
¹The comment must be accompanied by an explicit request for confidential treatment, including the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. The request will be granted or denied by the Commission's General Counsel, consistent with applicable law and the public interest. See FTC

of the school, the transferability of credit received at the school to other institutions, and the use of testimonials and endorsements. Schools are cautioned against misrepresenting the qualifications of teachers, the nature of the courses, the availability of employment after graduation, the availability of financial assistance, and enrollment qualifications. Also addressed is the use of deceptive diplomas or certificates. Finally, the Guides warn against using deceptive sales practices such as using classified ads that appear to be "help-wanted" ads.

These Guides, like other industry guides issued by the Commission, are "administrative interpretations of laws administered by the Commission for the guidance of the public in conducting its affairs in conformity with legal requirements." 16 CFR 1.5. Conduct inconsistent with the Guides may result in corrective action by the Commission under applicable statutory provisions.

II. Regulatory Review Program

The Commission reviews all current Commission rules and guides periodically. These reviews seek information about the costs and benefits of the Commission's rules and guides as well as their regulatory and economic impact. The information obtained assists the Commission in identifying rules and guides that warrant modification or rescission. Therefore, the Commission solicits comments on, among other things, the economic impact of, and the continuing need for the Vocational School Guides; the benefits of the Guides to purchasers of vocational education; and the burdens the Guides place on businesses.

III. Request for Comment

The Commission solicits comments on the following specific questions related to the Vocational School Guides:

(1) Is there a continuing need for the Guides as currently promulgated? Why or why not?

(2) What benefits have the Guides provided to consumers? What evidence supports the asserted benefits?

(3) What modifications, if any, should the Commission make to the Guides to increase their benefits to consumers?

(a) What evidence supports your proposed modifications?

(b) How would these modifications affect the costs and benefits of the Guides for consumers?

(c) How would these modifications affect the costs and benefits of the Guides for businesses, particularly small businesses?

(4) Should the Guides define "clearly and conspicuously," given the guidance that industry members should make certain disclosures clearly and conspicuously? If so, why, and how? If not, why not?

(5) What impact have the Guides had on the flow of truthful information to consumers and on the flow of deceptive information to consumers? What evidence supports the asserted impact?

(6) What significant costs have the Guides imposed on consumers? What evidence supports the asserted costs?

(7) What modifications, if any, should be made to the Guides to reduce the costs imposed on consumers?

(a) What evidence supports your proposed modifications?

(b) How would these modifications affect the costs and benefits of the Guides for consumers?

(c) How would these modifications affect the costs and benefits of the Guides for businesses, particularly small businesses?

(8) Please provide any evidence that has become available since 1998 concerning consumer perception of or experience with private vocational and distance education schools. Does this new information indicate that the Guides should be modified? If so, why, and how? If not, why not?

(9) What benefits, if any, have the Guides provided to businesses, and in particular to small businesses? What evidence supports the asserted benefits?

(10) What modifications, if any, should be made to the Guides to increase their benefits to businesses, and particularly to small businesses?

(a) What evidence supports your proposed modifications?

(b) How would these modifications affect the costs and benefits of the Guides for consumers?

(c) How would these modifications affect the costs and benefits of the Guides for businesses, particularly small businesses?

(11) What significant costs, including costs of compliance, have the Guides imposed on businesses, particularly small businesses? What evidence supports the asserted costs?

(12) What modifications, if any, should be made to the Guides to reduce the costs imposed on businesses, and particularly on small businesses?

(a) What evidence supports your proposed modifications?

(b) How would these modifications affect the costs and benefits of the Guides for consumers?

(c) How would these modifications affect the costs and benefits of the Guides for businesses, particularly small businesses?

(13) What evidence is available concerning the degree of industry compliance with the Guides? Does this evidence indicate that the Guides should be modified? If so, why, and how? If not, why not?

(14) Is any of the guidance provided in the Guides no longer needed? If so, explain. Please provide supporting evidence.

(15) What potentially unfair or deceptive practices involving the advertising and promotional claims used by vocational and distance education schools in the advertising, promotion, marketing, and sale of courses or programs of instruction offered by private vocational or distance education schools, if any, are not covered or are not adequately covered by the Guides?

(a) What evidence demonstrates the existence of such practices? Please provide specific examples and indicate how and where such potentially unfair or deceptive practices occur.

(b) With reference to such practices, should the Guides be modified? If so, why, and how? If not, why not?

(16) What modifications, if any, should be made to the Guides to account for changes in relevant technology or economic conditions?

(a) What evidence supports the proposed modifications?

(b) How would these modifications affect the costs and benefits of the Guides for consumers and businesses, particularly small businesses?

(17) Do the Guides overlap or conflict with other federal, state, or local laws or regulations? If so, how?

(a) What evidence supports the asserted conflicts?

(b) With reference to the asserted conflicts, should the Guides be modified? If so, why, and how? If not, why not?

(c) Is there evidence concerning whether the Guides have assisted in promoting national consistency with respect to the advertising and promotional claims used by vocational and distance education schools to recruit students? If so, please provide that evidence.

(18) Are there foreign or international laws, regulations, or standards with respect to the advertising and promotional claims used by vocational and distance education schools to recruit students that the Commission should consider as it reviews the Guides? If so, what are they?

(a) Should the Guides be modified in order to harmonize with these foreign or international laws, regulations, or standards? If so, why, and how? If not, why not?

¹ 18 CFR 284.14(a).

² Pipeline Posting Requirements under Section 23 of the Natural Gas Act, Order No. 720, FERC Stats. & Regs. ¶ 31,283 (2008). The Commission is not requesting additional comments regarding 18 CFR 284.14(b) which was also added by Order No. 720.

³ See Notice of Technical Conference, Docket No. RM08-2-000 (issued Feb. 24, 2009).

⁴ Additionally, the Commission adopted regulations requiring interstate pipelines to post information regarding no-notice service. Order No. 720 at P 1. These regulations are in effect and interstate pipelines must be in compliance with this requirement.

⁵ Section 23 of the Natural Gas Act; 15 U.S.C. 717t2 (2000 & Supp. V 2005).

⁶ Energy Policy Act of 2005, Public Law No. 109-58, sections 1261 et seq., 119 Stat. 594 (2005).

⁷ Order No. 720 at P 1.

⁸ Id. P 168.

⁹ Pipeline Posting Requirements under Section 23 of the Natural Gas Act, 126 FERC ¶ 61,047, at P 4 (2009).

¹⁰ See Notice of Technical Conference, Docket No. RM08-2-001 (issued Feb. 24, 2009); Notice of Agenda for Technical Conference, Docket No. RM08-2-001 (issued March 11, 2009).

¹¹ Order No. 720 at P 92.

¹² Notice of Technical Conference, Docket No. RM08-2-001 (issued Feb. 24, 2009).

¹³ Requests for rehearing, clarification, or both