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ANNIVERSARY

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May 10, 2022

Federal Trade Commission  
Office of the Secretary  
600 Pennsylvania Avenue, N.W., Suite CC-5610  
Washington, D.C. 20580

**Re: *Earnings Claims ANPR, R111003***

To Whom It May Concern:

TechNet appreciates the opportunity to submit written comments in response to the Federal Trade Commission's Advance Notice of Proposed Rulemaking (ANPR) regarding "Deceptive or Unfair Earnings Claims."

TechNet is the national, bipartisan network of technology CEOs and senior executives that promotes the growth of the innovation economy by advocating a targeted policy agenda at the federal and 50-state level. TechNet's diverse membership includes dynamic American businesses ranging from startups to the most iconic companies on the planet and represents over four million employees and countless customers in the fields of information technology, e-commerce, the sharing and gig economies, advanced energy, cybersecurity, venture capital, and finance.

The continued growth of the gig and sharing economy has created income opportunities in virtually every corner of the country, allowing people to work independently and on preferred discretionary schedules, use their personal property to generate income, expand their businesses, and provide for themselves and their families with greater flexibility. The Commission should ensure that efforts to oversee or regulate the gig and sharing economy further innovation and individual empowerment, rather than stifle it.

We support the Commission's efforts to ensure clear, transparent, and substantiated earnings in the marketplace. As the Commission continues its examination of how to best address misleading earnings claims, we urge the Commission to consider the unique factors that make gig and sharing economy companies particularly attractive to Americans seeking economic empowerment and to ensure that any rules do not create barriers to entry hindering marketplace opportunities for Americans seeking full-time or flexible employment.

First, gig economy independent workers generally do not need upfront commitments to start earning income on their digital platforms. For a variety of these platforms, signing up as a partner typically requires a background screening, and in some jurisdictions, a vehicle inspection. In addition, there are usually no additional licensing fees that gig partners need to pay to drive or deliver on these platforms, with limited exceptions.

Second, gig partners are not limited to driving with, delivering with, or utilizing one platform. Compared to other business models, where partners may be contractually prohibited from working with other competitors, gig partners face no prohibitions or penalties in switching between, or simultaneously using multiple platforms. Gig partners also face no barrier to stopping use of a particular platform. In addition, gig partners can often choose to accept work in multiple geographic regions and jurisdictions with fairly minimal administrative efforts. Finally, gig economy independent workers can choose when and how often to perform services on a particular gig platform and are therefore free to utilize the platform at a schedule and in a location that is convenient and flexible for them, leading to a broad sample size of possible experiences on any given platform.

Hence, given the differences between gig economy and sharing economy platforms and other businesses identified in the Commission's ANPR, we do not believe that independent gig workers need to receive the detailed written disclosures to the extent required by the Franchise and Business Opportunity Rules.

As policies and regulations are considered to meet the evolving technological landscape, it is important that regulations take into account the positive benefits that the gig and sharing economy offers by providing flexibility and empowerment to the American workforce. TechNet appreciates this opportunity to submit comments for the Commission's ANPR and looks forward to working with you on this issue.

Sincerely,



Carl Holshouser  
Senior Vice President