



November 14, 2023

Chair Lina M. Khan
Commissioner Rebecca Kelly Slaughter
Commissioner Alvaro Bedoya
Federal Trade Commission
600 Pennsylvania Ave., NW
Washington, DC 20580

Re: In the Matter of OpenAI

Dear Chair Kahn, Commissioner Slaughter, and Commissioner Bedoya,

Enclosed a second Supplement to the CAIDP Complaint filed on March 30, 2023 concerning OpenAI. In these 37-pages, we provide additional evidence in support of our claims, note the enforcement actions taken by other agencies, document new problems with ChatGPT, call attention to OpenAI's failure to uphold commitments, quote leading AI experts on the need to establish guardrails as expeditiously as possible, and cite growing public concern about the use of personal data in AI products.

Executive Order 14110, issued by President Biden on October 30, 2023, states that the "Use of new technologies, such as AI, does not excuse organizations from their legal obligations, and hard-won consumer protections are more important than ever in moments of technological change." President Biden further stated:

The Federal Government will enforce existing consumer protection laws and principles and enact appropriate safeguards against fraud, unintended bias, discrimination, infringements on privacy, and other harms from AI. Such protections are especially important in critical fields like healthcare, financial services, education, housing, law, and transportation, where mistakes by or misuse of AI could harm patients, cost consumers or small businesses, or jeopardize safety or rights.

We urge you to act now. Complete the investigation, issue an order, and curtail the unlawful business practices we have documented. History has shown that the longer the FTC waits, the more difficult it is to establish and enforce necessary safeguards to protect the public.

Thank you for your attention to this matter.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Marc Rotenberg".

Marc Rotenberg

A handwritten signature in blue ink, appearing to read "Merve Hickok".

Merve Hickok



Center for AI and
Digital Policy

CAIDP Executive Director

CAIDP President