



CELEBRATING 20 YEARS  
**SMALL BUSINESS  
MAJORITY**

**AMERICAN  
ECONOMIC  
LIBERTIES  
PROJECT**

April 9, 2025

The Honorable Andrew Ferguson  
Chairman  
Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington, DC 20580

Dear Chair Ferguson:

We write to urge the Federal Trade Commission to resume use of tools essential to enforcing antitrust laws and ensuring transparency: robust public engagement via open meetings and comment dockets. For example, such engagement would support the FTC’s compliance with President Donald Trump’s recent executive order “delivering emergency price relief for American families and defeating the cost-of-living crisis,” and guarantee business owners continued access to FTC leadership.<sup>1</sup>

For the first time in decades, the FTC began holding monthly open meetings in July 2021.<sup>2</sup> Until recently, these livestreamed and recorded meetings enabled members of the public — “from farmers in Ames, Iowa, and tech founders in Silicon Valley to pharmacists in Kansas City and gig drivers in New York” — and members of Congress, including U.S. Rep. Buddy Carter (R-GA), to observe the FTC’s work and share their experiences with market practices.<sup>3</sup> As the FTC’s most recent strategic plan explained, soliciting public comment at open meetings facilitates the sharing of “information learned directly from consumers” with leadership, case, and legal teams.<sup>4</sup>

The FTC’s new era of democratization also included frequent comment dockets.<sup>5</sup> Together, open meetings and these dockets drove engagement to record levels.<sup>6</sup> For example, the Commission received more than 100,000 public comments in 2024, up from just 13,000 five years earlier.<sup>7</sup>

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<sup>1</sup> “Delivering Emergency Price Relief for American Families and Defeating the Cost-of-Living Crisis,” The White House, Jan. 20, 2025, <https://www.whitehouse.gov/presidential-actions/2025/01/delivering-emergency-price-relief-for-american-families-and-defeating-the-cost-of-living-crisis/>.

<sup>2</sup> Former Commissioner Lina Khan initiated the open meetings two weeks after becoming chair. “FTC Announces Agenda for July 1 Open Commission Meeting,” FTC, June 24, 2021, <https://www.ftc.gov/news-events/news/press-releases/2021/06/ftc-announces-agenda-july-1-open-commission-meeting>.

<sup>3</sup> “A fireside chat with Federal Trade Commission Chair Lina Khan,” Brookings Institution, Jan. 8, 2025, <https://www.youtube.com/watch?v=eSmZokVnkoU>; “Open Commission Meeting - February 17, 2022 Transcript,” FTC, Feb. 22, 2022, [https://www.ftc.gov/system/files/ftc\\_gov/pdf/FTC%20Transcript%20February%2017%2C%202022%20Open%20Commission%20Meeting.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/FTC%20Transcript%20February%2017%2C%202022%20Open%20Commission%20Meeting.pdf).

<sup>4</sup> “Strategic Plan For Fiscal Years 2022-2026,” FTC, Aug. 22, 2022, [https://www.ftc.gov/system/files/ftc\\_gov/pdf/fy-2022-2026-ftc-strategic-plan.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/fy-2022-2026-ftc-strategic-plan.pdf).

<sup>5</sup> “Factsheet: Strengthening Democracy at the FTC,” American Economic Liberties Project, Dec. 22, 2021, <https://www.economicliberties.us/our-work/factsheet-strengthening-democracy-at-the-ftc/>; *ibid.* at 4.

<sup>6</sup> *Ibid.* at 4.

<sup>7</sup> *Ibid.* at 4.

Most importantly, this feedback informed the FTC’s work, including its interim staff reports on pharmacy benefit managers (PBMs) and related antitrust lawsuit against the “Big Three” PBMs for artificially inflating brand-name insulin list prices (more than 1,200 comments); junk fees rule, which prohibits hidden fees for hotel stays and live event tickets (more than 12,000 comments); “click-to-cancel rule,” which requires sellers to make it as easy for consumers to cancel subscriptions and memberships as it was to enroll in them (more than 16,000 comments); and ban on noncompete agreements (more than 26,000 public comments).<sup>8</sup>

Like vigorous antitrust enforcement, open meetings have bipartisan support.<sup>9</sup> An advisor to former Republican Commissioner Christine Wilson lauded the public comment portion of these meetings during an October 2021 event hosted by the Federalist Society. “This part of the meeting has been incredibly informative and thought-provoking and helpful, as someone at the FTC,” he said.<sup>10</sup> As a former director of the FTC’s Bureau of Consumer Protection observed last year, “[t]his two-way engagement is mutually beneficial,” giving the public “a better understanding of the important work we do,” while giving the Commission “a better understanding of consumer protection challenges and real-world harms that may not be apparent otherwise.”<sup>11</sup>

The FTC held its last open commission meeting on Jan. 14, 2025. Since Andrew Ferguson’s promotion to Chair nearly a month ago, the Commission has yet to schedule another.<sup>12</sup> However, we applaud Ferguson for initiating the first public comment docket of his chairmanship on Feb. 20, 2025.<sup>13</sup> In less than two weeks, the docket has received more than 1,000 comments, showing how enthusiastic the public is to engage with the Commission.<sup>14</sup>

