



Office of the Secretary

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

March 2, 2011

Mr. Ryan Gosche
State of Missouri

Re: In the Matter of Twitter, Inc., File No. 092 3093, Docket No. C-4316

Dear Mr. Gosche:

Thank you for your comment on the Federal Trade Commission's 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.

Your comment suggests that the proposed consent order constitutes an "unconstitutional and immoral use of force" by the Commission and, therefore, the Commission should rescind its complaint alleging that Twitter deceived consumers and not approve the proposed order.

The Commission disagrees with your assertion that its order is legally or morally deficient. The Commission notes that the constitutionality of its long-standing authority to enforce Section 5 of the FTC Act's prohibition on unfair and deceptive acts and practices is well established. *See, e.g., FTC v. American National Cellular, Inc.*, 810 F.2d 1511 (9th Cir. 1987). The Commission further notes that, based on the facts alleged in its complaint, it believes that Twitter deceived consumers and unreasonably put their privacy and security at risk, in violation of Section 5 of the FTC Act. The Commission believes that the order contains relief appropriate to address the challenged conduct and to protect consumers in the future.

In light of these considerations, the Commission has determined that the public interest would best be served by issuing the Decision and Order 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.

Donald S. Clark
Secretary