DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION NOTICE OF PROPOSED GUIDANCE DOCUMENTS

Pursuant to section 227.112 of the Wisconsin Statutes, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) is hereby accepting comments on the proposed guidance document:

Meeting Competition Check List

LOCATION OF PROPOSED GUIDANCE
Proposed guidance document may be reviewed by accessing:
https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx

SUBMITTING PUBLIC COMMENTS
Public comments on proposed or adopted guidance document may be submitted by accessing:
https://datcp.wi.gov/Pages/About Us/GuidanceDocuments.aspx

DEADLINE FOR SUBMISSION
The comment period will run no fewer than 21 days after the publication of this document in the Administrative Register.

AGENCY PUBLICATION
The attached guidance document contains statements or interpretations of law under the following applicable provisions of federal law or the applicable state statutory or administrative code provisions: Wis. Stat. ch. 100, Wis. Admin. Code, ch. 105.

CERTIFICATION
Pursuant to the authority delegated to me by the Secretary, I have reviewed the attached guidance document or proposed guidance document and I certify that it complies with sections 227.10 and 227.11 of the Wisconsin Statutes. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated. I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Lara Sutherlin
Administrator
Division of Trade and Consumer Protection
Meeting Competition Check List

This guidance document is based on Wis. Stat. ch. 100 and chapter(s) ATCP 105 Wis. Admin. Code. This document is intended solely as guidance, and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations, and is not finally determinative of any of the issues addressed.

See attached.

Lara Sutterlin - Administrator, Division of Trade and Consumer Protection

October 15, 2019

DATE

Contributors:
MEETING COMPETITION CHECK LIST

File # __________________ Investigator: _____________________________
Respondent: __________________ Respondent Location: _______________________

Some of the Competition Factors I considered for determining whether the claimed competitor(s) is(are) in the same market:

1. ☐ Commuter patterns including:
   ☐ Major employment in the claimed neighboring community
   ☐ Major shopping centers
   ☐ Schools
   ☐ Consumer motivation
   ☐ Other: ____________________________________________________________

2. ☐ Distance from claimed competitor (approximate miles) _______________________
   ☐ same city ☐ same metropolitan area ☐ Other _____________________________

3. ☐ Concentration of retailers around respondents’ station _______________________

4. ☐ "Good Faith" claim of meeting a competitor _____________________________

5. ☐ Whether on an interstate or direct route ________________________________

   Respondent: Type of Retailer
   ☐ Traditional gas station
   ☐ Convenience store
   ☐ "Hyper market”
   ☐ Travel center

   Competitor: Type of Station
   ☐ Traditional gas station
   ☐ Convenience store
   ☐ "Hyper market”
   ☐ Travel center

6. ☐ Price and concentration of stations in between claimed station for exception
   Name of station(s) in between ________________________________

7. ☐ Effect on volume of gallons of not meeting the claimed competitors price
   (e.g. written documentation from respondent).

8. ☐ History of filing Notices of Meeting Competition (daily reports) ______________

9. ☐ Other: __________________________

Case Summary: ____________________________________________________________

Investigator Recommendation:
I have adequately considered the above factors and recommend to my supervisor that the claim for the "meeting competition" exception be ☐ ACCEPTED ☐ DENIED for this file.

_________ ____________________________ ____________________________
Investigator Signature Date

☐ AGREE ☐ DISAGREE ____________________________ ____________________________
(with recommendation) Supervisor Signature Date

Comments: _______________________________________________________________