



September 17, 2024

Chair Lina Khan
Commissioner Rebecca Slaughter
Commissioner Alvaro Bedoya
Commissioner Melissa Holyoak
Commissioner Andrew Sullivan

Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chair Khan and Commissioners,

As advocates for communities that have often been disproportionately impacted by unfair consumer practices, we are encouraged by the Federal Trade Commission’s efforts to outlaw abusive “junk fees.” However, we also strongly urge the Commission to make sure your final rules don’t conflict with or complicate already-existing consumer protection rules overseen by other federal agencies in ways that could – however unintentionally – leave consumers with *less* information or *fewer* choices.

Given that the FTC’s jurisdiction sometimes abuts or overlaps the consumer protection mandates of many other federal agencies, we encourage you to coordinate closely with those agencies to understand how your proposed rules may intersect or conflict with existing regulations.

For example, the DOT’s recent announcement of a ban on airlines’ family seating junk fees is a welcome development; the FTC must make sure its own junk fee rulemaking efforts do not interfere with or complicate the DOT’s important initiative.

As another example, the FTC’s “hidden fees” rulemaking reportedly uses a different definition of “all-in pricing” than that used by the FCC in regulating communications providers’ advertised prices. This disparity could confusingly require providers to display two different prices in a single ad – or, more likely, lead to providers just removing pricing from their ads altogether to avoid the risk of non-compliance. Our organizations invested countless hours working with the FCC to develop standards for “broadband nutrition labels” aimed at better communicating pricing information to broadband customers; however well-intentioned, duplicative FTC rules that undermine this previous work would be an avoidable mistake.

The FTC's "negative option" rulemaking, similarly, proposes to regulate communications providers' customer service practices that are already closely and regulated by the FCC. That kind of duplication between agencies is not an effective model for good government, nor does it offer businesses – particularly small businesses for whom compliance and legal costs are a very real burden – the clarity they need to understand the rules of the road.

We thank you again for your important work to protect consumers from the scourge of clearly abusive, bad faith "junk fees." Through careful coordination that avoids duplicating other agencies' longstanding consumer protection efforts, the FTC can ensure its rules deliver strong consumer benefits while avoiding unnecessary costs, complications, and confusion.

Sincerely,

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Business Forward

Japanese American Citizens League (JACL)

MANA- A National Latina Organization

Multicultural Media Telecom and Internet Council (MMTC)

National Action Network

National Coalition on Black Civic Participation

National Urban League

OCA-Asian Pacific American Advocates

Progressive Policy Institute

Ser National Inc.