Please forward to a human being who can help.

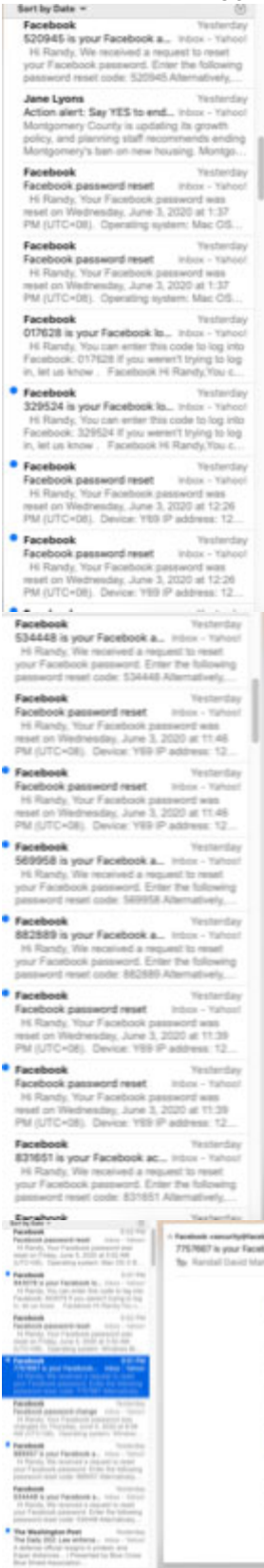
Thanks



- Facebook** 6/2/20  
**Facebook password reset** Inbox - Yahoo! Hi Randy, Your Facebook password was reset on Tuesday, June 2, 2020 at 11:05 PM (EDT). Operating system: Windows Brows...
- service@paypal.com** 6/2/20  
**Your Billing Agreement with...** Inbox - Yahoo! Hello Randall, Facebook Inc. has cancelled a Billing Agreement with you. Description: You can now use your PayPal account to shop o...
- Facebook** 6/2/20  
**365319 is your Facebook a...** Inbox - Yahoo! Hi Randy, We received a request to reset your Facebook password. Enter the following password reset code: 365319 Alternatively...
- Facebook** 6/2/20  
**265334 is your Facebook a...** Inbox - Yahoo! Hi Randy, We received a request to reset your Facebook password. Enter the following password reset code: 265334 Alternatively...
- Facebook** 6/2/20  
**Facebook password change** Inbox - Yahoo! Hi Randy, Your Facebook password was changed on Tuesday, June 2, 2020 at 10:38 PM (EDT). Operating system: Windows Br...
- Facebook** 6/2/20  
**Facebook password change** Inbox - Yahoo! Hi Randy, Your Facebook password was changed on Tuesday, June 2, 2020 at 10:38 PM (EDT). Operating system: Windows Br...
- Facebook** 6/2/20  
**Your Facebook Security Code** Inbox - Yahoo! Facebook Your Facebook Security Code Hi Randy, Your security code is: 78767542 To help us confirm your identity on Facebook...
- Facebook** 6/2/20  
**Login alert for Firefox on Wi...** Inbox - Yahoo! Hi Randy, We noticed an unusual login from a device or location you don't usually use. Was this you? New Login June 2,...

- Facebook** 6/2/20  
**Facebook password reset** Inbox - Yahoo! Hi Randy, Your Facebook password was reset on Tuesday, June 2, 2020 at 11:18 PM (EDT). Operating system: Windows Brows...
- Facebook** 6/2/20  
**539878 is your Facebook a...** Inbox - Yahoo! Hi Randy, We received a request to reset your Facebook password. Enter the following password reset code: 539878 Alternatively...
- Facebook** 6/2/20  
**552768 is your Facebook a...** Inbox - Yahoo! Hi Randy, We received a request to reset your Facebook password. Enter the following password reset code: 552768 Alternatively...
- Facebook** 6/2/20  
**Facebook password reset** Inbox - Yahoo! Hi Randy, Your Facebook password was reset on Tuesday, June 2, 2020 at 11:12 PM (EDT). Device: iPhone 8 IP address: 69.14...
- Facebook** 6/2/20  
**Facebook password reset** Inbox - Yahoo! Hi Randy, Your Facebook password was reset on Tuesday, June 2, 2020 at 11:12 PM (EDT). Device: iPhone 8 IP address: 69.14...
- Facebook** 6/2/20  
**729790 is your Facebook a...** Inbox - Yahoo! Hi Randy, We received a request to reset your Facebook password. Enter the following password reset code: 729790 Alternatively...
- Facebook** 6/2/20  
**067614 is your Facebook a...** Inbox - Yahoo! Hi Randy, We received a request to reset your Facebook password. Enter the following password reset code: 067614 Alternatively...
- Facebook** 6/2/20  
**Facebook password reset** Inbox - Yahoo! Hi Randy, Your Facebook password was reset on Tuesday, June 2, 2020 at 11:05 PM (EDT). Operating system: Windows Brows...





Randall David Marks  
 6615 Allegheny Avenue  
 Takoma Park, MD 20912-4617

**From:** "Facebook" <[security@facebookmail.com](mailto:security@facebookmail.com)>  
**Subject:** Facebook password reset  
**Date:** June 4, 2020 at 5:02:13 PM EDT  
**To:** Randy Marks <[rmarksftc@yahoo.com](mailto:rmarksftc@yahoo.com)>  
**Reply-To:** noreply <[noreply@facebookmail.com](mailto:noreply@facebookmail.com)>



Facebook



Hi Randy,

Your Facebook password was reset on Friday, June 5, 2020 at 5:02 AM (UTC+08).

Operating system: Mac OS X  
Browser: Safari  
IP address: 2601:155:8402:97d0:454f:76cb:3894:58a0  
Estimated location: Silver Spring, MARYLAND, US

**If you did this,** you can safely disregard this email.

**If you didn't do this,** please [secure your account](#).

Thanks,  
The Facebook Security Team

This message was sent to [rmarksftc@yahoo.com](mailto:rmarksftc@yahoo.com) at your request.  
Facebook, Inc., Attention: Community Support, 1 Facebook Way, Menlo Park, CA 94025  
To help keep your account secure, please don't forward this email. [Learn More](#)

