

# NEWSLETTER

May June 2012

## Interview with FTC Commissioner Maureen Ohlhausen

*Federal Civil  
Enforcement  
Committee:*

*Congratulations on your appointment as an FTC Commissioner. Can you start by telling us how you think your background will affect your approach to issues at the Commission?*



Returning to the Commission has been a great homecoming for me. At the Commission, I served in the General Counsel's Office, as an Attorney Advisor to a Commissioner, and as Deputy Director and finally Director of the Office of Policy Planning, as well as head of the agency's Internet Access Task Force. My varied roles have given me a broad understanding of the FTC's many activities, as well as providing me a wide perspective on the intersection of consumer protection and antitrust. I have always been impressed by the effectiveness and dedication of FTC employees in protecting competition and consumers. Increased interaction among the bureaus and offices could provide even greater benefits to consumers. As a Commissioner, I hope to facilitate such interaction to ensure that the Commission is operating at the highest possible level.

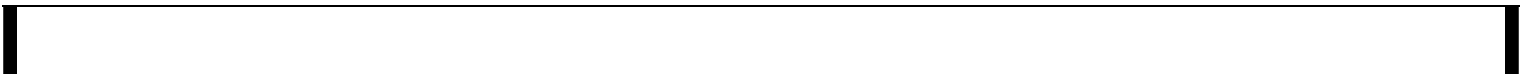
I also served as a law clerk for Judge David Sentelle at the U.S. Court of Appeals for the D.C. Circuit for several years before I joined the FTC. That experience was invaluable on

many levels, but especially prepared me for an environment where you may agree with your colleagues on one case, disagree on the next, but work together again on the one after that. Most recently, I served as a partner at Wilkinson, Barker and Knauer, working primarily on FTC issues, and I hope to provide a private practitioner's perspective on FTC functions in my role as Commissioner.

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*FCEC: What do you see as your top priorities and goals as a Commissioner?*

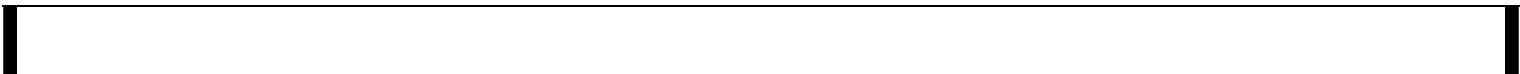
Supporting the FTC's mission to prevent business practices that are anticompetitive, deceptive, or unfair to consumers is a top priority. Additionally, I plan to work to enhance informed consumer choice and public understanding of the competitive process without unduly burdening legitimate business conduct. I will encourage the agency to use all of its tools to achieve these goals and to evaluate carefully what tool is appropriate to address any given problem. I will encourage the Commission to consider all possible approaches to any given problem, such as enforcement, research, consumer and business education, and sometimes allowing market forces to work on their own. Further, our focus should be on outcomes, not output – that is, examining whether agency activity is actually improving consumer welfare and whether it can be done more effectively. I also believe strongly that the FTC should,











Harkening back to a theme I mentioned previously, another antitrust goal that I intend to pursue is the use of all tools to ensure the best outcomes for consumers. One core tool is the competition policy research and development that the agency regularly conducts. Policy R&D – including activities, such as workshops, hearings, studies, reports, and ex post assessments of agency actions – helps to inform the agency’s pursuit of its competition mission. One of the ways in which we can maintain a successful and appropriate course of antitrust enforcement is to be mindful of the difficulties of predicting the future in rapidly changing industries. That is not to say that antitrust has no role to play in technology or other changing industries;

As a Commissioner, I will continue to support efforts to oppose unnecessary restraints on

when properly applied, current antitrust legal and economic principles are capable of maintaining competition and protecting consumers in rapidly changing industries. It do0.5 Ongoing



wholesale [terminal rack] prices in 20 major urban areas.

The FTC also monitors compliance with the [Petroleum Market Manipulation Rule](#), which prohibits manipulation in wholesale markets for crude oil, gasoline, or petroleum distillates. Last year, the FTC and the Commodity Futures Trading Commission signed a [memorandum of understanding](#), which allows the agencies to share non-public information, helping each agency carry out its authority to detect and prevent wholesale market manipulation.

Beyond law enforcement, the FTC devotes substantial resources to conducting competition policy research and development in the energy sector. Over the last decade, we have held several [workshops](#), issued

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numerous [reports](#), at both the staff and Commission levels, and engaged in [competition advocacy efforts](#) in this important area. The agency also issues [consumer education materials](#) designed to help consumers maximize their 03



I reflect back on changes since I first joined the Commission in 1997, I am struck by the degree to which the work of the agency now is truly done on a global scale. This is perhaps not surprising, given the global economy in which we live, but I don't think we realized then just how inter-related competition and consumer protection policy would become on a global basis.

I will also mention how pleased I am about the degree to which the staff has been able to stay ahead of the curve on so many issues that change at lightning speed. For example, I mentioned the workshop we recently held on advertising and privacy disclosures in a digital world. This is cutting edge work and I am glad we are on top of it. So, while I am not surprised by this, government is not generally thought to be operating at the forefront of technology innovations. It's great that the FTC is an exception in this regard.

*FCEC: Thanks for speaking with us. One last question, on a personal note, when you are*

*not consumed by antitrust and consumer protection law, how do you enjoy spending your time?*

I am very fortunate to have had a fulfilling career and a lively family life. My husband and I always enjoy activities with our four children, and sometimes the kids even like it too, particularly if the activities involve beaches or ski slopes.