

**FEDERAL TRADE COMMISSION**

**16 CFR Part 461**

**RIN 3084-AB71**

**Trade Regulation Rule on Impersonation of Government and Businesses**

**AGENCY:** Federal Trade Commission.

**ACTION:** Initial notice of informal hearing; final notice of informal hearing; request for public comment and speakers.

**SUMMARY:** The Federal Trade Commission has proposed a trade regulation rule entitled “Rule on Impersonation of Government and Businesses,” which would prohibit the impersonation of government, businesses, or their officials. In response to the notice of proposed rulemaking, a commenter requested an informal hearing. The informal hearing will be conducted virtually on May 4, 2023, at 1 p.m. Eastern Time, and the presiding officer will be

**SUPPLEMENTARY INFORMATION:**

Following public comment on an advance notice of proposed rulemaking, 86 FR 72901, the Federal Trade Commission (“Commission” or “FTC”) proposed a Trade Regulation Rule on Impersonation of Government and Businesses as described in a notice of proposed rulemaking (“NPRM”), 87 FR 62741. Comments on the NPRM were accepted for 60 days, and 78 comments were posted to the docket at <https://www.regulations.gov>.<sup>1</sup>

**I. The Request for**

**Comments**

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<sup>1</sup>

hearing.”<sup>5</sup> Second, the “Commission will provide an opportunity for an informal hearing if an interested person requests to present their position orally.”<sup>6</sup> The Commission can also hold an informal hearing on its own initiative.<sup>7</sup> Third, any request for an informal hearing “must include: (1) A request to make an oral submission, if desired; (2) A statement identifying the interested person’s interests in the proceeding; and (3) Any proposals to add disputed issues of material fact beyond those identified in the notice.”<sup>8</sup>

One comment, timely submitted by William MacLeod, makes such a request: “I request an opportunity for interested parties to air their concerns at a hearing.”<sup>9</sup> Mr. MacLeod does not expressly request to make an oral submission,<sup>10</sup> but that requirement in the Rules of Practice is conditional (“if desired”), and the Commission will welcome an oral statement from him and from any other interested persons who request to make one in the manner described below. Mr. MacLeod identifies his interests in the proceeding as desiring that “additional analysis” will aid in developing “an appropriately tailored rule.” He states that his views “are those of the author and do not necessarily reflect the views of” anyone else.<sup>11</sup> Mr. MacLeod discusses issues relating to the language of the proposed rule and the applicable legal standard. He does not raise or propose to add any disputed issues of material fact.<sup>12</sup>

The Commission finds that Mr. MacLeod’s comment represents an “adequate request”<sup>13</sup>

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<sup>5</sup> 16 CFR 1.11(b)(6).

<sup>6</sup> *Id.* 1.11(e).

<sup>7</sup> *See id.*

<sup>8</sup> *Id.*

<sup>9</sup> William MacLeod, Cmt. on NPRM, at 2 (Dec. 16, 2022), <https://www.regulations.gov/comment/FTC-2022-0064-0078>.

<sup>10</sup> *See generally id.*

<sup>11</sup> *Id.* at 2.

<sup>12</sup> *See generally id.*

<sup>13</sup> NPRM, 87 FR at 42747.





submissions received into the rulemaking record.<sup>22</sup>

The Commission does not here publish a “list of the interested persons who will make oral presentations” at the informal hearing because no one, including Mr. MacLeod, made such a request in response to the NPRM.<sup>23</sup> The Commission, however, elects to offer here an additional opportunity for interested persons to request to make oral statements.<sup>24</sup> If no such requests are made, the presiding officer will state as much at the opening of the informal hearing and then close the hearing, placing any documentary submissions into the rulemaking record.

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make an oral statement will be provided with instructions as to how to participate in the virtual hearing. Requesters who need assistance should indicate as much in their comment, and the Commission will endeavor to provide accommodations. Requesters without the computer technology necessary to participate in video conferencing will be able to participate in the informal hearing by telephone; they should indicate as much in their comments.

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rulemaking record. Unless the outside party making an oral communication is a Member of Congress, communications received after the close of the public-comment period are permitted