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<sup>8</sup> “Pharmacy Benefit Managers: The Powerful Middlemen Inflating Drug Costs and Squeezing Main Street Pharmacies,” FTC, July 2024, [https://www.ftc.gov/system/files/ftc\\_gov/pdf/pharmacy-benefit-managers-staff-report.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/pharmacy-benefit-managers-staff-report.pdf); “Federal Trade Commission Announces Bipartisan Rule Banning Junk Ticket and Hotel Fees,” FTC, Dec. 17, 2024, <https://www.ftc.gov/news-events/news/press-releases/2024/12/federal-trade-commission-announces-bipartisan-rule-banning-junk-ticket-hotel-fees>; “Federal Trade Commission Announces Final ‘Click-to-Cancel’ Rule Making It Easier for Consumers to End Recurring Subscriptions and Memberships,” FTC, Oct. 16, 2024, <https://www.ftc.gov/news-events/news/press-releases/2024/10/federal-trade-commission-announces-final-click-cancel-rule-making-it-easier-consumers-end-recurring>; Andrea Hsu, “After 26,000 public comments, FTC to vote on rule banning noncompete agreements,” NPR, April 23, 2024, <https://www.npr.org/2024/04/23/1246430110/noncompete-agreements-ftc-ban-lina-khan>.

<sup>9</sup> “New Poll: Government Must Take On Corporate Power, Americans Say,” More Perfect Union, Aug. 27, 2024, <https://substack.perfectunion.us/p/new-poll-government-must-take-on>.

<sup>10</sup> “The FTC in the Current Administration: Buckle Your Seatbelts,” The Federalist Society, Oct. 27, 2021, <https://fedsoc.org/events/the-ftc-in-the-current-administration-buckle-your-seatbelts>.

<sup>11</sup> Samuel Levine, “Meeting Consumers Where They Are,” FTC, Sept. 27, 2024, [https://www.ftc.gov/system/files/ftc\\_gov/pdf/remarks-sam-levine-icpen-09-27-2024.pdf](https://www.ftc.gov/system/files/ftc_gov/pdf/remarks-sam-levine-icpen-09-27-2024.pdf); see also Alvaro Bedoya (@BedoyaFTC), “Egg prices. . .” X, Feb. 5, 2025, <https://x.com/BedoyaFTC/status/1887222389408215548/photo/2> (Commissioner Bedoya encouraging Chair Ferguson “to schedule the next open commission meeting ASAP so the American people can tell us what we should focus on.”).

<sup>12</sup> “Open Meetings,” FTC, accessed Feb. 19, 2025, <https://www.ftc.gov/news-events/events/open-meetings>; “Andrew N. Ferguson Takes Over as FTC Chairman,” FTC, Jan. 22, 2025, <https://www.ftc.gov/news-events/news/press-releases/2025/01/andrew-n-ferguson-takes-over-ftc-chairman>.

<sup>13</sup> Andrew Ferguson (@AFergusonFTC), “Big Tech censorship is not just un-American, it is potentially illegal. . . .” X, Feb. 20, 2025, <https://x.com/AFergusonFTC/status/1892619431991287893>.

<sup>14</sup> “Request for Public Comments Regarding Technology Platform Censorship,” FTC, Feb. 20, 2025, <https://www.regulations.gov/docket/FTC-2025-0023/comments>.

For the aforementioned reasons, we respectfully request that the FTC immediately resume open meetings and continue to initiate public comment dockets to enlist entrepreneurs, business owners, consumers, and all Americans in carrying out President Trump’s executive order and other Commission work. Doing so would also be consistent with other recent commitments you have made, including to uphold the bipartisan, updated premerger notification requirements, which took effect on Feb. 10, 2025, and to maintain the FTC and DOJ’s joint 2023 Merger Guidelines, which remain the “framework for ... merger-review analysis.”<sup>15</sup>

Sincerely,

American Economic Liberties Project  
Small Business Majority  
Beta Cell Action  
Brillianta, LLC  
Center for Digital Democracy  
Check My Ads Institute  
Consumer Federation of America  
Golden Angle LLC  
Institute for Local Self-Reliance  
Jackson Child Care  
Pinkie's ChildCare  
Public Knowledge  
The Sanford Group, LLC  
South Carolina Appleseed Legal Justice Center  
Syntax Land Design, LLC  
Thomas J. Brzezinski Commercial Real Estate  
Trapper of Colorado  
Uplifting Melodies Tutoring  
Voices of Health Care Action  
Wit & Whimsy Toys

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<sup>15</sup> “FTC Chairman Andrew N. Ferguson Announces that the FTC and DOJ’s Joint 2023 Merger Guidelines Are in Effect,” FTC, Feb. 18, 2025, <https://www.ftc.gov/news-events/news/press-releases/2025/02/ftc-chairman-andrew-n-ferguson-announces-ftc-doj-joint-2023-merger-guidelines-are-effect>.