

**Open Meeting of the Federal Trade Commission
October 16, 2021**

Public Submissions

1. Nicole Anderson
2. Leslie Blevins
3. Melody Brand
4. Anna Caro
5. Emily Caro
6. Matthew Dinger
7. Jennifer Draney
8. Erin Gantt
9. Eric Goldberg
10. Lacy Hamilton
11. Allison Hardt
12. Takaphan Jaruhungsin
13. Scott Johnson
14. Kathleen Martin-Soto
15. Fiona Mason
16. Van Mcguire
17. Cris Monteiro
18. William Morris
19. Elli Ochena
20. Jose Orozco Garcia
21. Rachel Rocco
22. Rebecca Rutz
23. Tyson Slocum
24. Anna Squires
25. Tiffanie Steinruck
26. Diana Stover
27. Peter Swire
28. Carl M. Szabo
29. Adam Towvim
30. Lauren Tripp
31. Tameaca Vaughn
32. Howard Waltzman
33. Jon Wickizer

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 11:30 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 11:29 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Nicole

Last Name: Anderson

Affiliation: Parent of type 1 diabetic

Full Email Address: [REDACTED]

Telephone: +[REDACTED]

FTC-Related Topic: FTC Operations

Register to speak during meeting: No

Link to web video statement: CA

Submit written comment: Insulin is absolutely a medical necessity that needs to be a priority. People with type 1 diabetes will in fact die without insulin. It is not their fault that their bodies are unable to produce it.

Charging people money to stay alive is absurd and wrong! This needs to be accessible by the people for the people for free. The financial burden is not one that should be left to people who have diabetes. They already make 180 health related decisions daily and wondering if they have access to enough insulin is surely and unnecessary worry.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/22>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 3:55 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 03:55 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Leslie

Last Name: Blevins

Affiliation: American

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: No

Link to web video statement:

Submit written comment: I'm owed so much money from being censored and jailed so Congress doesn't have term limits and they are too old to write legislation to reign in the big tech children that are running amok!

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/6>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 6:48 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 06:47 Submitted by anonymous user [REDACTED] Submitted values are:

First Name: Melody

Last Name: Brand

Affiliation: Tlingit

Full Email Address: [REDACTED]

Telephone: [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: No

Link to web video statement:

Submit written comment: Thank you for all your support melody Aina Maryann Brand [REDACTED]

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/18>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 5:20 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 05:19 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Melody

Last Name: Brand

Affiliation: Tlingit

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Consumer Protection

- FTC Operations

Register to speak during meeting: No

Link to web video statement:

Submit written comment: I need help and support to transfer my father's estate to me and my siblings. my name is melody Aina

Maryann Brand. daughter of [REDACTED]. born in Anchorage and half tlingit. born in

[REDACTED] his oldest daughter. i want to transfer all of my funds that is entitled to me. Into my personal account. please contact me at my

email. or mail at address on file. [REDACTED]. Thank you Melody Brand. I have account with [REDACTED]

[REDACTED] How do I retrieve my funds. securely.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/10>

From: Federal Trade Commission via Federal Trade Commission

Sent: Sunday, October 17, 2021 2:08 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Sunday, October 17, 2021 - 14:07 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Anna

Last Name: Caro

Affiliation: T1International

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

My name is Anna. I live in North Carolina, and was diagnosed with Type 1 Diabetes at age 10. In the 17 years since then, every major choice I have made has revolved around one basic thing - getting or maintaining access to insulin.

I am asking the FTC to make insulin a priority issue on the competition council.

The Big 3 makers of insulin have conspired to drive up the prices of their lifesaving drugs, harming and even killing patients. In 1996, when Eli Lilly's Humalog first came out, the price for a 1-month supply of insulin was \$21. As of 2001, that exact vial's price increased by \$14 to \$35. Now, in 2019, that vial is said to be around \$275. That is a 1200% increase on the original price, on a medication that costs less than \$5 to make. Sanofi, Novo Nordisk and Eli Lilly — have raised the list prices of their products in near lock step, a clear example of price-fixing with a monopoly. According to the CDC, over 30 million Americans suffer from diabetes. Patients who do not have access to insulin have resorted to injecting themselves with expired insulin or starving themselves to control their blood sugar. Some patients, the lawsuit said, intentionally allowed themselves to slip into diabetic ketoacidosis — a blood syndrome that can be fatal — to get insulin from hospital emergency rooms. Without insulin, a diabetic will be dead in less than 2 week. It is graphic information, but the Commission needs to understand the severity and urgency that those of us living with this chronic disease - through no fault of our own - experience every day.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/22>

From: Federal Trade Commission via Federal Trade Commission

Sent: Sunday, October 17, 2021 2:36 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Sunday, October 17, 2021 - 14:36 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Emily

Last Name: Caro

Affiliation: T1International

Full Email Address: [REDACTED]

Confirm Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

My name is Emily. I live in (North Carolina), and my sister was diagnosed with Type 1 Diabetes at the age of 10. In the 17 years since, every major choice my sister has made has revolved around one basic thing - getting or maintaining access to insulin.

I am asking the FTC to make insulin a priority issue on the competition council.

The Big 3 makers of insulin have conspired to drive up the prices of their lifesaving drugs, harming and even killing patients. In 1996, when Eli Lilly's Humalog first came out, the price for a 1-month supply of insulin was \$21. As of 2001, that exact vial's price increased by \$14 to \$35. Now, in 2019, that vial is said to be around \$275. That is a 1200% increase on the original price, on a medication that costs less than \$5 to make. Sanofi, Novo Nordisk and Eli Lilly — have raised the list prices of their products in near lock step, a clear example of price-fixing with a monopoly. According to the CDC, over 30 million Americans suffer from diabetes. Patients who do not have access to insulin have resorted to injecting themselves with expired insulin or starving themselves to control their blood sugar. Some patients, the lawsuit said, intentionally allowed themselves to slip into diabetic ketoacidosis — a blood syndrome that can be fatal — to get insulin from hospital emergency rooms. Without insulin, a diabetic will be dead in less than 2 week. It is graphic information, but the Commission needs to understand the severity and urgency that those living with this chronic disease - through no fault of their own - experience every day.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/26>

From: Matthew Dinger [REDACTED]
Sent: Sunday, October 17, 2021 4:54 PM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Matthew Dinger's Written Statement for 10.21.21 FTC meeting

Below are the written comments I would like submitted to the FTC. I have also requested to speak live. If selected, I will cut this down to fit the two minutes allotted. Thank you.

My name is Matt Dinger, I represent T1International, it's 38 and growing #insulin4all Chapters, as a member of the board of trustees, and a proud patient with type 1 diabetes.

Another patient with diabetes my age died from rationing insulin last year in a city 30 miles from my home. He died alone in a garage he was renting as his family was unaware that he had lost insurance coverage. I wish I could say that I don't know how something like that can happen in the United States, but, unfortunately, I know exactly how it can happen. It could happen to anyone who needs insulin to survive.

Over 90% of the global insulin market, and nearly 100% of the US market, is dominated by three corporations: Eli Lilly, Novo Nordisk, and Sanofi. These companies have a well-established record of cartel-like behavior, frequently raising prices within days or even hours of each other in search of higher and higher profits -- no matter the impact on patients. And that impact is massive. A 2018 survey by T1International revealed that over one-quarter of patients with diabetes in the United States rationed their insulin in the previous year, and evidence suggests that cost is only increasing as a barrier. I don't know a single diabetic who has not rationed insulin at one point or another.

