



Congress of the United States
House of Representatives

October 9, 2012

Jon Leibowitz
Chairman
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Chairman Leibowitz:

I have read several recent press reports that the Federal Trade Commission is entering the final stages of its investigation of Google's business practices; by one account the Commission is considering bringing an antitrust complaint against Google. As a high-tech entrepreneur and someone who has actually used Google's advertising tools to grow my businesses, I encourage the Commission to tread carefully and not undertake action that would compromise the important service provided by Google, reduce Google's ability to rapidly innovate and improve its products, or make search engine results less useful for consumers or businesses.

Before coming to Congress, I founded several technology startups. After co-founding American Information Systems, an Internet Service Provider in 1994, I helped establish Bluemountain.com, an online greeting card site, and in the late 1990s I founded the online florist ProFlowers.com. When I started ProFlowers, the concept of selling flowers online instead of through local floral shops was a radical one, but thanks to the democratizing power of the Internet online florists have now become commonplace.

ProFlowers, like many small businesses, uses Google's advertising tools to help grow our business and reach new customers around the world, generating hundreds of new jobs. I've seen firsthand Google's economic impact on my state: in 2011, Google helped generate \$1.4 billion of economic activity for Colorado businesses, website publishers and nonprofits. We take it for granted now, but search engines have democratized access to information and made it possible for consumers to find information and services from the other side of the world. Search engines have also helped businesses tap new markets and new customers.

At a time when the national economy continues to stagnate, it's not clear to me why the FTC should be focusing on a product that consumers seem very happy with, search engines.

While Google is surely a big company and an important service in people's lives, my constituents also use a variety of competing services, including Amazon.com for shopping, iTunes for music and movies, Facebook for social networking and recommendations, and mobile apps like Yelp for finding local businesses. Competition is only a click away and there are no barriers to competition; if I created a better search algorithm I could set up a server in my garage and compete globally with Google. To even discuss applying anti-trust in this kind of hyper-competitive environment defies all logic and the very underpinnings of anti-trust law itself.

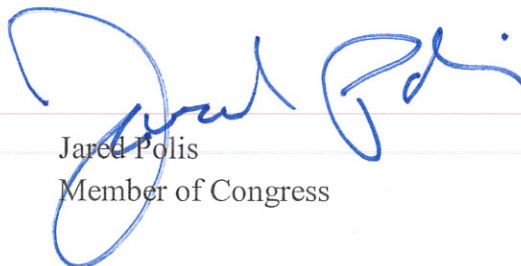
I have never heard one of my constituents say that they don't feel like they have enough choices online, or that they feel locked in to using any of these services. Competition among these services is leading to lots of great services for consumers -- and consumers aren't asking Congress or the FTC to protect them. Quite to the contrary consumers demand the rapid pace of progress and change that has become the norm on the internet.

Earlier this year, we saw during the PIPA/SOPA debate what happens when policymakers try to overregulate Internet content; consumers revolted and made their voices clearly. By the same token, the FTC should tread carefully when reviewing Google, Facebook, Twitter or any other tech company, given the dynamism of our tech industry and the potential for making things worse through regulation. Today's giant can be tomorrow's failure without any government intervention; market forces drive obsolescence at a break neck pace which should only further abrogate the need for government intervention. I believe that application of anti-trust against Google would be a woefully misguided step that would threaten the very integrity of our anti-trust system, and could ultimately lead to Congressional action resulting in a reduction in the ability of the FTC to enforce critical anti-trust protections in industries where markets are being distorted by monopolies or oligopolies.

Several years ago, we called firms like AOL, MySpace and Yahoo "dominant" -- but those firms have struggled to retain consumers online. Given how easily consumers can switch to a new service with just one click, regulators should be wary of intervening in the tremendous competition online.

Thank you for your attention to this matter as the FTC continues its review.

Yours truly,



Jared Polis
Member of Congress