



Office of the Secretary

UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

June 25, 2014

Brittany Martin Barnett  
Tennessee, 37950

*Re: In the Matter of Level 3 Communication, LLC, File No. 1423028.*

Dear Ms. Barnett:

Thank you for your comment regarding the Federal Trade Commission's ("Commission" or "FTC") consent agreement in the above-entitled proceeding. The Commission has placed your comment on the public record pursuant to Rule 4.9(b)(6)(ii) of the Commission's Rules of Practice, 16 C.F.R. § 4.9(b)(6)(ii), and has given it serious consideration.

This action was one in a series of 13 settlements in which the Commission alleges that Respondents violated Section 5 of the Federal Trade Commission Act ("FTC Act") by misrepresenting that they were current participants in the U.S.-EU Safe Harbor framework and/or U.S.-Swiss Safe Harbor framework (collectively "Safe Harbor framework") when in fact each company allowed its self-certification to lapse. The complaints do not allege that any Respondent committed substantive violations of the privacy principles of the Safe Harbor framework.

The proposed orders prohibit Respondents from misrepresenting the extent to which each is a member of, adheres to, complies with, is certified by, is endorsed by, or otherwise participates in any privacy or security program sponsored by the government or any other self-regulatory or standard-setting organization, including, but not limited to, the U.S.-EU Safe Harbor Framework or the U.S.-Swiss Safe Harbor Framework. The proposed orders, which terminate after 20 years, include standard record-keeping and service provisions, as well as requirements for each Respondent to file a compliance report with the Commission.

Your comment expresses concern about unsolicited telephone calls. Specifically, you note that you have received several calls from "a number identified on WhitePages Lookup as Level 3 Communications VoIP" to a number you have registered on the National Do Not Call Registry. You state that you have "read other online complaints about the same caller involving questions about high-end cars." Level 3 Communications, LLC is a telecommunications and Internet service provider company, much like a telephone utility company, that provides, among other things, telephone communication services.

Although the conduct you reference does not implicate the proposed order in this action, we have forwarded your comment and it will be entered into the FTC's Consumer Sentinel

system, a secure online database available to more than 1,000 civil and criminal law enforcement agencies. While the FTC does not resolve individual consumer problems, your complaint will help us investigate companies that may be unlawfully calling consumers listed on the National Do Not Call Registry and could lead to law enforcement action. For more information about limiting unwanted calls and emails, please visit <http://www.consumer.ftc.gov/articles/0262-stopping-unsolicited-mail-phone-calls-and-email>.

In light of the considerations discussed above, the Commission has determined that the public interest would best be served by issuing the Decision and Order in the above-titled proceeding in final form without any modifications. The final Decision and Order and other relevant materials are available from the Commission's website at <http://www.ftc.gov>. It helps the Commission's analysis to hear from a variety of sources in its work and it thanks you again for your comment.

By direction of the Commission, Commissioner McSweeney not participating.

Donald S. Clark  
Secretary