At the end of last year I changed jobs, and as a result, was uninsured for a month. Luckily I had time to prepare for this, so I made sure I filled a three month supply of insulin (something that many people are not allowed to do depending on their insurance). I researched the rules for COBRA in my state to make sure that I could retroactively apply for it if something catastrophic happened. I signed the paperwork and put it in a place where my partner could access it, so he could submit it if I became incapacitated. Even when I did receive insurance, I avoided getting insulin until January because I had a new deductible to meet, so my out of pocket insulin costs would have been about \$1000 a month. I rationed my insulin. Even in the place of privilege I occupy, these are the things that I had to do in order to stay alive and secure my family's financial future as an insulin dependent diabetic. And that was one

month. I'm lucky to be in the position that I'm in and even so, I'm a job loss away from financial ruin because the concentration of economic power when it comes to the price of insulin lies almost entirely in the hands of 3 companies. I am completely beholden to them. And I am terrified by that every single day.

Corporate concentration and monopolistic behavior by the Big Three insulin manufacturers allow them to set prices as high as possible without fear of losing market share. That includes things like:

- Shadow pricing (where companies increase prices in tandem with one another, instead of competing to set the lowest price);
- Pay-for-delay agreements and lawsuits to keep biosimilar insulins off the market;
- Patent games to extend their product exclusivities long past when they would normally expire.

As someone who has worked in healthcare for the entirety of my professional life, I understand the price of innovation, and let me tell you—leveraging anti-competitive practices in order to give your CEO a pay package of \$23.7M isn't innovative. And a businesses that would do that while their consumers are dying aren't companies--they're cartels.

The concentration of economic power is way out of balance here and for now, there is no counterbalancing force to protect patients from being exploited for the insulin we rely on every day to stay alive. While there are legislative proposals on the table to lower the price of insulin for many or all people, we need a both/and approach that includes the Federal Trade Commission stepping in as soon as possible to investigate the problems with the insulin industry and take action to rectify them.

In short, those of us that use insulin are not being protected from unfair, deceptive, and anticompetitive practices in the insulin marketplace and beyond the thousands of dollars each year we pay for insulin, the true cost of putting up with these practices is quite literally our lives.

I urge the FTC to hold these corporations accountable in the cartelized insulin industry.

From: Federal Trade Commission via Federal Trade Commission
Sent: Monday, October 18, 2021 8:26 PM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 20:25 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Jennifer

Last Name: Draney

Affiliation: Type one diabetic and #insulin4all advocate Utah Chapter Full Email Address [REDACTED] Confirm

Telephone: [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment:

Hello,

My name is Jennifer Draney and i am a Type 1 diabetic and i have a son with Type 1 diabetes. I volunteer with the Utah Chapter #insulin4all as an Outreach lead as well as T1internationals Federal Working Group.

My son was diagnosed with type 1 diabetes in diabetic ketoacidosis on 04/16/2017, he was 16 years old. he is an amazing young man and i watch him excel in everything he does while fighting this disease. two years after my sons diagnosis i was diagnosed with LADA Latent autoimmune diabetes in adulthood, it is onset of autoimmune diabetes as an adult. i never imagined my sons battle un tell it was mine. Type 1 diabetes is a brutal disease filled with calculating insulin dosages with everything that goes in and out of your body daily. 1 in 10 people have diabetes and recent studies show that up to 38% of type one diabetics were misdiagnosed before getting there correct type 1 diagnosis. We need insulin like we need air to breath. The price of insulin and diabetic supplies continue to skyrocket. I have personal been insured with a commercial insurance plan through my employer, Through the marketplace, on Medicaid, and Uninsured. In every insurance situation i struggled with access, affordability or both. i can tell you manufacture coupons do not always work and are not the answer. Many are dyeing because they can not afford insulin and diabetic supplies, many try to purchase a primitive forms of insulin that is pre 1996 Humulin insulins. These types of insulins can not go into a pump and work completely differently, risking extreme unpredicted low blood glucose emergency's.. As an Out Reach Lead i continue to received messages and email and urgent requests from individuals asking for help with the cost. I give every resource to them. I do everything that i can to help those in need including and completely separate for T1internation, i redistribute diabetic supplies. I call this #diabeticchristmas because it feels like Christmas to receive the supplies that help keep you alive. The gifts of supplies come after someone was able to upgrade there medication to something new or after diseased family member passes away. Those giving people will drop off the excess and then i can arrange or take them to give to those in need. Insulin is so outrageously priced that we can not afford the amount of test strips we need or the insulin syringes. i have meet many people that use the same insulin syringe over and over until they can no longer see the measurement lines. The numbers are outstanding. This is a crisis and this is a humane crisis. I am Asking the FTC to make insulin a priority issue on the Competition Council. Thank you, Kindly, Jennifer Draney. #insulin4All Utah Chapter, T1international Federal Working Group.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/86>

From: Federal Trade Commission via Federal Trade Commission

Sent: Thursday, October 14, 2021 9:05 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Thursday, October 14, 2021 - 21:04 Submitted by anonymous user [REDACTED] Submitted values are:

First Name: erin

Last Name: gantttt

Affiliation: ?

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Consumer Protection

- FTC Operations

Register to speak during meeting: No

Link to web video statement:

Submit written comment: i would like to speak, publicly im not sure about, but about the immense problems ive had the past few years, due to the internet, third party apps, abuse of remote access software, and identity theft. i paid over \$300 for lifelock norton protection so i got notice everutime my info was breached online or someone opened an account in my name. ive written several companies, filed numerous reports, got a new phone , and tbe problem with spam, phishing, and targetting me persist and it really has to do with poor security of major online browsers- especially google - i woudnt never consent to expose my private life online or my childrens', and in the past two years ive been sick and unable to work in my chosen field , as a clinical social worker. ive felt so violated and frustrated and beg of you to fix the issue. my google account sometimes says im located in india- i dont understand it at all. i can be reached at

[REDACTED] for more info or if you have any questions. thank you

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/54>

From: Federal Trade Commission via Federal Trade Commission

Sent: Saturday, October 16, 2021 2:14 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Saturday, October 16, 2021 - 14:13 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Eric

Last Name: Goldberg

Affiliation: New York Diabetes Alliance Foundation Full Email Address [REDACTED]

Telephone: [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment: Insulin was discovered and patented over 100 years ago. Even the most modern advancements to the formula are over 20 years old are older than 20 years old, beyond the limits of the USPTO Utility Patent rules. As is known over 90% of the current insulin market in the US is from three manufacturers, Eli Lilly, Sanofi, and Novo Nordisk, their pricing their pricing in the United States for the current generation of insulin over 300% for the past 25 years all in line with each other. Almost as if they were a horizontal cabal working in lockstep, almost as if they wanted to violate section 2 of the Sherman Act and possibly part of the Clayton Act. This is why improved competition in the insulin market is a necessity. With extreme price fixing and anti-competitive actions taken Eli Lilly, Sanofi and Novo Nordisk, where they are charging more for a medication that was discovered 100 years ago than a Cystic Fibrosis medication that is classified as an orphan drug and insurance companies have it listed as a specialty drug like Trikafta which only came out a few years ago, the Federal Trade Commission needs to hold a serious investigation as to the competition practices in the insulin market.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/14>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 7:50 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 19:49 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Lacy

Last Name: Hamilton

Affiliation: Type 1 diabetic

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Consumer Protection

Register to speak during meeting: No

Link to web video statement:

Submit written comment: Insulin should be a priority because a type 1 diabetic relies on it in order for survival!!

