



Protecting Small Business Innovation

March 28, 2011

Honorable Harry Reid
522 Hart Senate Office Building
Washington, DC 20510

Dear Senator Reid:

I write on behalf of the thousands of mobile applications (apps) developers who are part of the Association for Competitive Technology. Our membership has expressed great concern and confusion regarding your recent letter of March 23, 2011 to Apple, RIM and Google regarding traffic apps available in their respective stores. While we share your concern for road safety, and that even one drunk driver on the road is too many, we urge you to proceed slowly and consider the implications to the mobile apps ecosystem when regulation and rule of law are abandoned and apps are pulled by government fiat.

I understand from your letter and further press activity that you consider apps like PhantomALERT and Trapster to be in conflict with the public interest on the issue of traffic safety. I respectfully suggest that you may have been unaware that law enforcement agencies are legally required to publish data featured in these programs. Moreover, they believe that the widespread dissemination of this information effectively serves to reduce speeding and improve traffic safety.

In fact the National Highway Traffic Safety Administration highlighted that public announcement of checkpoints help to enhance public perception of aggressive enforcement, and "heighten the deterrent effect." Because of this, several of the apps in question have received particular commendation from the law enforcement community.

Beyond the traffic apps, our membership is very concerned about the specter of applications being pulled not because they are unfair, deceptive, illegal or even in poor taste, but because an inaccurate news story leads to Congressional outcry. Given that the apps you cited rely on a mixture of government and user provided information, what is to stop another member of Congress from demanding the removal of Facebook, Twitter or any number of forums or public discussion sites?

Apps developers are fearful that actions by elected officials to restrict the distribution of these products will thwart the rights of citizens to exercise free speech and share information already in the public domain. ACT believes this will set a dangerous precedent harming future sales in a nascent market with enormous opportunities for growth.

Mobile apps have become a \$2 billion-a-year industry with Wall Street analysts predicting the marketplace to reach \$35 billion. These are apps sales, not smartphone sales, and the

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developers writing these apps are predominantly in America. Our industry is seeing explosive growth; we are creating jobs and opportunity in the U.S., and even exporting our apps abroad. If the mobile application storefronts begin to pull apps outside of the regular regulatory environment or terms of service agreements simply to respond to any extra-governmental missive, we fear it will harm growth here, but more importantly lead to aggressive action abroad where other governments may see such action as a tool to curb U.S. competitiveness.

I appreciate your concern to curb drunk driving, but suggest there are better means to achieve this without targeting lawful products that serve a valuable public service. I would appreciate the opportunity to meet with you discuss in greater detail the technology behind these apps and what the explosive growth of the industry means for American jobs.

Sincerely,

A handwritten signature in black ink that reads "Jonathan Zuck". The signature is written in a cursive, slightly slanted style.

Jonathan Zuck
President

cc: The Honorable Charles Schumer
The Honorable Frank Lautenberg
The Honorable Tom Udall