



February 8, 2023

Federal Trade Commission
Office of the Secretary
Suite CC-5610 (Annex B)
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Unfair or Deceptive Fees ANPR, R207011

Dear Commissioners:

The Travel Technology Association (“Travel Tech”) appreciates the opportunity to respond to the Federal Trade Commission’s (“Commission’s”) Advance Notice of Proposed Rulemaking (“ANPR”) on deceptive or unfair acts or practices relating to fees.¹ In these comments, Travel Tech encourages the Commission to avoid imposing unnecessary rules on the dynamic, competitive online travel marketplace that is delivering choice and transparency to consumers and suppliers. However, if the Commission moves forward, its rules should be applied consistently to any entities that advertise travel pricing information to consumers.

To maintain and enhance consumer confidence, Travel Tech has been a strong advocate for transparency within the travel marketplace.

Travel Tech is the voice of the travel technology industry, advocating for public policy that promotes transparency and competition in the marketplace to encourage innovation and preserve consumer choice. We represent the leading innovators in travel technology, including online travel agencies (“OTAs”) and metasearch companies, short-term rental platforms, travel management companies, and Global Distribution Systems.

These technology innovators have created the infrastructure and Internet-based marketplace from which travelers, suppliers, and intermediaries benefit today. Travel Tech members provide suppliers with access to the vast and diverse travel marketplace, while offering consumers transparency, a wide range of options, and customized experiences when purchasing and managing their travel. Market transparency and competition are keys to delivering these benefits to consumers, and Travel Tech supports efforts to promote these goals.

Travel Tech’s member companies provide consumers with all available information about travel services to ensure they are choosing the option that is right for them and that consumers clearly understand the costs they will incur. Accommodation suppliers and other travel service providers determine the rates, terms, and fees (including, for example, resort fees, applicable to their travel services). Travel Tech members publish, disclose and share those rates, terms, and fees, to the

¹ *Unfair or Deceptive Fees Trade Regulation Rule Commission Matter No. R207011*, Advance Notice of Proposed Rulemaking, 87 Fed. Reg. 67413 (Nov. 8, 2022).

extent this information is provided to them. With this information, they can aggregate, sort, and display competitive options on their sites and applications, so consumers can compare offers and make informed choices.

Consistent with FTC guidance, Travel Tech members have encouraged travel service providers to share and disclose complete information regarding rates, terms, and fees associated with their travel services.² Travel Tech's members display such required information in a clear and conspicuous manner, to the extent this information is provided to them, prior to consumers completing their bookings. Travel Tech members view these disclosures as an important aspect of transparency, which is key to their business model.

Travel Tech understands that some consumers continue to be surprised at accommodation check-in regarding mandatory fees, even when such fees are disclosed to the consumer at the time of booking. Travel Tech members continue to work with accommodation suppliers and travel services to address this issue and appreciate the Commission's efforts to raise the awareness among consumers that mandatory fees may be imposed on-site.

While new rules are not necessary, any new rules that the Commission adopts should be applied consistently to any entity that advertises travel pricing information.

Given the measures described herein, the Commission need not adopt new disclosure obligations on the online travel sector. Travel Tech's members are already sufficiently incentivized to ensure that consumers have positive experiences using their sites and applications, and transparency and certainty in the rates, terms, and fees for travel services is part of the booking process.

If the Commission ultimately adopts regulations on the travel sector, including travel technology, those regulations should apply to any entity that supplies or advertises travel pricing information to consumers, including, for example, travel provider direct sites, metasearch, and both online and offline advertisements. In particular, Travel Tech is concerned that ambiguous or unduly proscriptive rules could distort competition in the online travel marketplace. For example, an overly narrow rule could permit some online providers to avoid disclosure obligations and present consumers with artificially low-priced results by not disclosing mandatory on-site fees. Not only would this distort the competitive online travel marketplace, but it would also erode the value of price comparison services and lead to additional consumer confusion. Accordingly, the Commission should ensure that any regulation will be applied consistently to any entity that advertises travel pricing information to consumers.

² See, e.g., Press Release, Fed. Trade Comm'n, *FTC Warns Hotel Operators that Price Quotes that Exclude 'Resort Fees' and Other Mandatory Surcharges May Be Deceptive* (Nov. 28, 2012), <https://www.ftc.gov/news-events/news/press-releases/2012/11/ftc-warns-hotel-operators-price-quotes-exclude-resort-fees-other-mandatory-surcharges-may-be>.

Travel Tech appreciates the Commission's attention to deceptive and unfair fees imposed on consumers and encourages the Commission to seek out industry-led solutions that can address consumer concerns through innovation and competition. Travel Tech looks forward to continuing to work with the Commission to encourage transparency in travel services and enhance competition and consumer value through innovation.

Sincerely,

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