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/62>

From: Federal Trade Commission via Federal Trade Commission
Sent: Monday, October 18, 2021 7:11 PM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 19:10 Submitted by anonymous user [REDACTED]

Submitted values are:

First Name: Allison

Last Name: Hardt

Affiliation: #insulin4all advocate

Full Email Address [REDACTED]

Telephone: [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment:

My name is Allison Hardt and I am based in Portland, OR. My partner has had type 1 diabetes for 37 years. This year, despite celebrating the 100-year anniversary of the discovery of insulin, people in the United States cannot afford the insulin they need, due to the price gouging practices of the Big Three manufacturers: Eli Lilly, Novo Nordisk, and Sanofi.

A recent letter from Public Citizen to HHS stated it clearly: "High drug prices are rooted in monopoly power. Patents and other government-granted exclusivities give corporations the power to set high prices. The federal government does not regulate or by and large even negotiate for the monopoly price. As a result, Americans pay more than two-and-a-half times as much for prescription drugs than people in other countries."

One-in-four Americans report they have been unable to afford their medicines. Black and Brown communities disproportionately bear this suffering.

Additionally, the Big Three have not only built up patent walls but also participated in horizontal conduct. It is well documented that the Big Three have been participating in anti competitive practices, raising the price of insulin in lockstep.

These claims are supported by many sources, including the Grassley/Wyden report, which states, "We found that the business practices of and the competitive relationships between manufacturers and middlemen have created a vicious cycle of price increases that have sent costs for patients and taxpayers through the roof" and "This investigation makes clear that consumers are the only ones losing out in America's broken drug pricing system, since every part of the pharmaceutical supply chain benefits from higher list prices. Insulin manufacturers lit the fuse on skyrocketing prices by matching each other's price increases step for step rather than competing to lower them..."

Because of the increasing list price of insulin, my partner has been forced into dangerous, stressful decisions to access a medicine that has been around for 100 years. With active health insurance and employment, he has been in situations where he is a few days early asking for his refill, and with insurance refusing to cover it, is asked to pay the list price of \$1,500 by the pharmacy for his one-month supply. He has met people in parking lots to purchase insulin, he has had friends bring extra from France and ordered it from Turkey.

NovoLog, one type of insulin that my partner has taken, increased in list price by 353% from 2001 to 2016. Three hundred and fifty three percent.

Insulin is like water for a person with type 1 diabetes. There is no waiting a few days to get it, you can go into diabetic ketoacidosis (DKA) and die.

People in the wealthiest country in the world are rationing their insulin and dying because of the pharmaceutical industry's greed. When my partner was first diagnosed, insulin was not a worry. Even when he was in college in the late 90s, if he accidentally broke a vial, he could go to the pharmacy and get a new one for less than \$20.

The price increases of the past 20 years are criminal and the insulin cartel needs to be held accountable.

I am asking the FTC to make insulin a priority issue on the Competition Council.

Sincerely,
Allison Hardt

The results of this submission may be viewed at:
<https://www.ftc.gov/node/1591350/submission/82>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 6:35 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 06:35 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: mr Takaphan

Last Name: jaruhungsin

Affiliation: federal trade commission

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Consumer Protection

- FTC Operations

Register to speak during meeting: Yes

Link to web video statement: the end of covid pandemic should be growing Trade again Submit written comment: THANKS SIR FOR report and opening my comment for meeting of commission! 10/18/2021!

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/14>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 6:11 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021
Open Commission Meeting

Submitted on Monday, October 18, 2021 - 18:11 Submitted by anonymous user:

[REDACTED]

Submitted values are:

First Name: Scott

Last Name: Johnson

Affiliation: Johnson Enterprises

Full Email Address: [REDACTED] Confirm Email Address:

[REDACTED]

Telephone: [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: No

Link to web video statement:

<https://www.buildingfortunesradio.com/scott-johnson-peter-mingils/scott-johnson-2-minute-submission-to-ftc-3957>

Submit written comment:

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/74>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 7:02 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 19:02 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Kathleen

Last Name: Martin-Soto

Affiliation: None

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement: CA

Submit written comment: I have lived with Type 1 Diabetes for 18 years, and I am lucky to say I have never had to go a day without insulin, the medication that keeps me alive. However, I do live in constant fear that one day, due to health insurance loss or financial hardship, I may have to. There are millions of Americans just like me. The lucky ones just live in fear, others are forced to ration insulin, and some die. This is all due to the high cost of insulin in the United States. I am writing today to ask that the FTC investigate and intervene in insulin pricing so that lives can be saved and Americans can have fair access to insulin, a basic medication needed to sustain millions of lives. Thank you.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/58>

From: Federal Trade Commission via Federal Trade Commission
Sent: Monday, October 18, 2021 6:41 PM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021
Open Commission Meeting

Submitted on Monday, October 18, 2021 - 18:40 Submitted by anonymous user:

[REDACTED]

Submitted values are:

First Name: Fiona

Last Name: Mason

Affiliation: #insulin4all advocate

Full Email Address: [REDACTED]

Telephone: [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

As someone who cares about many people who are insulin dependent, I am astounded by the grip of the monopolies of the Big Three manufacturers (Eli Lilly, Novo Nordisk, and Sanofi) and how the decisions they make (often in tandem, always at the benefit to themselves) so negatively impact family members. I know of people who stay in jobs because they fear their coverage changing. I know of people who remain in the same jobs, but see the same provider changing what insulin they cover, and the price consistently increase. Because of the increasing list price of insulin, I have seen family members ration their insulin and make choices based on their finances over their health.

I am asking the FTC to make insulin a priority issue on the Competition Council, there is much attention and data to reflect the ever rising price of insulin despite minimal changes and we need the FTC to keep Big Pharma in check because otherwise where does this end?

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/78>

From: Federal Trade Commission via Federal Trade Commission

Sent: Sunday, October 17, 2021 4:17 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021
Open Commission Meeting

Submitted on Sunday, October 17, 2021 - 16:16 Submitted by anonymous user [REDACTED] values are:

First Name: Van

Last Name: McGuire

Affiliation: N/a

Full Email Address [REDACTED]

Confirm Email Address [REDACTED]

Telephone: [REDACTED]

FTC-Related Topic: Consumer Protection

Register to speak during meeting: Yes

Link to web video statement: No video statement Submit written comment:

Would like to discuss 2 concerns:

1. HIPPA and Healthcare apps unauthorized sharing of information with 3rd parties. Mandatory requirements in apps where patients are forced to agree with sharing. No opt out.
2. GLBA, unable to opt out if PII and financial information sharing by title companies and real estate service companies such as Corelogic and their division called Realist

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/30>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 11:34 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 11:33 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Cris

Last Name: Monteiro

Affiliation: People's Organization of Community Acupuncture Full Email Address: [REDACTED]

Telephone: +1 [REDACTED]

FTC-Related Topic: Consumer Protection

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

My complaint concerns the National Commission for Certification in Acupuncture and Oriental Medicine (NCCAOM).

