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June 15, 2009

Mr. Donald Clark
Federal Trade Commission
Office of the Secretary
600 Pennsylvania Avenue, N.W.
Room H-135 (Annex S)
Washington, DC 20580

Re: Business Opportunity Rule Workshop-Comment, Project No. P084405

Dear Mr. Clark:

I am writing on behalf of Planet Antares, in response to the Commission's invitation for comments on the "Business Opportunity Rule Workshop." I was privileged to participate in the Workshop on June 1, 2009, and I hope our discussion shed light on many of the issues surrounding the proposed Disclosure Form. I would like to thank the Commission staff for the opportunity to join the panel.

Although the Workshop was limited to the proposed disclosure, our discussions also touched on several unresolved issues that remain critical to an appropriate consideration of the proposed rule. For example, the proposed Disclosure form would require sellers to declare and describe earnings claims, which seems a reasonable requirement, except that the current proposed rule defines earnings claims so broadly that they would be nearly impossible to avoid in any discussion of a business opportunity. Likewise, the disclosure of personally identifiable information about other customers would expose them to invasions of privacy.

In our letter of August 25, 2008, Planet Antares agreed that a Workshop could be an acceptable alternative to evidentiary hearings to address the issues of competition and consumer protection policy that the proposed rule raised. In its comments on the proposed rule, Planet Antares' comments identified these issues, for example:

- Disclosure of trade secrets;

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- Creation of a poaching list for competitors;
- Jeopardy to investors' other jobs;
- Use of biased sources of information;
- Potential use of the disclosures by con artists and criminals;
- Jeopardy to investors' personal safety;
- Antitrust concerns related to communication between competitors;
- Confusion regarding state disclosures; and
- Conflict with privacy requirements under the Gramm-Leach-Bliley Act and California Constitution

The workshop just concluded did not address many of those issues, so Planet Antares is reiterating its reservation of its rights and its request that the Commission consider either additional workshops or hearings to address the issues that remain.

Planet Antares would be glad to participate in any additional proceedings the Commission decides to conduct in its consideration of the proposed rule.

Sincerely yours,

William C. MacLeod

cc: Allen Hile
Kathleen Benway