

New York State Consumer Protection Board

MOTOR FUEL MARKETING PRACTICES ACT COMPLAINT FORM

PLEASE PROVIDE AS MUCH INFORMATION AS YOU CAN TO THE EXTENT THAT YOU HAVE PERSONAL KNOWLEDGE OF SUCH INFORMATION AND PLEASE ATTACH ANY DOCUMENTATION THAT SUPPORTS THE INFORMATION PROVIDED SO THAT YOUR COMPLAINT MAY BE PROCESSED IMMEDIATELY

Post Office Box 2078
Albany, NY 12223
Phone: 518-473-0058
Fax: 518-408-1172

Section I: Complaint Filed By

1. Name of Person filing this complaint: _____

2. Please check the best way to contact you:

Fax Telephone E-Mail Regular Mail

Please provide such contact information: _____

3. Name of Retail Gas Station: _____

Brand of Gasoline Sold: _____

Physical Address of Retail Gas Station: _____

City County State Zip

Telephone Number of Retail Gas Station: () _____

Fax Number of Retail Gas Station: () _____

E-Mail Address: _____

4. Corporate Address of Retail Gas Station: _____

City County State Zip

PREDATORY PRACTICES COMPLAINT (NYS GBL § 370-c)

5. Name of Supplier: _____

6. Address of Supplier: _____

City	County	State	Zip
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Telephone Number of Supplier: () _____

Fax Number of Supplier: () _____

7. Name of person who we can contact that works for your supplier:

Section II: Complaint Filed Against

1. Name of Retail Gas Station: _____

Brand of Gasoline Sold: _____

Physical Address of Retail Gas Station: _____

City	County	State	Zip
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Telephone Number of Retail Station: () _____

Fax Number of Retailer: () _____

2. Name of Supplier: _____

Brand of Gasoline Supplied: _____

Physical Address of Supplier: _____

Telephone Number of Supplier: () _____

Fax Number of Supplier: () _____

E-Mail Address of Supplier: _____

Section II: Predatory Practices Complaint

NYS General Business Law § 370-c. Predatory practices unlawful, exceptions.

(a)(1) It is unlawful for any refiner engaged in commerce in this state to sell any grade or quality of motor fuel at a retail outlet at a price which is less than ninety-five (95) percent of the refiner cost where the effect is to injure competition.

(2) It is unlawful for any nonrefiner engaged in commerce in this state to sell any grade or quality of motor fuel at a retail outlet at a price which is less than ninety-five (95) percent of the nonrefiner cost where the effect is to injure competition.

(b) It is unlawful for any refiner, including any affiliate or agent thereof, to sell any grade or quality of motor fuel at a retail outlet at a price that is less than ninety-five (95) percent of the price charged by that refiner to any wholesaler or dealer under written contract for the like grade and quality of motor fuel, to the extent that the wholesaler or dealer resells in the relevant geographic market where the refiner's retail price is in effect.

(c) (1) An isolated, inadvertent incident involving activity prohibited pursuant to subdivision (a) or (b) of this section shall not be a violation of this article.

(2) A refiner's sale at a price which is less than ninety-five (95) percent of the refiner cost or nonrefiner's sale at a price which is less than ninety-five (95) percent of the nonrefiner cost made in good faith to meet an equally low retail price of a competitor selling motor fuel of like grade or quality in the same relevant geographic market which can be used in the same motor vehicle, or of the same or similar items in combination with motor fuel of like grade or quality which can be used in the same motor vehicle, is not a violation of this article.

1. The business this complaint is filed against appears to be in violation of § 370-c of the Motor Fuel Marketing Practices Act by selling their motor fuel as follows:

The prices listed below must be retail prices inclusive of all taxes.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon. Continue on next page.

PREDATORY PRACTICES COMPLAINT (NYS GBL § 370-c)

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

Date Sold: _____ Grade _____ at \$ _____ per gallon.

2. If you are alleging that a refiner or any agent or affiliate of the refiner allegedly violated § 370-c of the Motor Fuel Marketing Practices Act by selling any grade or quality of motor fuel at a price less than ninety-five percent (95%) of the price charged by that refiner to any wholesaler or dealer, please describe in what manner and on which occasion(s) the alleged violation(s) took place. Attach additional sheets if necessary.

3. Please describe in specific detail, provide copies of supporting documentation and quantify how the alleged violations resulted in economic harm by a decline in volume or a decline in the profit margin at your retail gas station.

4. Please complete the attached survey of your competitors' prices for each date of your complaint period. Include all businesses that are in the same geographical area and in direct competition with your business. Complete a different survey form for each day of your complaint period. Also, on the bottom of the form, include the motor fuel retail prices that your business charges.

READ THE FOLLOWING BEFORE SIGNING BELOW

Please attach to this form **photocopies** of any papers involved (contracts, warranties, bills received, cancelled checks, correspondence, etc.). **DO NOT SEND ORIGINALS.**

NOTE: In order to resolve your complaint, we may send a copy of this form to the person or firm about whom you are complaining.

In filing this complaint, I understand that the Consumer Protection Board is not my private attorney, but represents the public in enforcing the NYMFMPA. I also understand that if I have any questions concerning my legal rights or responsibilities, I should contact a private attorney. I have no objection to the contents of this complaint being forwarded to the business or person the complaint is directed against. The above complaint is true to the best of my knowledge.

I also understand that any false statements made in this complaint are punishable as a Class A Misdemeanor under Section 175.30 and/or Section 210.45 of the Penal Law.

Signature: _____

Date: _____

Return to: New York State Consumer Protection Board
Post Office Box 2078
Albany, NY 12223

DAILY PRICE SURVEY OF COMPETITORS

This survey should include all businesses in the same geographical area and in direct competition with your businesses. Use as many sheets as needed to cover all competitors. Use a separate form for each date in the time period covered by your complaint. Complete the form for only that grade of motor fuel about which you filed a complaint.

YOUR BUSINESS NAME: _____ **DATE OF SURVEY** _____

STREET ADDRESS: _____

CITY/ZIP _____

TELEPHONE: () _____

SURVEYED BY: _____ **TITLE:** _____

Competitor Name & Street Address (Give actual address, not intersecting street)	Distance from your business	Time of Survey	Low Grade Price/gallon	Mid Grade Price/gallon	High Grade Price/gallon	Diesel Price/gallon
Your Business Retail Price Information	N/A					