This certifying body for the acupuncture profession has over the past 20 years added 3 new exams to their offerings. Back when I graduated acupuncture school in 1999 there were 2 exams: acupuncture and Chinese herbal medicine.

Now the acupuncture module is broken into acupuncture, points and location and Oriental Medicine.

In many states, including my home state of RI, the licensing statute references only "the examination by the NCCAOM". However NCCAOM now regularly contacts state professional licensing offices to provide "updates." The result is unfair and additional burden on licensing applicants to take additional examinations, even when they have already been licensed and practicing in other states already. It is no longer enough to simply pass the exams that existed when you graduated. NCCAOM is lobbying for all licensees to keep adding more exams. This decreases portability for licensing and has the consequence of limiting access for consumers, and driving up costs for services.

NCCAOM has supported legislation to require "active" certification in states that already have CEU requirements of their own. This "active status"

requirement that has now been enacted into law in several large states, including Florida. This effectively keeps those licensees who have already successfully passed their exams tethered to NCCAOM for continued re-certification and payment of additional fees to NCCAOM, for state licensing renewal.

NCCAOM has no regulatory authority in any state, yet their business practices and bottom line are directly impacted by the legislation that they seek and support. This is clearly a conflict of interest between protecting the public by providing a measure of competency via their certification exam, and continuing to add products to their line and to require these new products, as well as "active" status for obtaining licensure or licensure renewal in many states.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/26>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 2:18 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 14:18 Submitted by anonymous user [REDACTED] Submitted values are:

First Name: William

Last Name: Morris

Affiliation: The UPS Store

Full Email Address [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

Hello,

As s franchisee of The UPS Store since 2006 it has become very apparent to me that what this has evolved into is my running a company store on my dollar. I have no real say in any of the day to day operations as to where I source my equipment or products - all must be purchased from the franchisor list of approved vendors, they set the amount of hours I must be open, they set the pricing and control the cost of our primary product - UPS shipping. They make business decisions such as the new store design or new uniform requirements with no regard to the expense that the franchisee will incur because of these decisions and when you complain the threaten you with default letters. This has become a very one sided agreement with what feels like absolutely no support from the franchisor

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/54>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 5:06 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 17:05 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Elli

Last Name: Ochena

Affiliation: Independent Magnet Nation

Full Email Address: [REDACTED]

Telephone: [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment:

The existence of mixed reality portals and internet language/operating functions are rapidly moving towards all galactic communications. Not only are systems misreading information and allowing overlaps and entries into other matrix fields across the infinite universe, but there are those who have already become part of the digital construct and are manipulating and re-writing history. I have traveled to several extreme circumstantial worlds, and have witnessed virtual reality game mod's slip into the local 5g network streaming through a small town. In relation to the FTC, I would suggest advanced security measures and dosed circuit exterior data gathering offline.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/62>

From: Federal Trade Commission via Federal Trade Commission
Sent: Sunday, October 17, 2021 1:31 AM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Sunday, October 17, 2021 - 01:30 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Jose

Last Name: Orozco Garcia

Affiliation: N/A

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition

- Consumer Protection

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

Hello Federal Trade Commission,

Sometimes, We are unaware of other peoples's problems or the purpose of every department in government, or unknown smile, till we are in somebody's shoes.

I want thank you for the job, FTC, you do.

I would like to share some experiences, and take this seriously, as you do. I had some illogic experiences. I would say is a bad day, a lucky day, it was just a mistake, it's a joke, doesn't make sense, a bipolar person, act of kindness, overreacting excuse and on and on,. I could find, identity a thousand excuses used to report, mainly to do fraudulent acts or identity theft. These are some examples, I've experienced en the last year. Unfair practices and methods of law enforcement make it difficult to report all kind of abuses, leaving consumers and or citizens unprotected. I could identify a posible network or correlation between different subjects I've been thru.

In other hand, how deceptive methods of business abusing of their position, threatening or stepping over of consumers.

I am reporting some possible scammers, fraud and possible identity theft.

People going crazy with COVID-19. I can say I'm crazy or everyone is a bit crazy, cause we are humans. I follow the protocol, however my believe doesn't agree with the marketing.

Looking forward for the open meeting,

My best,

Jose Garcia
[REDACTED]

The results of this submission may be viewed at:
<https://www.ftc.gov/node/1591350/submission/2>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 11:01 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 11:01 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Rachel

Last Name: Rocco

Affiliation: Type 1 Diabetic for 40 Years/T1International/Mississippi USA Full Email Address [REDACTED] Confirm Email

Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

People cannot access and afford the Insulin they need to live and survive because of the price-fixing practices of the Big Three manufacturers.

I am asking the Federal Trade Commission to make Insulin a priority issue on the Competition Council.

I am asking that the FTC Protect All American Consumers who need life sustaining medication. 1 in 2 people with Diabetes can not afford Insulin.

Insulin is a Life Saving Prescription Treatment that to most Diabetics cannot live with out for the rest of their lives, it cannot work if those who need it cannot afford it. I myself have been a Type 1 Diabetic since I was 2 years old, I have struggled in my life to pay for the increasing cost of insulin and contemplate how I will pay for it in the future if the costs continue to rise.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/10>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 1:08 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 13:08 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Rebecca

Last Name: Rutz

Affiliation: Mother of Type 1 Diabetic/T1D International/Mississippi Full Email Address: [REDACTED]

Telephone: +1 [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection

Register to speak during meeting: No

Link to web video statement: Mississippi Submit written comment: People cannot access and/or afford their insulin because of the price-fixing practices of the big three pharmaceutical companies. 1 in 2 diabetics cannot afford insulin. Those that cannot afford their life-sustaining treatment prescriptions which they must take for a lifetime, must go without or must ration what they can access. Both options are life-threatening. I am asking the Federal Trade Commission to protect the American consumers with life-threatening conditions. I am asking the Federal Trade Commission to make insulin a priority issue on the Competition Council.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/34>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 9:43 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 09:42 Submitted by anonymous user [REDACTED] Submitted values are:

First Name: Tyson

Last Name: Slocum

Affiliation: Public Citizen, Inc.

Full Email Address: [REDACTED]

Confirm Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment: In the past, the FTC has submitted formal comments to the Federal Energy Regulatory Commission regarding FERC's weak corporate affiliation standards. With FERC promoting competition as the basis of its market operations, weak corporate affiliation standards undermine power market competitiveness - especially with the rise of private equity in controlling energy infrastructure. The FTC should revisit its 2009 comments to FERC and reach out to FERC Chairman Glick about the importance that effective affiliation rules serve to ensure competition.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/34>

From: Federal Trade Commission via Federal Trade Commission

Sent: Saturday, October 16, 2021 1:58 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Saturday, October 16, 2021 - 01:58 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Anna

Last Name: Squires

Affiliation: T1International-USA

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment: I am asking the FTC to make insulin a priority issue at this meeting. Access to insulin, life to those with type 1 diabetes, should not be dependent on whether or not someone can afford it. Three companies control 90% of the world's insulin market. Therefore, they feel they can charge whatever they see fit. To them diabetics are nothing more than a money making scheme. We must hold them accountable. We must allow all who need it the access to insulin. Insulin is a human RIGHT.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/2>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 11:46 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 23:45 Submitted by anonymous user [REDACTED] Submitted values are:

First Name: Anna

Last Name: Squires

Affiliation: T1International

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement:

