

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: () _____

Fax Number: () _____

E-Mail Address: _____

4. Corporate Address of Retail Gas Station: _____

City County State Zip

5. Name of Supplier: _____

6. Address of Supplier: _____

	City	County	State	Zip
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Telephone Number: () _____

Fax Number: () _____

7. Name of business contact at your supplier:

Section II: Complaint Filed Against

Name of Seller/Supplier: _____

Brand of Gasoline Sold: _____

Physical Address of Seller/Supplier: _____

	City	State	County	Zip
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Telephone Number: () _____

Fax Number: () _____

Section III: Rebate Practices Complaint

NYS General Business Law § 370-g. Certain rebates unlawful.

It is unlawful for any person selling motor fuel to offer or give a rebate, rent subsidy, or concession of any kind in connection, either directly or indirectly, with the sale of motor fuel to a person for resale when the seller does not provide, on proportionately equal terms, the same rebate, rent subsidy, or concession, or the equivalent of the rebate, rent subsidy, or cession, to all persons purchasing for resale in the relevant geographic market, where the effect is to injure competition. If a wholesaler receives a rebate, rent subsidy, or concession, the wholesaler must offer on proportionately equal terms, the rebate, rent subsidy, or concession, or the equivalent of the rebate, rent subsidy, or concession, to any retail outlet supplied by such wholesaler to the extent the wholesaler passes through such rebate, rent subsidy or concession. However, a rebate, rent subsidy, or concession made in good faith to meet the same or a comparable rebate, rent subsidy, or concession of a competitor shall not be a violation of this article, provided that any person who sells motor fuel to any wholesaler or dealer under written contract for resale in the relevant geographic market shall offer the rebate, rent subsidy, or concession, or the equivalent of such rebate, rent subsidy, or concession, to all other similarly situated wholesalers and dealers on proportionately equal terms.

REBATES PRACTICES COMPLAINT (NYS GBL § 370-g)

1. Please place a check mark next to the statement that describes your complaint.

My supplier failed to offer a rebate, rent subsidy or concession on equal terms to all retail stations in the relevant geographic market.

My wholesaler failed to pass on a rebate, subsidy or concession to my retail gas station that was received by another retail gas station.

2. Please list the following information regarding the retail station that you believe was offered or received the rebate, rent subsidy or concession. Attach sheets for additional stations if necessary.

Brand of Gasoline Sold: _____

Name of Retail Gas Station: _____

Physical Address of Retail Gas Station: _____

City	County	State	Zip
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Telephone Number: _____

Name and/or Location of the Supply Terminal if known:

Description and amount of the rebate offered or earned: _____

3. Please describe in specific detail in what manner and on what dates and occasions the seller/supplier allegedly engaged in violation(s) of §370-g. of the Motor Fuel Marketing Practices Act by failing to pass on certain rebates to you or failed to offer a rebate to you that the seller/supplier offered to another retail gas station in your geographic area. If possible, please estimate the amount of each rebate you believe should have been given to your station (in cents per gallon or total dollars, as applicable). Attach additional sheets if necessary.

4. Please attach copies of any relevant documentation such as supplier rebate program announcements and/or rental or motor fuel invoices showing rebate credits or subsidy amounts.

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
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Albany, NY 12223