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JUN 5 2007  
530365

UNITED STATES OF AMERICA  
BEFORE FEDERAL TRADE COMMISSION

\_\_\_\_\_  
In the Matter of )  
 )  
PAUL L. FOSTER, )  
 )  
WESTERN REFINING, INC., )  
 )  
 )  
and )  
 )  
GIANT INDUSTRIES, INC., )  
Respondents. )  
\_\_\_\_\_

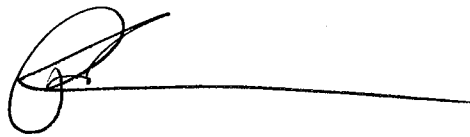
PUBLIC

Docket No. 9323

**COMPLAINT COUNSEL'S STATEMENT OF NON-OPPOSITION TO  
RESPONDENTS' MOTION TO THE COMMISSION FOR WITHDRAWAL OF THE  
MATTER FROM ADJUDICATION**

Complaint Counsel have reviewed the motion filed by Respondents under Rule 3.26(c) of the Commission's Rules of Practice, 16 C.F.R. § 3.26(c). Notwithstanding the requirements of Commission Rule of Practice 3.26(b), Complaint Counsel do not oppose Respondents' Motion to the Commission for Withdrawal of the Matter from Adjudication.

Respectfully Submitted,



\_\_\_\_\_  
Peter Richman

Counsel Supporting the Complaint

Bureau of Competition  
Federal Trade Commission  
Washington, D.C.

Dated: June 5, 2007

CERTIFICATE OF SERVICE

I, Peter Richman, hereby certify that on June 5, 2007, I caused a true and correct copy of the attached *Complaint Counsel's Statement Of Non-Opposition To Respondents' Motion to the Commission for Withdrawal of the Matter from Adjudication* to be delivered this day:

By electronic mail and by hand delivery:

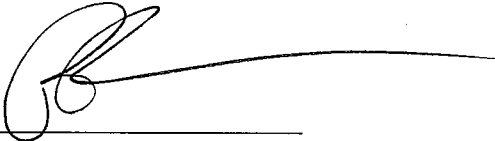
Donald S. Clark, Secretary  
Federal Trade Commission  
600 Pennsylvania Ave., NW, Rm. H-135  
Washington, D.C. 20580

Two courtesy copies by hand delivery:

Hon. Stephen J. McGuire  
Chief Administrative Law Judge  
Federal Trade Commission  
Room H-112  
600 Pennsylvania Ave., N.W.  
Washington, D.C. 20580

By electronic mail to:

Michael P. A. Cohen, Esq.  
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Washington, D.C. 20036



Peter Richman  
Attorney  
Federal Trade Commission