Submit written comment: I am asking the FTC to make insulin a priority issue on the Competition Council. Insulin is a matter of life and death for type 1 diabetics. This disease does not discriminate or care how much you make; everyone who needs it should be able to afford it. The cost of insulin production has remained steady, yet the cost to purchase insulin has increased rapidly since 2009. People should not have to ration the very medication that keeps them alive.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/66>

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 8:55 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 08:54 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Tiffanie

Last Name: Steinruck

Affiliation: Parent of child that got covid in school Full Email Address: [REDACTED]

Telephone: +1 [REDACTED]

FTC-Related Topic: Competition

Register to speak during meeting: No

Link to web video statement: Pennsylvania Submit written comment: I would like a payment due to covid and quarantine while my child was sick

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/30>

From: Federal Trade Commission via Federal Trade Commission >

Sent: Monday, October 18, 2021 5:53 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021
Open Commission Meeting

Submitted on Monday, October 18, 2021 - 17:52 Submitted by anonymous user:

[REDACTED]

Submitted values are:

First Name: Diana

Last Name: Stover

Affiliation: Professor, Media Law & Ethics, School of Journalism & Mass Communications, San Jose State University

Full Email Address [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Consumer Protection

Register to speak during meeting: No

Link to web video statement: California

Submit written comment:

I don't want to comment. I just want to have the 15-20 students in my class that begins at 4 p.m. ET watch the proceedings. How do we get access to the live hearing? Will it be on C-Span?

Prof. Diana Stover

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/70>

From: Federal Trade Commission via Federal Trade Commission
Sent: Saturday, October 16, 2021 11:32 AM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Saturday, October 16, 2021 - 11:32 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Peter

Last Name: Swire

Affiliation: School of Cybersecurity and Privacy, Georgia Institute of Technology Full Email Address [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic: Consumer Protection

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment:

The purpose of my registering to speak at the FTC meeting is to place into the record extensive previous research on what data Internet Service Providers can access about their users' Internet activity. The research below provides factual results about ISP access to data, and does not make any policy recommendations.

One theme of the research is that ISPs have less than "comprehensive" knowledge about their users' Internet activity due to the increasing prevalence of encryption. Historically, ISPs could potentially use deep-packet inspection to learn a great deal about users' activity. Where there is encryption in transit, however, the ISPs can no longer see the content of the communication. The 2016 research documented the large and growing prevalence of encryption; although I do not have new statistics on the topic, such encryption has become even more prevalent since 2016.

(1) Comments submitted to the Federal Communications Commission on Protecting the Privacy of Broadband and Other Communications Services: Peter Swire, Justin Hemmings & Alana Kirkland, "Online Privacy and ISPs: ISP Access to Consumer Data is Limited and Often Less Than Access by Others", May 2016, <https://peterswire.net/wp-content/uploads/online-privacy-isp.pdf>

(2) Reply Comments submitted to the Federal Communications Commission on Protecting the Privacy of Broadband and Other Communications Services: Peter Swire & Justin Hemmings, "Supplementing the Record About Limits on ISP Comprehensive and Unique Visibility," July 6, 2016, <https://peterswire.net/wp-content/uploads/Swire-Reply-Comments.pdf>

(3) U.S. Senate Commerce Committee Hearing, "How Will the FCC's Proposed Privacy Regulations Affect Consumers and Competition": Testimony of Peter Swire, July 12, 2016, https://iisp.gatech.edu/sites/default/files/images/swire_commerce_fcc_privacy_comments_07_12_2016.pdf

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/6>

From: Carl M. Szabo [REDACTED]
Sent: Monday, October 18, 2021 5:52 PM
To: OpenMeeting <openmeetings@ftc.gov>
Cc: Steve DelBianco [REDACTED]; Jennifer Huddleston [REDACTED];
Trace Mitchell [REDACTED]; Chris Marchese [REDACTED]; Zach Lilly
[REDACTED]
Subject: RE: Public Comment for the Record: FTC Open Meeting, October 21, 2021

Please find attached and include in the record the NetChoice Comment for the Record for the FTC Open Meeting, October 21, 2021

Thank you,

-Carl

[Carl Szabo | NetChoice](#)
Vice President and General Counsel
[REDACTED]

NetChoice Comment for the Record: FTC Open Meeting, October 21, 2021

NetChoice¹ is a trade association of leading internet businesses that promotes the value, convenience, and choice internet business models provide American consumers. Our mission is to make the internet safe for free enterprise and for free expression. We also work to promote the integrity and availability of the internet on a global stage, and are engaged on issues in the states, in Washington, D.C., and in international internet governance organizations.

Introduction

We welcome the opportunity to provide the Federal Trade Commission with feedback at its open meeting on October 21, 2021

As discussed below, we outline our disappointment with the recent activities which continue to undermine public trust in the Commission. In particular, we are disappointed with the Commission's continuously shrinking public comment window,

We appreciate the Commission's consideration of our views, welcome the opportunity to provide any additional information or answer any questions, and hope the FTC will return to an age of bi-partisan work.

The Problems with Adopting Major Policy Changes without Providing Adequate Opportunity for Meaningful Public Comment

We must again² express our disappointment in the Commission's seeming lack of effort in soliciting public input. Previously public comment was allowed for as little as three days -- again without providing the actual text of the underlying changes. For the Sept 15, 2021 open meeting this window for public comment was less than three business days and only five days total. Moreover, this notice and comment period fell during the Jewish Holy Week. And for this comment period it was a mere three days.

¹ NetChoice is a trade association of e-Commerce and online businesses, at www.netchoice.org. The views expressed here do not necessarily represent the views of every NetChoice member.

² See NetChoice Comment for the Record: FTC Open Meeting, July 21, 2021

This continued diminution in public comment periods, whether intentional or otherwise, gives the impression that the Commission and its new Chair are not seriously interested in comments from the public. This is especially confusing since, in May 2020, Chair Khan and Commissioner Chopra published a law review article themselves arguing that FTC rules should be established through:

“[A] transparent and participatory process, ensuring that everyone who may be affected by a new rule has the opportunity to weigh in on it, granting the rule greater legitimacy”

and that the agency should

“[C]onsider and address all submitted comments before issuing the final rule.”³

We agree. Such opportunities for public input and opportunities for FTC staff to speak about proposed and past decisions with the public help to ensure public trust in the Commission. As an agency designated to protect consumers, it's critical to recognize that trust is a two-way street -- as Chair Khan and Commissioner Chopra suggested in their May 2020 article.

But it is hard to square these assertions with the Commission's recent behavior unless it is to be believed that public input is invaluable for the making of a rule, but not for decisions to fundamentally overhaul the rulemaking process itself. Public input is important not just for rulemaking, but for any major decision made by the FTC that substantially impacts its approach to regulation and enforcement.

This is the third open meeting at the FTC since Commissioner Khan was appointed with less than the standard 30 days for public comment and shows a continued effort to shorten that window for comments to now less than a week. These meetings also have no scheduled pattern of recurrence that would otherwise notify the public that they had a potential opportunity to submit comments or feedback on upcoming or recent actions.

