

ALERT

# FTC Announces Rescheduled Hearings on Consumer Privacy and Broadband

February 14, 2019

On February 13, the Federal Trade Commission (FTC) announced that two hearings in its series on Competition and Consumer Protection in the 21st Century – one on the FTC’s approach to consumer privacy and one on competition and consumer protection in U.S. broadband markets – have been rescheduled. These sessions will inform whether the agency updates or revises its guidance in these two critical consumer protection areas. The session on consumer privacy is now set for April 9-10, and the session on broadband is now set for March 20. These sessions were slated to occur earlier in the year and had been canceled during the partial government shutdown.

In describing the hearing on consumer privacy, the agency has suggested that “now is the right time for the Commission to re-examine the approach it developed in 2012.” The Commission’s 2012 report *Protecting Consumer Privacy in an Era of Rapid Change* established the FTC’s framework for addressing consumer privacy and provided extensive recommendations for policymakers and businesses. The FTC has pointed to a number of changed circumstances since that time, including developments in technologies, business models, laws, and policy initiatives. The hearing page includes a wide range of questions on which the Commission is seeking comment, and specifically notes that “[c]omments that contain empirical evidence and data are encouraged.”

The hearing on broadband will examine developments in U.S. broadband markets, technology, and law since the FTC staff’s 2007 *Broadband Connectivity Competition Policy* report and a previous 1996 report. The questions for comment focus on the evolution of broadband technology and markets, identification and evaluation of any exclusionary or anticompetitive conduct, and evaluation of

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advertising claims regarding the delivery speed of content. Under a 2017 Memorandum of Understanding with the FCC, the FTC is responsible for investigating and taking action against unfair or deceptive practices regarding ISPs' broadband services.

Comments are currently due by March 13 for the privacy hearing and by March 15 for the broadband hearing, deadlines that were set prior to rescheduling the hearings.

Additionally, the Commission announced that it will hold a session on international issues in competition, consumer protection, and privacy on March 25-26, a roundtable with State Attorneys General on March 25, and a session on merger retrospectives on April 12. More detailed agendas for each of the sessions will follow.