

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

COMMISSIONERS:

**Timothy J. Muris, Chairman
Mozelle W. Thompson
Orson Swindle
Thomas B. Leary
Pamela Jones Harbour**

In the Matter of)	
)	
ALABAMA TRUCKING)	Docket No. 9307
ASSOCIATION, INC.,)	
)	
a corporation.)	
)	

AGREEMENT CONTAINING CONSENT ORDER

The Federal Trade Commission (“Commission”), having issued a Complaint challenging certain acts and practices of the Alabama Trucking Association, Inc. (“ATA”), and it now appearing that ATA, hereinafter sometimes referred to as “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 Respondent, by its duly authorized officers and attorneys, and counsel for the Commission that:

1. Respondent Alabama Trucking Association, Inc. is a corporation organized, existing, and doing business under and by virtue of the laws of the State of Alabama, with its office and principal place of business located at 660 Adams Avenue, Montgomery, Alabama 36104.
2. Respondent has been served with a copy of the Complaint issued by the Commission charging it with violations of Section 5 of the Federal Trade Commission Act, as amended.
3. Respondent admits all the jurisdictional facts set forth in the Complaint.
4. Respondent waives:

- (a) any further procedural steps;
 - (b) the requirement that the Commission's Decision and Order ("Decision and 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 challenge or contest the validity of the Decision and Order entered pursuant to this Consent Agreement; and
 - (d) any claim under the Equal Access to Justice Act.
5. 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 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 Respondent, in which event it will take such action as it may consider appropriate, or issue and serve its Decision and Order in disposition of the proceeding.
6. This Consent Agreement is for settlement purposes only and does not constitute an admission by Respondent that the law has been violated as alleged in the Complaint, or that the facts as alleged in the Complaint, other than jurisdictional facts, are true.
7. 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 3.25(f), 16 C.F.R. § 3.25(f), the Commission may, without further notice to Respondent: (1) issue its Decision and Order, and (2) make information public with respect thereto. When final, the 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 Commission orders. The Decision and Order shall become final upon service. Delivery of the Decision and Order to Respondent by any means specified in Commission Rule 4.4(a), 16 C.F.R. § 4.4(a), shall constitute service. Respondent waives any right it may have to any other manner of service. The Complaint may be used in construing the terms of the 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 Order.
8. By signing this Consent Agreement, Respondent represents and warrants that it can accomplish the full relief contemplated by the Consent Agreement and the attached Decision and Order, and that all parents, subsidiaries, affiliates, and successors necessary to effectuate the full relief contemplated by this Consent Agreement are bound thereby as if they had signed this Consent Agreement and were made parties to this proceeding and to the Decision and Order.

9. Respondent has read the 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. Respondent agrees to comply with the Decision and Order from the date it signs this Consent Agreement. 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

Alabama Trucking Association, Inc.

Federal Trade Commission

By:

By:

President
Alabama Trucking Association, Inc.

Dana Abrahamsen
Peggy Bayer
Harry Schwirck
Attorneys
Bureau of Competition

Approved:

James M. Sizemore, Jr.
Counsel for Alabama Trucking
Association, Inc.

Patrick J Roach
Deputy Assistant Director
Bureau of Competition

Richard B. Dagen
Assistant Director
Bureau of Competition

Susan A. Creighton
Director
Bureau of Competition