

ONE HUNDRED FOURTEENTH 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

July 19, 2016

Mr. John Hanke
CEO
Niantic, Inc.
2 Bryant Street, Suite 220
San Francisco, CA 94105

Dear Mr. Hanke:

We are writing to better understand what measures Niantic has undertaken to ensure consumers are informed of Pokémon Go's effect on their mobile data usage. Pokémon Go became the biggest mobile game in U.S. history, having been downloaded approximately 7.5 million times in the U.S. within a week of its launch and earning an estimated \$2.3 million a day on the iOS and Android platforms.¹ While Pokémon Go has been highly successful, the game has raised concerns. In addition to issues related to the game being played in inappropriate locations, safety, and privacy, recent reports suggest that playing Pokémon Go could exhaust a consumer's available monthly mobile data.

Pokémon Go encourages players to move out of the range of their home Wi-Fi network while their phones continuously communicate with its servers and actively consume users' data allotments during play.² Within a week of its initial release, Pokémon Go rapidly surpassed the average daily usage of other social media apps. A recent survey found that the average user

¹ Mitchel Broussard, *Pokémon Go' Now Considered 'The Biggest Mobile Game in U.S. History* (July 13, 2016) (online at www.macrumors.com/2016/07/13/pokemon-go-biggest-mobile-game/); Darrell Etherington, *Pokémon Go has an estimated 7.5M U.S. downloads, \$1.6M in daily revenue*, (July 11, 2016) (online at techcrunch.com/2016/07/11/pokemon-go-daily-revenue-downloads/); Kif Leswing, *Apple could make more money from Pokemon Go than Nintendo* (July 12, 2016) (online at www.businessinsider.com/apple-could-make-more-money-from-pokemon-go-than-nintendo-2016-7?r=UK&IR=T).

² Andrew Martonik, *How Much Mobile Data Does Pokémon Go Use?* (July 12, 2016) (online at www.androidcentral.com/how-much-mobile-data-does-pokemon-go-use); Mihai Matei, *Is Pokemon GO A Threat To Your Mobile Data Plan?* (July 13, 2016) (online at www.androidheadlines.com/2016/07/is-pokemon-go-a-threat-to-your-mobile-data-plan.html).

spends 43 minutes on Pokémon Go per day, compared with 30 minutes on WhatsApp, 25 minutes on Instagram, and 22 minutes on Snapchat.³ The number of daily Pokémon Go users has now likely exceeded Twitter's 65 million American users.⁴

Third-party testing recently found that the typical Pokémon Go player uses between 10 and 20 megabytes of data per hour of play.⁵ A serious user playing for three or more hours per day could use two gigabytes of data per month. T-Mobile CEO John Legere reported that in just four days, the number of Pokémon Go users on the carrier's network had doubled, and their data usage had quadrupled. Users have reported maxing out their monthly data usage plans within a week of playing and have complained of eating through an entire family plan within a few days of playing.⁶

We seek your assistance in understanding how Niantic ensures that consumers are aware of the game's potential mobile data usage. To assist our inquiry, please provide responses to the following questions by August 9, 2016:

1. Are there best practices that Niantic follows to minimize the amount of data consumers use when playing Pokémon Go?
2. Has Niantic worked with wireless carriers to ensure that consumers are not unexpectedly hit with large overage charges?
3. Does Niantic conspicuously warn consumers before they start using the app about how much data the app consumes?
4. Does Niantic have any mechanisms in place to make sure consumers are made whole in the event they are hit with an unexpected overage charge resulting from the use of your app?

³ Joseph Schwartz, *Pokémon GO: The Data Behind America's Latest Obsession* (July 10, 2015) (online at www.similarweb.com/blog/pokemon-go).

⁴ Alex Hern, *Pokémon Go Becomes Global Craze as Game Overtakes Twitter for US Users* (July 12, 2016) (online at www.theguardian.com/technology/2016/jul/12/pokemon-go-becomes-global-phenomenon-as-number-of-us-users-overtakes-twitter).

⁵ J.P. Morgan, *Pokémon Go and Mobile Data Usage: Gotta Use It All! Or Do You?* (July 14, 2016) (online at markets.jpmorgan.com/research/email/-j9o2e17/oH2tjmCq_9bECoqHQQuDNXQ/GPS-2072590-0).

⁶ *See id.*; Ryan Knutson, *Relax, 'Pokémon Go' Isn't Eating Your Data Plan* (July 13, 2016) (online at www.wsj.com/articles/relax-pokemon-go-isnt-eating-your-data-plan-1468436983).

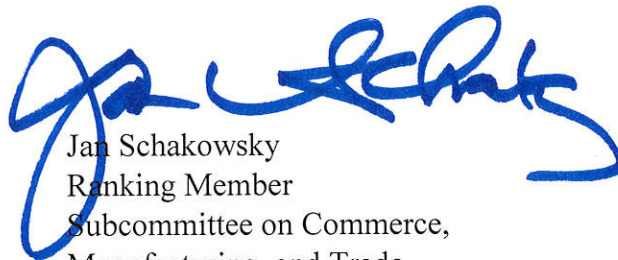
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Your assistance in this matter is greatly appreciated. If you have any questions, please contact Gerald Leverich of the minority committee staff at (202) 225-3641.

Sincerely,


Frank Pallone, Jr.
Ranking Member


Diana DeGette
Ranking Member
Subcommittee on Oversight and
Investigations


Jan Schakowsky
Ranking Member
Subcommittee on Commerce,
Manufacturing, and Trade