Not only is the pre-meeting time period for public comment inadequate by most existing procedural standards, the FTC's behavior has indicated it has not taken into consideration the public comments submitted. This is evidenced not only by the deadline and short period of time for submission, but also the Commission's hearing from registered speakers only after votes on the agenda have occurred. The result is

³ Rohit Chopra and Lina M. Khan, *The case for "unfair methods of competition" rulemaking*, 87(2) University of Chicago Law Review 357, 368-69 (2020).

commissioners have no time to actually read or contemplate the comments submitted on some of the most significant proposals that the FTC has adopted in decades. The actions involved rescinding a policy statement that tied the FTC's enforcement principles to the lodestar of American antitrust analysis: consumer welfare. The actions also involved gutting the reasonable restrictions imposed on the FTC's rulemaking procedures and removing requirements that ensured the public had a role to play in such a process.

These are major changes that the FTC should have wanted to make only after receiving meaningful input from the public. In fact, these are changes that make the need for public comment all the more necessary, as they remove reasonable restraints on the FTC's broad and potentially devastating power. As a result, there have been not only objections to the policy changes but the process (or lack of process) through which they are made. As Commissioner Wilson and Commission Phillips argue in one of their dissents to these decisions, "What the changes – adopted without public input – in fact do is fast-track regulation at the expense of public input, objectivity, and a full evidentiary record."⁴

Unfortunately, rather than changing course, the Commission continued providing *less time for public comment* for its second open meeting -- fewer than 7 days for public comment, two of which are over the weekend, and *even less time for public comment* for its third open meeting -- fewer than 5 days for public comment, two of which are over the weekend.

While we are grateful that the FTC decided to include at least some period between when the comments are due and when the voting will actually take place this time around, we are skeptical that three days is sufficient to meaningfully consider the significant amount of public commentary it receives on these important issues.

Going forward, if the FTC's true goal is greater public input and transparency as it has indicated, we ask that the Commission provide adequate time for public comments and meaningfully consider such comments before adopting major policy changes that will impact the entire United States economy.

⁴ Federal Trade Commission, Dissenting Statement of Commissioners Christine S. Wilson and Noah Joshua Phillips Regarding the Commission Statement On the Adoption of Revised Section 18 Rulemaking Procedures (Jul. 9, 2021), <https://www.ftc.gov/public-statements/2021/07/dissenting-statement-commissioners-noah-joshua-phillips-christine-s-wilson>.

Conclusion

As always, we stand ready to work with the Commission to achieve beneficial outcomes that promote the interests of the United States and benefit American consumers and innovation. We appreciate your consideration of our views.

Sincerely,

Carl Szabo, Vice President & General Counsel

Chris Marchese, Counsel

Jennifer Huddleston, Policy Counsel

Trace Mitchell, Policy Counsel

Zach Lilly, Policy Manager

NetChoice

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 5:52 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 17:52 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Carl

Last Name: Szabo

Affiliation: NetChoice

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition

- FTC Operations

Register to speak during meeting: No

Link to web video statement:

Submit written comment:

NetChoice is a trade association of leading internet businesses that promotes the value, convenience, and choice internet business models provide American consumers. Our mission is to make the internet safe for free enterprise and for free expression. We also work to promote the integrity and availability of the internet on a global stage, and are engaged on issues in the states, in Washington, D.C., and in international internet governance organizations.

–Introduction–

We welcome the opportunity to provide the Federal Trade Commission with feedback at its open meeting on October 21, 2021

As discussed below, we outline our disappointment with the recent activities which continue to undermine public trust in the Commission. In particular, we are disappointed with the Commission's continuously shrinking public comment window,

We appreciate the Commission's consideration of our views, welcome the opportunity to provide any additional information or answer any questions, and hope the FTC will return to an age of bi-partisan work.

–The Problems with Adopting Major Policy Changes without Providing Adequate Opportunity for Meaningful Public Comment –

We must again express our disappointment in the Commission's seeming lack of effort in soliciting public input. Previously public comment was allowed for as little as three days – again without providing the actual text of the underlying changes. For the Sept 15, 2021 open meeting this window for public comment was less than three business days and only five days total. Moreover, this notice and comment period fell during the Jewish Holy Week. And for this comment period it was a mere three days.

This continued diminution in public comment periods, whether intentional or otherwise, gives the impression that the Commission and it's new Chair are not seriously interested in comments from the public. This is especially confusion since, in May 2020, Chair Khan and Commissioner Chopra published a law review article themselves arguing that FTC rules should be established through:

“[A] transparent and participatory process, ensuring that everyone who may be affected by a new rule has the opportunity to weigh in on it, granting the rule greater legitimacy”

and that the agency should

“[C]onsider and address all submitted comments before issuing the final rule.”

We agree. Such opportunities for public input and opportunities for FTC staff to speak about proposed and past decisions with the public help to ensure public trust in the Commission. As an agency designated to protect consumers, it's critical to recognize that trust is a two-way street – as Chair Khan and Commissioner Chopra suggested in their May 2020 article.

But it is hard to square these assertions with the Commission's recent behavior unless it is to be believed that public input is invaluable for the making of a rule, but not for decisions to fundamentally overhaul the rulemaking process itself. Public input is important not just for rulemaking, but for any major decision made by the FTC that substantially impacts its approach to regulation and enforcement.

This is the third open meeting at the FTC since Commissioner Khan was appointed with less than the standard 30 days for public comment and shows a continued effort to shorten that window for comments to now less than a week. These meetings also have no scheduled pattern of recurrence that would otherwise notify the public that they had a potential opportunity to submit comments or feedback on upcoming or recent actions.

Not only is the pre-meeting time period for public comment inadequate by most existing procedural standards, the FTC's behavior has indicated it has not taken into consideration the public comments submitted. This is evidenced not only by the deadline and short period of time for submission, but also the Commission's hearing from registered speakers only after votes on the agenda have occurred. The result is commissioners have no time to actually read or contemplate the comments submitted on some of the most significant proposals that the FTC has adopted in decades. The actions involved rescinding a policy statement that tied the FTC's enforcement principles to the lodestar of American antitrust analysis: consumer welfare. The actions also involved gutting the reasonable restrictions imposed on the FTC's rulemaking procedures and removing requirements that ensured the public had a role to play in such a process.

These are major changes that the FTC should have wanted to make only after receiving meaningful input from the public. In fact, these are changes that make the need for public comment all the more necessary, as they remove reasonable restraints on the FTC's broad and potentially devastating power. As a result, there have been not only objections to the policy changes but the process (or lack of process) through which they are made. As Commissioner Wilson and Commission Phillips argue in one of their dissents to these decisions, “What the changes – adopted without public input – in fact do is fast-track regulation at the expense of public input, objectivity, and a full evidentiary record.”

Unfortunately, rather than changing course, the Commission continued providing less time for public comment for its second open meeting – fewer than 7 days for public comment, two of which are over the weekend, and even less time for public comment for its third open meeting – fewer than 5 days for public comment, two of which are over the weekend.

While we are grateful that the FTC decided to include at least some period between when the comments are due and when the voting will actually take place this time around, we are skeptical that three days is sufficient to meaningfully consider the significant amount of public commentary it receives on these important issues.

Going forward, if the FTC's true goal is greater public input and transparency as it has indicated, we ask that the Commission provide adequate time for public comments and meaningfully consider such comments before adopting major policy changes that will impact the entire United States economy.

–Conclusion–

As always, we stand ready to work with the Commission to achieve beneficial outcomes that promote the interests of the United States and benefit American consumers and innovation. We appreciate your consideration of our views.

