

Response to Written Questions Submitted by Honorable Roger F. Wicker to Noah Joshua Phillips

*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. Enhancing the ability of advertisers to reach consumers who have a higher likelihood of wanting to purchase particular products can benefit both consumers and advertisers, but consumers are rightly interested in the means by which they are reached. If confirmed, I would be willing to explore this question with my colleagues and career staff.

*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. In my oral testimony before the Committee, I discussed the need of the FTC to keep abreast of trends in technology and business practices. The increasing use of algorithms in determining pricing and other questions is a good example of a trend that, I believe, the FTC needs to monitor closely. If confirmed, I would be interested in looking into this issue, including the question whether the audits you mention are a reasonable way to protect consumers and promote competition.

Response to Written Questions Submitted by Honorable Dan Sullivan to Noah Joshua Phillips

*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. My view is that State Attorneys General can be a "force multiplier" to help the FTC deal with those who violate the law, and that they provide indispensable information about what is going on in their respective states. I believe that coordination between the FTC and State Attorneys General is important to the agency's mission.

*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. The consumer protection mission of the FTC extends to all Americans, wherever they are and wherever they live; and consumer education is an important part of that. If confirmed, I will work with staff and my colleagues to examine the FTC's performance of its objectives in rural areas, including Alaska. I would also look forward to working with your office on how the FTC can better serve Alaskans.

*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. Like many Americans, I experience daily the profound impact these companies have on my life and the lives of those around me. Their size and scope is remarkable. Under our antitrust laws, size is not, in and of itself, a cause for concern. It may reflect success in providing consumers with products and services that they value, improving their welfare. But growth or the maintenance of market power through anticompetitive conduct can violate the law and hurt consumers, and the FTC has an important role to play in enforcing the law. That no one – and no corporation, no matter how large – is above the law is a bedrock principle of American justice. I believe the FTC should apply the law fairly and carefully, no matter who may be violating it.

Response to Written Questions Submitted by Honorable Dean Heller to Noah Joshua Phillips

*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. Our constitutional system gives it to Congress to write the laws and the Executive Branch – including the FTC – to enforce them. The FTC should always strive to give effect to the intent of Congress, as reflected in the text of the laws it passes. As a consumer, I have certainly found it beneficial to be able to take my eyeglass prescriptions with me. As a nominee, I have not studied the Contact Lens Rule in depth. I do understand that the agency has received substantial input from a wide variety of stakeholders over several years, and is convening a workshop next month on the ongoing review of the Rule. If confirmed, I look forward to working with staff and my colleagues to review the results of that work to determine the best course forward as the FTC reviews the Contact Lens Rule.