



Office of the Secretary

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

April 11, 2013

Parker
State of Wyoming

Re: In the Matter of Aspen Way Enterprises, Inc., File No. 112 3151, Docket No. C-4392

Dear Sir or Madam:

Thank you for your comment regarding 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 addresses the proposed consent order with Aspen Way Enterprises, Inc. ("Aspen Way"), which you object to in light of alleged factual discrepancies between the Commission's complaint against Aspen Way and the company's actual practices. According to your comment, a private lawsuit brought against Aspen Way in Wyoming is based on inaccurate information, which you suggest misled the Commission into taking action against the company.

The Commission appreciates your comment, but concludes that, based on the facts uncovered during its investigation, the proposed consent order is necessary to protect consumer privacy and help deter future violations of law. The Commission conducted its own investigation of Aspen Way and the other respondents in this matter, and did not rely on facts alleged in any other proceeding. The Commission believes the proposed settlement with Aspen Way strikes an appropriate balance between protecting consumer privacy and providing Aspen Way the ability to locate stolen property using methods that do not place consumers at risk from the disclosure of financial, health, or other confidential consumer information. The proposed order bans Aspen Way from using monitoring technology – such as keystroke logging, taking screenshots of computer users' activities, and photographing anyone in view of the computer's camera – in connection with any covered RTO transaction.¹ At the same time, the order allows the company to use geophysical location tracking technology, provided that consumer renters receive notice of and give their consent to its use, and that computer users receive notice

¹ "Covered rent-to-own transaction" is defined as "any transaction where a consumer enters into an agreement for the purchase or rental of a computer and the consumer's contract or rental agreement provides for payments over time and an option to purchase the computer." The prohibition on monitoring does not include consumers' rental of laptops outside the RTO context, or any business's use or rental of laptops, and also does not cover the use of monitoring technology for non-commercial purposes by private persons (e.g., parents monitoring their children's computer use).

immediately prior to its activation. This notice requirement may be suspended where the consumer reports the computer stolen – or there is otherwise a reasonable basis to believe that the computer has been stolen – and a police report is filed. This provision provides Aspen Way with an effective means to locate and retrieve stolen computers.

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. The Commission thanks you again for your comment.

By direction of the Commission, Commissioner Wright not participating.

Donald S. Clark
Secretary