

ONE HUNDRED SIXTEENTH CONGRESS
Congress of the United States
House of Representatives
COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

Majority (202) 225-2927
Minority (202) 225-3641

April 24, 2020

Ms. Amy Howe
President & Chief Operating Officer
Ticketmaster
7060 Hollywood Boulevard
Los Angeles, CA 90028

Dear Ms. Howe:

Thank you for appearing before the Subcommittee on Oversight and Investigations on Wednesday, February 26, 2020, at the hearing entitled “In the Dark: Lack of Transparency in the Live Event Ticketing Industry.” We appreciate the time and effort you gave as a witness before the Subcommittee on Oversight and Investigations.

Pursuant to Rule 3 of the Committee on Energy and Commerce, members are permitted to submit additional questions to the witnesses for their responses, which will be included in the hearing record. Attached are questions directed to you from members of the Committee. In preparing your answers to these questions, please address your responses to the member who has submitted the questions using the Word document provided with this letter.

To facilitate the publication of the hearing record, please submit your responses to these questions by no later than the close of business on Friday, May 22, 2020. As previously noted, your responses to the questions in this letter, as well as the responses from the other witnesses appearing at the hearing, will all be included in the hearing record. Your responses should be transmitted by email in the Word document provided with this letter to Benjamin Tabor with the Committee staff (benjamin.tabor@mail.house.gov). A paper copy of your responses is not required. Using the Word document provided for submitting your responses will also help maintain the proper format for incorporating your answers into the hearing record.

Ms. Amy Howe
Page 2

Thank you for your prompt attention to this request. If you need additional information or have other questions, please contact Mr. Tabor at (202) 225-2927.

Sincerely,

A handwritten signature in blue ink that reads "Frank Pallone, Jr." in a cursive style.

Frank Pallone, Jr.
Chairman

Attachment

cc: Hon. Greg Walden, Ranking Member
Committee on Energy and Commerce

Hon. Diana DeGette, Chair
Subcommittee on Oversight and Investigations

Hon. Brett Guthrie, Ranking Member
Subcommittee on Oversight and Investigations

**Committee on Energy and Commerce
Subcommittee on Oversight and Investigations**

**Hearing on
“In the Dark: Lack of Transparency in the Live Event Ticketing Industry”**

February 26, 2020

Ms. Amy Howe, President & Chief Operating Officer, Ticketmaster

The Honorable Diana DeGette (D-CO)

1. At the hearing, you testified that “all consumers have to opt-in for marketing purposes, that’s regardless of what platform they’re buying on” and that Ticketmaster “cannot use any information that is acquired from another platform for any marketing purposes.” However, Ticketmaster’s privacy policy (effective January 1, 2020) (the “policy”) expressly notes that Ticketmaster collects consumer information, including “from third parties,” and uses this information “for marketing purposes.” The policy also details how consumers may “opt out of receiving [Ticketmaster’s] marketing emails,” but is silent on any “opt-in” requirement.
 - a. Does Ticketmaster define any secondary ticketing websites as “third parties” under the policy? If yes, please explain how the policy is consistent with your testimony that Ticketmaster “cannot use any information that is acquired from another platform for any marketing purposes.”
 - b. If “all consumers have to opt-in for marketing purposes,” why is Ticketmaster’s policy silent on any “opt-in” requirement?
 - c. The policy also states that “if you buy tickets from [Ticketmaster] we’ll enroll you in our newsletter.” Must consumers who purchase tickets through Ticketmaster “opt in” to receive this newsletter? If not, please explain how the policy is consistent with your testimony that “all consumers have to opt-in for marketing purposes...”
2. The policy also states that Ticketmaster “will share [consumer] information with our business partners,” who may “send[] you marketing communications.” It also states that Ticketmaster “will share information with third parties who sell products or services to you,” such as third parties who sell “merchandise.”
 - a. Must consumers first “opt-in” before Ticketmaster shares their data with Ticketmaster’s “business partners” or other third parties who sell consumer products or services? If not, please explain how the policy is consistent with your testimony that “all consumers must opt-in for marketing purposes...”

3. What types of competitive advantages do brokers have and how do they unfairly disadvantage average consumers?

The Honorable Brett Guthrie (R-KY)

1. As you know, the Better Online Ticket Sales Act (BOTS Act) was signed into law in 2016. Neither the Federal Trade Commission (FTC) nor the states have taken any enforcement action under the BOTS Act. Your testimony notes that “[w]e need enhanced enforcement of the BOTS Act of 2016.” Can you explain why you think enhanced enforcement is necessary?
 - a. Would there be a benefit to the consumer if the FTC and states started to take enforcement actions under this statute? Why or why not?
2. Does your company and/or affiliated websites utilize ‘all-in’ pricing and/or an ‘all-in’ pricing toggle feature? Why or why not?
 - a. If so, what percentage of your websites and/or affiliated websites utilize ‘all-in’ pricing?
3. Your testimony notes that “[s]ome marketplaces also take advantage of the industry practice of disclosing the fees later in the purchase process to manipulate the list price of the ticket, making the ticket price appear less expensive upfront.” Please explain what you mean by that and how that is different than how Ticketmaster discloses its fees to consumers who purchase tickets on its website.
 - a. In your opinion, how prevalent is this practice throughout the industry?
4. Does your company or any of its affiliated websites sell dynamically priced tickets?
 - a. What percentage of overall sales does dynamically priced tickets represent?
 - b. Are tickets that are held back at the on-sale by the artist, promoter, venue, etc. later posted for sale as dynamically priced tickets rather than face value?
 - c. Does your company or any of its affiliated websites make disclosures to consumers when a ticket is dynamically priced, and what that means? If so, what does that look like?
5. Your testimony notes that you believe “that not only would mandatory inventory disclosure not help fans get fair access to tickets, but it would likely create more challenges for fans. Why do you believe this type of disclosure would likely create more challenges for fans?
 - a. What do you believe would be more helpful to fans?

6. Your testimony notes that beginning in 2018, Ticketmaster started including links on its site to third party primary ticketing sites for many concerts and theater events where Ticketmaster is not the official ticket marketplace. Why did Ticketmaster start doing this and what percentage of events does this apply to?
7. Approximately what percentage of events that your company sells tickets for have tickets that are non-transferrable
 - a. Your testimony notes that the vast majority of artists have historically chosen not to restrict transfer and you think that trend is likely to continue. Why is that?
8. In the event that your company sells tickets that are deemed non-transferable, what efforts are taken to ensure that consumers and secondary marketplaces are aware that the tickets are non-transferrable to avoid confusion and frustration down the road?
 - a. If you make attempts to notify the secondary market that an event has non-transferrable tickets, what response do you typically receive? Do you generally still see the secondary marketplaces posting those tickets?
9. Your testimony notes that Ticketmaster “conducts a thorough process to police the site and remove suspect listings. Can you describe this process?
 - a. Approximately how many suspect listings does Ticketmaster find on its site annually?
10. Your testimony notes that although you believe a ban on speculative tickets would best protect consumers, if speculative ticketing continues to be permitted, federal legislation should include requirements for clear and conspicuous disclosure at the beginning of the ticket purchase process.” In your opinion, what requirements are needed?