Sincerely,

Carl Szabo, Vice President & General Counsel
Chris Marchese, Counsel
Jennifer Huddleston, Policy Counsel
Trace Mitchell, Policy Counsel
Zach Lilly, Policy Manager

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/66>

From: Federal Trade Commission via Federal Trade Commission

Sent: Saturday, October 16, 2021 11:43 PM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Saturday, October 16, 2021 - 23:42 Submitted by anonymous user: [REDACTED] Submitted values are:

First Name: Adam

Last Name: Towvim

Affiliation: Brandeis University, International Business School Full Email Address: [REDACTED] Confirm Email Address:

[REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition

- Consumer Protection

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment: As a member of Brandeis University's International Business School Faculty, advisor the Future of Privacy Forum, an advisor/researcher on adtech & privacy matters for data and media companies, and someone who has helped start self-regulatory industry initiatives for the Digital Advertising Alliance and Mobile Marketing Association, I believe I represent a unique perspective on the matters before the Commission on October 21. I would be honored to speak and share a concise summary of my research in the area of consumer privacy, digital media, advertising, and ISPs. I am confident I can provide a clear context for the good work being done by the Commission.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/30>

From: Lauren Tripp [REDACTED] >
Sent: Monday, October 18, 2021 4:18 PM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: Competition

To the FTC Commission,

My name is Lauren Tripp and I have been a Type 1 Diabetic for 18 years. I was diagnosed as an adult just short of my 21st birthday. Not only did I get to learn how to navigate the harrowing live of living with Type 1, I had to learn how to deal with both insurance payments and affording insulin on my own.

In the past 18 years insulin prices, the short acting insulin I use, has gone from \$50 per bottle to \$347 per bottle. No, it is not a new formula, nor does it work any better. I joke that it doesn't make me jump higher or run faster, it is the same formula of insulin I have always used. I use 3 bottles of insulin a month to stay alive in my insulin pump, and if I stopped using insulin today I would die within 48 hours. I need insulin to live. All Type 1 Diabetics, T1Ds, need insulin to live. We walk the delicate line of living with this disease while trying to not only stay alive, but trying to afford to stay alive. Price-fixing practices of the Big Three insulin manufactures have caused many Type 1 Diabetics to ration their insulin due to not being able to afford insulin. These diabetics literally are choosing between food, housing, or insulin. Insulin rationing can have dire long term consequences such as loss of vision, diabetic neuropathy, even death. Sometimes, the T1Ds think they can wait on the insulin, ration it, and either end up being hospitalized for Diabetic Ketoacidosis or they die. These deaths are completely preventable and are a direct consequence of insulin pricing being so high.

We, as T1Ds, work extremely hard to stay alive everyday, we deserve to be able to afford to stay alive. We deserve to not have large corporations making money off of our lives. I have been an advocate for Type 1 Diabetes for all of my 18 years. I am exhausted. Being told your exact worth in dollar signs repeatedly is extremely dehumanizing. We deserve to be treated like human beings and not commodities.

I am asking asking the FTC to make insulin a priority issue on the Competition Council. We need your help. Something has to change or more insulin dependents are going to die due to insulin rationing, especially if insulin prices continue to rise.

Thank you for your time,
Lauren Tripp
Type 1 Diabetic
Michigan

[REDACTED]

From: Waltzman, Howard W. [REDACTED]
Sent: Monday, October 18, 2021 7:31 PM
To: OpenMeeting <openmeetings@ftc.gov>
Subject: 21st Century Privacy Coalition Submission for the FTC's October 21 Open Meeting

Attached please find the 21st Century Privacy Coalition's Submission for the FTC's October 21 Open Meeting.

Best regards,

Howard

Howard W. Waltzman

Partner

Mayer Brown LLP

www.mayerbrown.com



This email and any files transmitted with it are intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Mayer Brown is a global services provider comprising an association of legal practices that are separate entities, including Mayer Brown LLP (Illinois, USA), Mayer Brown International LLP (England), Mayer Brown (a Hong Kong partnership) and Tauil & Chequer Advogados (a Brazilian partnership). Information about how we handle personal information is available in our [Privacy Notice](#).

21st Century Privacy Coalition Comment for the Record: Federal Trade Commission Open Meeting, October 21, 2021

Introduction

The 21st Century Privacy Coalition (“Coalition”) welcomes this opportunity to provide input for the Federal Trade Commission’s (“FTC”) Open Meeting agenda item on Internet Service Provider (“ISP”) privacy practices. The Coalition is comprised of the nation’s leading communications companies and trade associations. Our member-companies have a significant interest in fortifying the trust of their customers in their online services and confidence in the privacy and security of customers’ personal information.¹

The FTC conducted an examination of certain ISPs’ privacy practices pursuant to its investigatory authority under Section 6(b) of the FTC Act.² This authority applies to ISPs, though not to communications common carriers. By utilizing its Section 6(b) and other powers granted the agency by the FTC Act, the FTC can help ensure that ISPs protect consumer privacy, which means broadband consumers benefit from the experience and expertise of the federal government’s preeminent privacy and consumer protection agency.

¹ The member companies/associations of the 21st Century Privacy Coalition include AT&T, Comcast, Cox Communications, CTIA, NCTA – The Internet and Television Association, T-Mobile, USTelecom, and Verizon.

² 15 U.S.C. § 46(b).

The FTC Should Take a Holistic and Consistent Approach to Privacy Enforcement Across the Internet Ecosystem

The Coalition encourages the FTC to take a holistic approach to privacy and to ensure that consumers have consistent protections throughout the internet ecosystem. As the FTC is well aware, many different types of businesses collect, use, or share the same types of consumers' online information. ISPs do not have a unique insight into consumers' online activities,³ and all entities that engage with consumers' personal information (and especially their sensitive personal information) should be subject to the same expectations regarding how to respect consumers' rights and to protect their information.⁴

As our nation's leading consumer privacy protection agency, the FTC has brought hundreds of privacy- and data security-related enforcement actions, covering both on- and offline practices and fast-evolving technologies.⁵ The FTC continues to use its enforcement, policy, and educational tools in its privacy and data security work to protect consumers' personal information, while still allowing consumers to enjoy the benefits of the many innovative products offered in today's dynamic marketplace. However, as the collection, use, and sharing of

³ See <https://peterswire.net/wp-content/uploads/Online-Privacy-and-ISPs-1.pdf>; <https://www.law.upenn.edu/live/files/7952-kearns-finalpdf>; Expert Report of Prof. Adam Towvim, *ACA Connects – Amer.'s Commc'n Ass'n v. Frey*, 1:20-cv-00055-LEW (D. Maine, 2021).

⁴ See FED. TRADE COMM'N, *PROTECTING CONSUMER PRIVACY IN AN ERA OF RAPID CHANGE: RECOMMENDATIONS FOR BUSINESSES AND POLICYMAKERS* (2012), <https://www.ftc.gov/sites/default/files/documents/reports/federal-trade-commission-report-protecting-consumer-privacy-era-rapid-change-recommendations/120326privacyreport.pdf>

⁵ See, e.g., FED. TRADE COMM'N, *FTC'S USE OF ITS AUTHORITIES TO PROTECT CONSUMER PRIVACY AND SECURITY* (2020), <https://www.ftc.gov/system/files/documents/reports/reports-response-senate-appropriations-committee-report-116-111-ftcs-use-its-authorities-resources/p065404reportprivacydatasecurity.pdf>; *Oversight of the Federal Trade Commission: Strengthening Protections for American's Privacy and Data Security: Hearing Before the S. Comm. on Commerce, Science, and Transportation*, 116th Congress (2019-2020) (statement of the FTC), https://www.ftc.gov/system/files/documents/public_statements/1578963/p180101testimonyftcoversight20200805.pdf.

personal data have continued to grow in amount and complexity, consumers and businesses are now required to navigate a tangled web of confusing, and often inconsistent, data privacy requirements from various levels of government.

