

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

In the Matter of	)	
	)	
<b>NEW HAMPSHIRE MOTOR TRANSPORT ASSOCIATION,</b>	)	File No. 021-0115
	)	
an association.	)	
	)	

**AGREEMENT CONTAINING CONSENT ORDER**

The Federal Trade Commission (“Commission”), having initiated an investigation of certain acts and practices of New Hampshire Motor Transport Association (“NHMTA”), and it now appearing that NHMTA, hereinafter sometimes referred to as “Proposed Respondent,” is willing to enter into this Agreement Containing Consent Order (“Consent Agreement”) providing for relief with respect to such practices:

IT IS HEREBY AGREED by and between Proposed Respondent, by its duly authorized officers and attorneys, and counsel for the Commission that:

1. Proposed Respondent, New Hampshire Motor Transport Association, is an association organized and existing under the laws of the State of New Hampshire with its principal office and place of business at 13 West Street, Concord, New Hampshire 03301.
2. Proposed Respondent admits all the jurisdictional facts set forth in the draft of Complaint here attached.
3. Proposed Respondent waives:
  - (a) any further procedural steps;
  - (b) the requirement that the Commission’s Decision and Order (“Order”), here attached and made a part hereof, 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 Order entered pursuant to this Consent Agreement; and
  - (d) any claim under the Equal Access to Justice Act.
4. This Consent Agreement shall not become part of the public record of the proceeding unless and until it is accepted by the Commission. If this Consent Agreement is accepted by the Commission it, together with the draft of Complaint contemplated thereby, will be placed on the public record for a period of thirty (30) days and information in respect thereto publicly released. The Commission thereafter may either withdraw its acceptance of this Consent Agreement and so notify Proposed Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Complaint (in such form as the circumstances may require) and Order, in disposition of the proceeding.
  5. This Consent Agreement is for settlement purposes only and does not constitute an admission by Proposed Respondent that the law has been violated as alleged in the draft of Complaint here attached, or that the facts as alleged in the draft Complaint, other than jurisdictional facts, are true.
  6. This Consent Agreement contemplates that, if it is accepted by the Commission, and if such acceptance is not subsequently withdrawn by the Commission pursuant to the provisions of Commission Rule 2.34, 16 C.F.R. § 2.34, the Commission may, without further notice to Proposed Respondent, (1) issue and serve its Complaint corresponding in form and substance with the draft Complaint here attached, (2) issue and serve its Decision and Order to cease and desist in disposition of the proceeding, and (3) make information public in respect thereto. When final, the Decision and Order shall 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 orders. The Decision and Order shall become final upon service. Delivery by the U.S. Postal Service of the Complaint and Decision and Order to Proposed Respondent's address as stated in this Consent Agreement shall constitute service. Proposed Respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the Decision and Order, and no agreement, understanding, representation, or interpretation not contained in the Decision and Order or the Consent Agreement may be used to vary or contradict the terms of the Decision and Order.

7. Proposed Respondent has read the proposed Complaint and Decision and Order contemplated hereby. It understands that once the Decision and Order has been issued, it will be required to file one or more compliance reports showing that it has fully complied with the Decision and Order. Proposed Respondent further understands that it may be liable for civil penalties in the amount provided by law for each violation of the Decision and Order after it becomes final.

Signed this \_\_\_\_ day of \_\_\_\_ 2003

New Hampshire Motor Transport  
Association

Federal Trade Commission

By:

By:

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Robert J. Sculley  
President  
New Hampshire Motor Transport  
Association

\_\_\_\_\_  
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Peggy Bayer  
Harry Schwirck  
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\_\_\_\_\_  
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Transport Association

Approved:

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Deputy Assistant Director  
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Assistant Director  
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Susan A. Creighton  
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