**1823189**

**UNITED STATES OF AMERICA**
**BEFORE THE FEDERAL TRADE COMMISSION**

**COMMISSIONERS:** **Joseph J. Simons, Chairman**
**Noah Joshua Phillips**
**Rohit Chopra**
**Rebecca Kelly Slaughter**
**Christine S. Wilson**

| | | |
|---|---|---|
| ***In the Matter of*** | ) | |
| | ) | |
| **NTT GLOBAL DATA CENTERS** | ) | |
| **AMERICAS, INC., as successor in** | ) | |
| **interest to RagingWire Data Centers, Inc.** | ) | **DOCKET NO. 9386** |
| **a corporation.** | ) | |
| | ) | |
| | ) | |

## AGREEMENT CONTAINING CONSENT ORDER

The Federal Trade Commission ("Commission") has issued an administrative Complaint challenging certain acts and practices of NTT Global Data Centers Americas, Inc. ("Respondent"). The Commission's Bureau of Consumer Protection ("BCP") and Respondent, through its duly authorized officer, enter into this Agreement Containing Consent Order ("Consent Agreement") to resolve the allegations in the Complaint through a proposed Decision and Order to present to the Commission, which is also attached and made a part of this Consent Agreement.

**IT IS HEREBY AGREED** by and between Respondent and BCP, that:

1. "Respondent" means NTT Global Data Centers Americas, Inc., a Nevada corporation, with its principal office or place of business at 1625 W. National Drive, Sacramento, CA 95834. Respondent NTT Global Data Centers Americas, Inc. is the successor in interest to RagingWire Data Centers, Inc.

2. Respondent has been served with a copy of the Complaint issued by the Commission charging it with violations of Section 5 of the Federal Trade Commission Act, as amended, and has filed its Answer to the Complaint.

3. Only for purposes of this action, Respondent admits the facts necessary to establish jurisdiction.

4. Respondent waives:

a. Any further procedural steps;

b. The requirement that the Commission's Decision contain a statement of findings of fact and conclusions of law;

c. All rights to seek judicial review or otherwise to challenge or contest the validity of the Decision and Order issued pursuant to this Consent Agreement; and

d. Any claim under the Equal Access to Justice Act.

5. This Consent Agreement will not become part of the public record of the proceeding unless and until it is accepted by the Commission. If the Commission accepts this Consent Agreement, it will be placed on the public record for thirty (30) days and information in respect thereto publicly released. Acceptance does not constitute final approval, but it serves as the basis for further actions leading to the final disposition of the matter. Thereafter, the Commission may either withdraw its acceptance of this Consent Agreement and so notify Respondent, in which event the Commission will take such action as it may consider appropriate, or issue and serve its decision in disposition of the proceeding, which may include an Order. *See* 16 C.F.R. §§ 2.34, 3.25.

6. If this Consent Agreement is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to Commission Rule 3.25(f), 16 C.F.R. § 3.25(f), the Commission may, without further notice to Respondent: (1) issue its Decision and Order in disposition of the Complaint, and (2) make information public thereto. Respondent agrees that service of the Order may be effected by its publication on the Commission's website (ftc.gov), at which time the Order will become final. *See* Commission Rule 2.32(d), 16 C.F.R. §2.32(d). Respondent waives any rights it may have to any other manner of service. *See* Commission Rule 4.4, 16 C.F.R. §4.4.

8. When final, the Decision and Order will have the same force and effect and may be altered, modified, or set aside in the same manner and within the same time provided by statute for other Commission orders.

9. The Complaint may be used in construing the terms of the Decision and Order. No agreement, understanding, representation, or interpretation not contained in the Decision and Order or in this Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

8. Respondent agrees to comply with the terms of the proposed Decision and Order from the date that Respondent signs this Consent Agreement. Respondent understands that it may be liable for civil penalties and other relief for each violation of the Decision and Order after it becomes final.

**NTT GLOBAL DATA CENTERS AMERICAS, INC.**

By: _____
Douglas S. Adams
Chief Executive Officer
NTT Global Data Centers Americas, Inc.

By: _____
Corey W. Roush, Esq.
Akin Gump Strauss Hauer Feld LLP
Counsel for NTT Global Data Centers Americas, Inc.

**FEDERAL TRADE COMMISSION**

By: _____
Linda Holleran Kopp
Complaint Counsel
Bureau of Consumer Protection

By: _____
Robin Wetherill
Complaint Counsel
Bureau of Consumer Protection

**APPROVED:**

By: _____
Maneesha Mithal
Associate Director
Division of Privacy & Identity Protection

By: _____
Andrew Smith
Director
Bureau of Consumer Protection

Dated: _____, 2020