



UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION
WASHINGTON, DC 20580



DEPARTMENT OF JUSTICE
ANTITRUST DIVISION
WASHINGTON, DC 20530

DOJ BUSINESS REVIEWS AND FTC STAFF ADVISORY OPINION LETTERS RELATED TO HURRICANE KATRINA AND HURRICANE RITA AFTERMATH

Under long-standing procedures, both the Antitrust Division of the Department of Justice and the Federal Trade Commission (“the Agencies”) provide guidance to businesses concerned about the legality of proposed conduct under the antitrust laws. Persons concerned about the legality under the antitrust laws of proposed business conduct relating to the aftermath of Hurricanes Katrina and Rita may utilize those procedures and request the Department or the FTC to state its antitrust enforcement intentions under the traditional antitrust guidance procedures. In the aftermath of the devastation caused by Hurricanes Katrina and Rita, however, the Department and the FTC recognize that there may be an acute need for parties to receive a statement of the Agencies’ antitrust enforcement intentions on an expedited basis and have therefore adopted the streamlined procedures described below.

In an effort to provide expedited antitrust guidance with respect to requests related to Hurricanes Katrina and Rita, the Department and the FTC will permit parties to submit a request for antitrust guidance via fax, email, or regular mail along with whatever information and documents the requesting parties can reasonably provide. The Department and the FTC will commit to respond as specifically as possible to a request for a business review letter (DOJ) or staff advisory opinion (FTC) within five (5) business days of receipt.

To utilize this temporary procedure, parties need to undertake the following:

1. Requests to the Department of Justice should be submitted to Hurricane Business Review Office in writing via fax at 202-514-8726, email at Hurricane.Biz.Review@usdoj.gov, or mail to Hurricane Business Review Office, 950 Constitution Ave, N.W., Room 3109, Washington, D.C. 20530-0001. Requests to the FTC should be submitted to the Federal Trade Commission (Hurricane Advice), Box 1C, Room 172-H, via fax at (202) 326-2496; via email at hurricaneadvice@ftc.gov; or via mail to the Federal Trade Commission (Hurricane Advice), Box 1C, Room 172-H, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. Please note

that paper mail in the Washington, D.C. area and at the Agencies is subject to delay.

2. The request must explain how it is related to the aftermath of Hurricane Katrina or Hurricane Rita and provide a description of the nature and rationale of the proposal (including the names of the participants, the product(s) or service(s) the proposal will cover, and the temporal and geographic scope of the arrangement), any proposed contractual or other arrangements among the parties (including copies of any documents memorializing the contract or arrangement), the names of the major expected customers, and any available information regarding the competitive significance of other providers of the product(s) or service(s) to be offered. The request must also provide the name and contact information of a person whom the Agencies can contact for additional information.
3. Any additional information submitted with the request for a business review letter or a staff advisory opinion, or additional information requested by the Agencies may be supplied via fax, email, or, in the Agencies' discretion, orally.
4. The Agencies' responses to requests pursuant to this expedited procedure will be in effect for one (1) year from the date of the response. Parties may subsequently request, utilizing these expedited procedures, that the Department or FTC reiterate its intention not to challenge the conduct, if further time is necessary to respond to Hurricane Katrina or Hurricane Rita.