Congress Should Enact a Comprehensive Privacy Law That Empowers the FTC

The Coalition strongly believes that Congress needs to enact federal privacy legislation to provide the FTC with greater statutory clarity with respect to substantive privacy requirements as well as the agency's privacy authority and enforcement tools so it can effectively protect consumer privacy under a new law. Such a law should include several key attributes.

First, legislation should provide a national and uniform set of protections and consumer rights that apply throughout our digital economy. Second, it should ensure strong enforcement of protections that safeguard consumer information where harms could result from either misuse or unauthorized acquisition of that information, while also allowing companies to provide and develop innovative products and services that consumers want. Third, it should require companies to provide consumers clarity and visibility into companies' data collection, use, and sharing practices, as well as easily understandable choices regarding these practices, calibrated to the sensitivity of that data. Fourth, federal privacy legislation should be enforced by the FTC, which has the experience and skill to meaningfully enforce a new law's protections, supplemented by state attorneys general so that one uniform national standard will apply throughout the United States and be enforced at the federal and state level.

The FTC should have the primary authority to enforce a national privacy law, including exclusive oversight of communications providers' privacy practices. The FTC is already protecting consumer privacy, making it experienced and knowledgeable in the field. Moreover, it

is well-equipped to assess the interaction between competition and privacy law in the United States. Congress should make use of these existing strengths, rather than start from scratch with a newly-formed or less-experienced agency.

Federal privacy legislation should support strong enforcement by the FTC, allowing the agency to obtain meaningful results. Rather than being limited to violations of previous orders, Congress should authorize the FTC to fine companies for first-time violations of a new, comprehensive privacy law to provide sufficient incentives for companies to take the necessary steps to ensure responsible use and protection of consumer data. Providing the FTC with enhanced authority to facilitate consumer redress for privacy violations would also ensure that consumers can be compensated directly and promptly when companies engage in harmful data practices.

Congress also should give the FTC more resources to implement federal privacy legislation and effectively utilize these new tools. Despite the ever-growing need for privacy enforcement, the FTC's budget has been flat since 2013. The number of full-time employees lags behind where it was in the early 1980s and comparable bodies tasked with data protection.⁶ Meanwhile, the Internet and the collection, use, and sharing of consumer data have grown enormously.

We urge Congress to address that widening gap to meaningfully support an issue as important and complicated as consumer privacy. Congress must provide the FTC with greater statutory clarity coupled with more resources to protect consumer privacy in America.

⁶ See *Supra* Note 4 at 2-3.

Conclusion

Thank you again for the opportunity to provide the Coalition's input. We look forward to working with the FTC and all stakeholders to develop a national, comprehensive privacy framework that applies in a holistic manner throughout the internet ecosystem.

From: Federal Trade Commission via Federal Trade Commission

Sent: Friday, October 15, 2021 2:35 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Friday, October 15, 2021 - 02:34 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Jon

Last Name: Wickizer

Affiliation: Acknowlogy

Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment: As an inventor in the technology sector with a focus on social inventions that enhance the well being of our society, how is it possible to compete with, protect, defend, and continue to create fairly against larger entities. Groups that have resources to stop, delay, and overly burden, via acts that force litigation, for the less resourced small creators. Knowing that the pace and speed of technology has progressed and so must the ability to respond to these unfair practices. Is there a way to seek assistance from the FTC and other agencies that will allow for timely support so that ideas, patents, and other beneficial creations are not stolen, taken, or used against the wish of the originator. The original intention and design of a small inventor is often times motivated more selflessly to help our human family and not specifically to provide massive returns to investors. It is this motivation that will provide for sound use of social inventions as compared to the more prevalent profit driven demand.

How do we protect the original ideas when they are created by individuals that cannot weather the storm of massive outside influences that often time include our public legal systems and politicians beholden to the larger entities.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/2>

From: Federal Trade Commission via Federal Trade Commission

Sent: Monday, October 18, 2021 11:23 AM

To: OpenMeeting <openmeetings@ftc.gov>

Subject: Form submission from: Speaker Registration and Public Comment Submission Form for October 21, 2021 Open Commission Meeting

Submitted on Monday, October 18, 2021 - 11:23 Submitted by anonymous user: [REDACTED]

Submitted values are:

First Name: Tameaca

Last Name: Vaughn

Affiliation: Consumer in favor of internet privacy and IP providers leaking consumers personal information without permission is a crime Full Email Address: [REDACTED]

Telephone: + [REDACTED]

FTC-Related Topic:

- Competition
- Consumer Protection
- FTC Operations

Register to speak during meeting: Yes

Link to web video statement:

Submit written comment: I have been living in my apartment now for over 2 years. I will not show my any parts of my body naked due to no privacy and security through my IP provider. The IP address is freely devulged online for anyone to do with ad they please if they know how to reroute Wifi service or an employee has a vengeful mind and blasts the consumers IP address and past word due to the majority of passwords for modems are kept right on the modem boxes. No privacy what so ever. Networks involved in gang stalking should be prosecuted too. They allow hackers to steal data. I have a print out from a legal firm expressing to me about a data breach through there system. This was around thsame time weird things happening to my internet connection. I refused to used Wifi due to ut is not secure. My debit card is not activated because I do not trust my IP to give me a secure connection to activate it. There has been fraud on my account with TMobile Money. It seems hard to get refunded for money stolen by scammers. It should be easy to get funds returned. These neteworks have too many ways to sabatoge us as consumers whether done intentional or not. They have too much access to freely do what they want with information that can be linked and controlled by other devices. My tv through Spectrum has not been working properly. It is a Roku tv from Walmart. If this tv can be hacked as a smart tv. I feel this had already been done to my tv where someone could watch me or my son from the hacking through my Roku tv with the information off the back if I have this personal information housed in my photos for my records only. Its so easy for a hacker to steal. Why is that??? I do not feel safe online ever. I use duck duckgo browser. I refuse to use Google if I do not have to. My privacy is definately not warranted with this company. They allowed You Tube channel content creators to know when I watched their You Tube video. That's flagging me and a violation to my privacy to allow YT creators to knlw every time I watched a video, how many times, and all my information if my mobile number and email is attached. They could find out where I live too. I do not feel safe to shop through Google at all. My password since 2017 tells them exactly how I feel about the way they have loosely handled my personal information online because this compnay Google feels they have the right to because they own You Tube. A person who pubicly points out how flawed our network providers are and how loosley our IP addressess are exposed for anyone to see should not be gang stalked for amusement. I can not watch any video on You Tube unless the person knows that I am watching. This is totally wrong for You Tube, Spectrum, some MLB networks to join in with vengeful behavior against one female who has been tired of privacy laws being broken because they feel they can do it. This is my written statement based on whstd currently happening to me and my son.

The results of this submission may be viewed at:

<https://www.ftc.gov/node/1591350/submission/14>