



August 20, 2018

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Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue NW, Suite CC-5610  
(Annex C), Washington, DC 20580.

**Re: Competition and Consumer Protection in the 21st Century Hearings, Project Number P181201.**

The National Automobile Dealers Association (“NADA”) submits the following comments to the Federal Trade Commission (“FTC” or “Commission”), regarding the notice and invitation to comment (“Notice”) on the upcoming hearings into Competition and Consumer Protection in the 21st Century.

NADA represents over 16,000 franchised dealers in all 50 states who market and sell new and used cars and trucks, and engage in service, repair, and parts sales to consumers and others. Our members collectively employ over 1 million people nationwide. Most of our members are small businesses as defined by the Small Business Administration.

The Notice outlines a proposed “series of multi-day, multi-part public hearings (“Hearings”)” to begin in September 2018, that will “consider whether broad-based changes in the economy, evolving business practices, new technologies, or international developments might require adjustments to competition and consumer protection law, enforcement priorities, and policy.” The comments sought in the Notice will “provide opportunities for FTC staff and leadership to obtain input from a broad and a diverse range of interested stakeholders and experts, [...and] will stimulate thoughtful internal and external evaluation of the FTC’s near- and long-term law enforcement and policy agenda.”

Many aspects of our dealer members’ businesses are regulated by the Commission, and we applaud the Commission’s efforts to examine, update, and improve its focus based on changes in technology and in the marketplace. The automotive business is undergoing tremendous

change that will require, in many cases, new regulatory approaches, and dealers are a key part of that change. Whether it is advertising in new and expanding media platforms, data security issues, or privacy challenges from connected or autonomous vehicles, dealers must be a part of the conversation, and must ultimately adapt to new market realities. We are excited that the FTC is taking a hard look at these issues and are anxious to help in any way we can with the hearings to ensure we can continue to serve and protect our customers going forward.

In organizing the Hearings, we urge the Commission to keep a holistic view in mind as it investigates those issues that may “require adjustments to competition and consumer protection law, [FTC] enforcement priorities, and policy.” For example, the Hearings should explore ways the Commission could modify its enforcement priorities and policy to address modern marketplace demands by limiting those policies, not simply through expansion or addition.<sup>1</sup> We also urge the Commission to ensure that a wide variety of viewpoints, representing a balance of interests are represented in the Hearings. While the Commission is “seeking the views of consumers, business representatives, economists, lawyers, academics, information technology professionals, and other interested parties” in connection with the Hearings, we believe the Commission should endeavor to promote not just a variety of sources, but a true balance of viewpoints in hearing topics and agendas, as well as in identifying Hearing panelists.

NADA may submit specific comments as warranted in response to specific Hearing topics as announced. Thank you for this opportunity to comment, and for consideration of these views.

Sincerely,

/s/

Bradley Miller  
Director, Regulatory Affairs  
National Automobile Dealers Association

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<sup>1</sup> Under “the Commission’s remedial authority to deter unfair and deceptive conduct in privacy and data security matters,” the Notice states:

“Of particular interest to the Commission: (a) the efficacy of the Commission’s use of its current remedial authority; and (b) the identification of any additional tools or authorities the Commission may need to adequately deter unfair and deceptive conduct related to privacy and data security.”

While additional tools are certainly potentially import and relevant, the hearings should also at least consider the consumer benefits that may arise from a reduction of tools or abstention.