

U. S. House of Representatives
Washington, D. C. 20515

November 19, 2012

The Honorable Jon Leibowitz, Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Chairman Leibowitz,

We have read with great concern recent reports of information leaks from those inside the Federal Trade Commission's (FTC) antitrust investigation of Google. These reports suggest that the FTC is preparing to use Section 5 of the FTC Act to avoid proving some of the elements of a claim required under Section 2 of the Act. Such a massive expansion of FTC jurisdiction would be unwarranted, unwise, and likely have negative implications for our nation's economy.

The FTC has a responsibility to remain fair and impartial while protecting the confidentiality of internal discussions among the parties involved. The release of sensitive details from an internal draft FTC staff report is irresponsible and potentially compromises an investigation that has yet to be voted on by the full Commission.

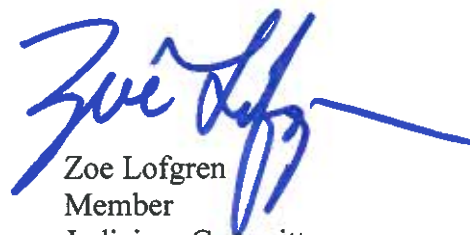
Expanding the FTC's Section 5 powers to include antitrust matters could lead to overbroad authority that amplifies uncertainty and stifles growth. These effects may be most acutely felt among online services, a crucial engine of job creation, where technological advancement and small business innovation are rapid. If the FTC indeed intends to litigate under this interpretation of Section 5, we strongly urge the FTC to reconsider.

However the FTC concludes its investigation, we are hopeful that it will be done swiftly, fairly, and within the appropriate limits of the FTC's authority. Thank you for your attention to this important matter.

Sincerely,



Anna G. Eshoo
Ranking Member
Communications and Technology Subcommittee
Energy and Commerce Committee



Zoe Lofgren
Member
Judiciary Committee

cc: The Honorable J. Thomas Rosch, Commissioner, Federal Trade Commission
The Honorable Edith Ramirez, Commissioner, Federal Trade Commission
The Honorable Julie Brill, Commissioner, Federal Trade Commission
The Honorable Maureen K. Ohlhausen, Commissioner, Federal Trade Commission