

Response to Written Questions Submitted by Honorable Roger F. Wicker to Christine Wilson

Question 1. Many online companies are engaging in targeted advertising. Using consumer data, companies can target what they deem to be the most relevant ads to consumers. Should there be more transparency into how the algorithms behind targeted advertising work so that consumers can see how they are being targeted for certain messages?

Response. I have had an opportunity to review publicly available materials regarding the FTC's recent research in this area. If confirmed, I would speak with FTC staff regarding any additional non-public work that the agency has already undertaken in this space, and any conclusions that have been drawn from that work. In conjunction with my colleagues on the Commission, I would carefully evaluate the issues presented by this type of algorithm that fall within the jurisdiction and authority of the FTC and how best to address them.

Question 2. Would third party audits of algorithms be a reasonable way to ensure the algorithms are doing what companies claim and not harming competition or consumer choice? Is this something the FTC might consider looking into?

Response. I have had an opportunity to review publicly available materials regarding the FTC's recent research in this area. If confirmed, I would speak with FTC staff regarding any additional non-public work that the agency has already undertaken in this space, and any conclusions that have been drawn from that work. In conjunction with my colleagues on the Commission, I would carefully evaluate the issues presented by this type of algorithm that fall within the jurisdiction and authority of the FTC and how best to address them.

Response to Written Questions Submitted by Honorable Dan Sullivan to Christine Wilson

Question 1. As a former Attorney General of Alaska, I always appreciated coordination with federal agencies where appropriate, and the opportunity to communicate solutions that made the most sense for Alaskans. Given the importance of state attorneys general to the FTC's antitrust enforcement, please describe your views on the working relationship between the FTC and state attorneys general.

Response. In my experience, the FTC and the state AGs have had a close and constructive working relationship. If confirmed, I would encourage FTC staff and my fellow Commissioners to continue this tradition.

Question 2. As you know, the state I represent is unique which means its problems are unique and require unconventional solutions. In a highly rural state like Alaska, many communities are not connected by roads, challenging weather conditions prohibit timely delivery of mail and other essential services, and quality connectivity is considered a luxury. One of your objectives at the Commission is consumer protection and education. How will you ensure that rural constituents like mine have the tools they need to make informed decisions and in cases of abuse that require follow up, for example data breaches or identity theft, the information necessary to mitigate risks and resolve the issue?

Response. It is important that the FTC's good work on consumer protection and consumer education be made available to all citizens, including your constituents and those who are similarly situated in rural communities across America. The FTC has sought in various ways to ensure that its education initiatives and information regarding its enforcement actions reach their intended audiences. For example, during my tenure as Chairman Muris' Chief of Staff, the FTC rolled out many Spanish-language consumer education materials. In addition, many FTC orders require the respondent in an enforcement proceeding to distribute to customers, board members, and other stakeholders materials pertaining to the alleged law violations. If confirmed, I look forward to working with the FTC staff (including in the FTC regional offices) and my colleagues on the Commission to ensure that ever-increasing numbers of consumers — including those in rural communities — are able to obtain needed information.

Question 3. In your prepared statement, you discuss anticompetitive consolidation, which immediately called to mind the enormous market capitalization of tech companies. Recent calculations value the four largest tech companies' capitalization at \$2.8 trillion dollars, which is a staggering 24% of the S&P 500 Top 50, close to the value of every stock traded on the Nasdaq in 2001, and to give a different perspective, approximately the same amount as France's current GDP. Press reports have also noted allegations of increased anti-competitive behavior by some of these companies. Is there a point at which these companies are simply too big from an antitrust standpoint?

Response. The size of a company may or may not indicate the existence of market power, and it is market power, not size per se, that lies at the heart of antitrust analysis. Companies that grow by providing innovative products and services at attractive prices (i.e., through superior skill, foresight, and industry, in the words of a seminal antitrust case) create benefits for consumers.

In these instances, the FTC most effectively promotes consumer welfare by refraining from intervening. But companies that grow or maintain their preeminence by engaging in what may be anticompetitive or exclusionary conduct can and should be closely scrutinized by the FTC.

Response to Written Questions Submitted by Honorable Dean Heller to Christine Wilson

Question. When Congress passed the Fairness to Contact Lens Consumers Act in 2003, it was a pro-consumer measure that ensured consumers automatically receive a copy of his or her prescription after an eye exam – without having to ask for it, pay an additional fee, or sign a waiver. Do you agree that consumers should receive copies of their prescriptions as Congress intended so that they can use the prescription to purchase their contact lenses from a source of their choosing?

Response. Yes.

Response to Written Questions Submitted by Honorable Jim Inhofe to Christine Wilson

Question. The Federal Trade Commission can be an advocate for competition and an unfettered free market – both here in the United States and abroad. You have a background dealing with antitrust enforcement and consumer protection regulations internationally. How can the Federal Trade Commission continue to lead on antitrust enforcement and consumer protection issues such as fraud prevention on the international stage? What more can the Federal Trade Commission do to ensure that due process is respected and US consumers and companies are treated fairly by other jurisdictions.

Response. The FTC has long provided an important perspective on the sound enforcement of competition and consumer protection issues in the international arena. The FTC makes its views known through its participation in multilateral organizations like the OECD and the International Competition Network, through formal bilateral relationships between the U.S. and other jurisdictions, through informal consultations, and through technical assistance programs. Given the proliferation of competition and consumer protection regimes abroad, and the emergence of decisions by foreign authorities potentially motivated either by a desire to protect national champions or by other industrial engineering considerations, these efforts are more important than ever. As your question notes, I have worked extensively on international competition/consumer protection law and policy issues, and if confirmed, I would hope to contribute significantly to the efforts of the FTC to promote due process and sound enforcement abroad. Moreover, given the importance of international cooperation when addressing fraud, if confirmed, and in conjunction with my colleagues, I would support continued robust global cooperation to combat fraud and to identify ever better ways to identify and halt this pernicious conduct.