

1 WILLIAM BLUMENTHAL
General Counsel
2
3 MICHAEL J. BLOOM
Federal Trade Commission
600 Pennsylvania Ave., NW
4 Washington, DC 20580
Phone (202) 326-2475/Fax (202) 326-2884

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

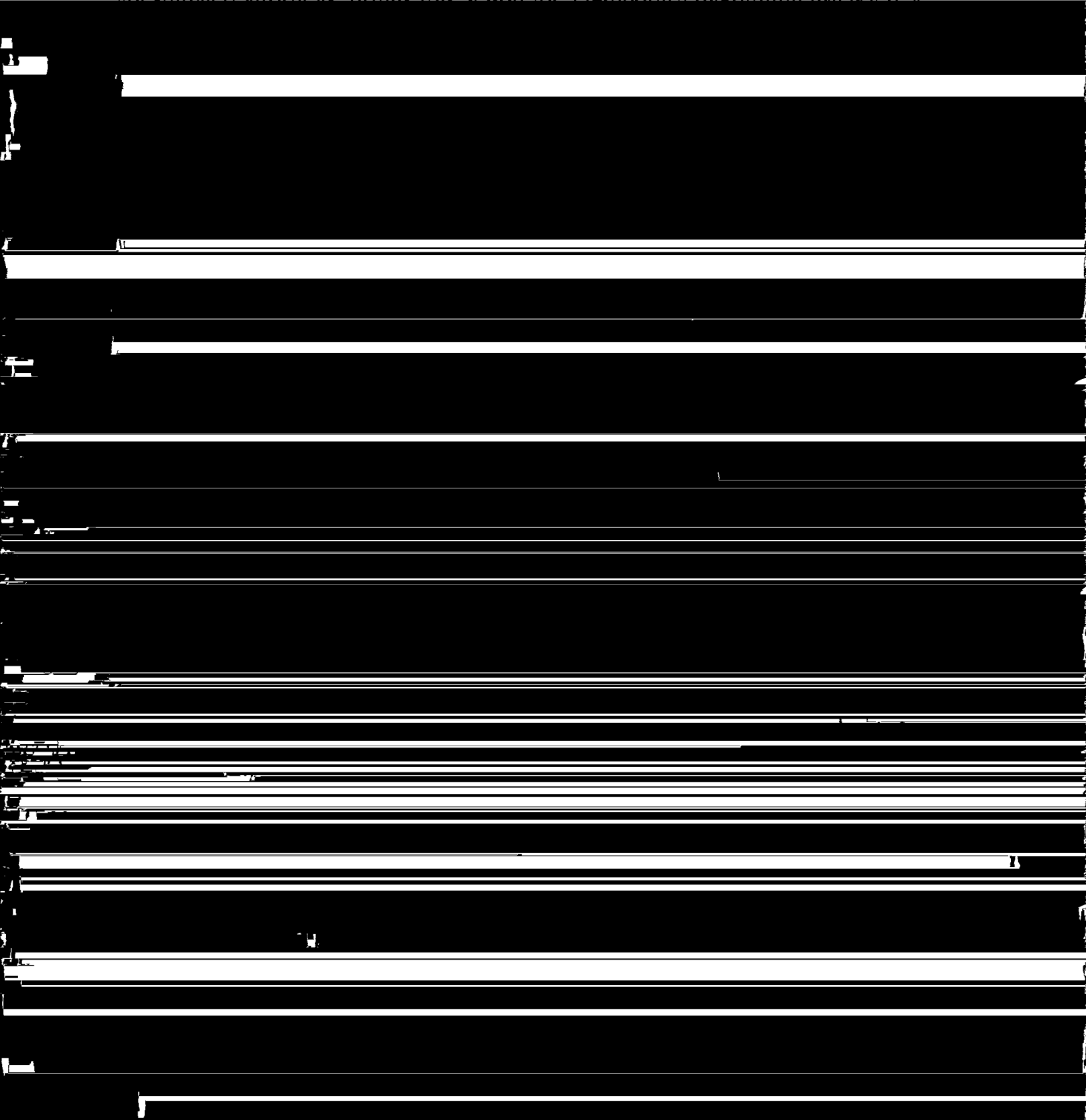
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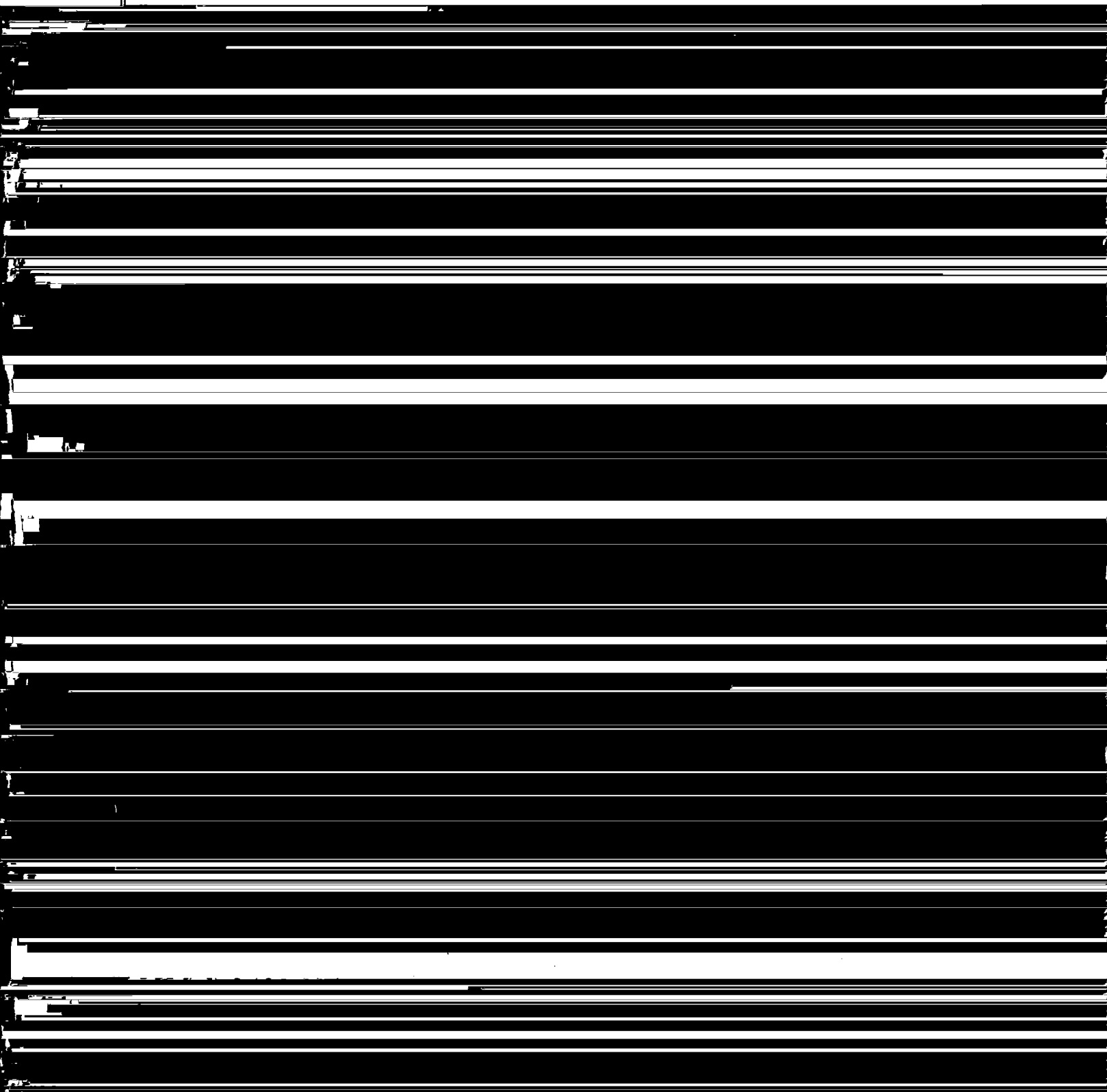
SECTION 13(b) OF THE FEDERAL TRADE COMMISSION ACT
Plaintiff, Federal Trade Commission ("FTC" or "Commission"), by its

designated attorneys, brings this action for a temporary restraining order and a



1 monopolies, and is brought by an agency of the United States authorized by Act
2 of Congress to bring this action.

3 2. Aloha and Trustreet are engaged in commerce, as "commerce" is



1 N.W., Washington, D.C. 20580. The Commission is vested with authority for
2 enforcing, *inter alia*, Section 7 of the Clayton Act and Section 5 of the FTC Act.

3 5. Defendant Aloha is a corporation organized and existing under the
4 laws of the State of Hawaii, with its principal place of business at 1132 Bishop
5 Street, 17th Floor, Honolulu, Hawaii 96813.

6 6. Defendant Trustreet is a corporation organized and existing under the
7 laws of the State of Maryland, with its principal place of business at 450 S.
8 Orange Avenue, Orlando, Florida 32801.

9 **IV.**

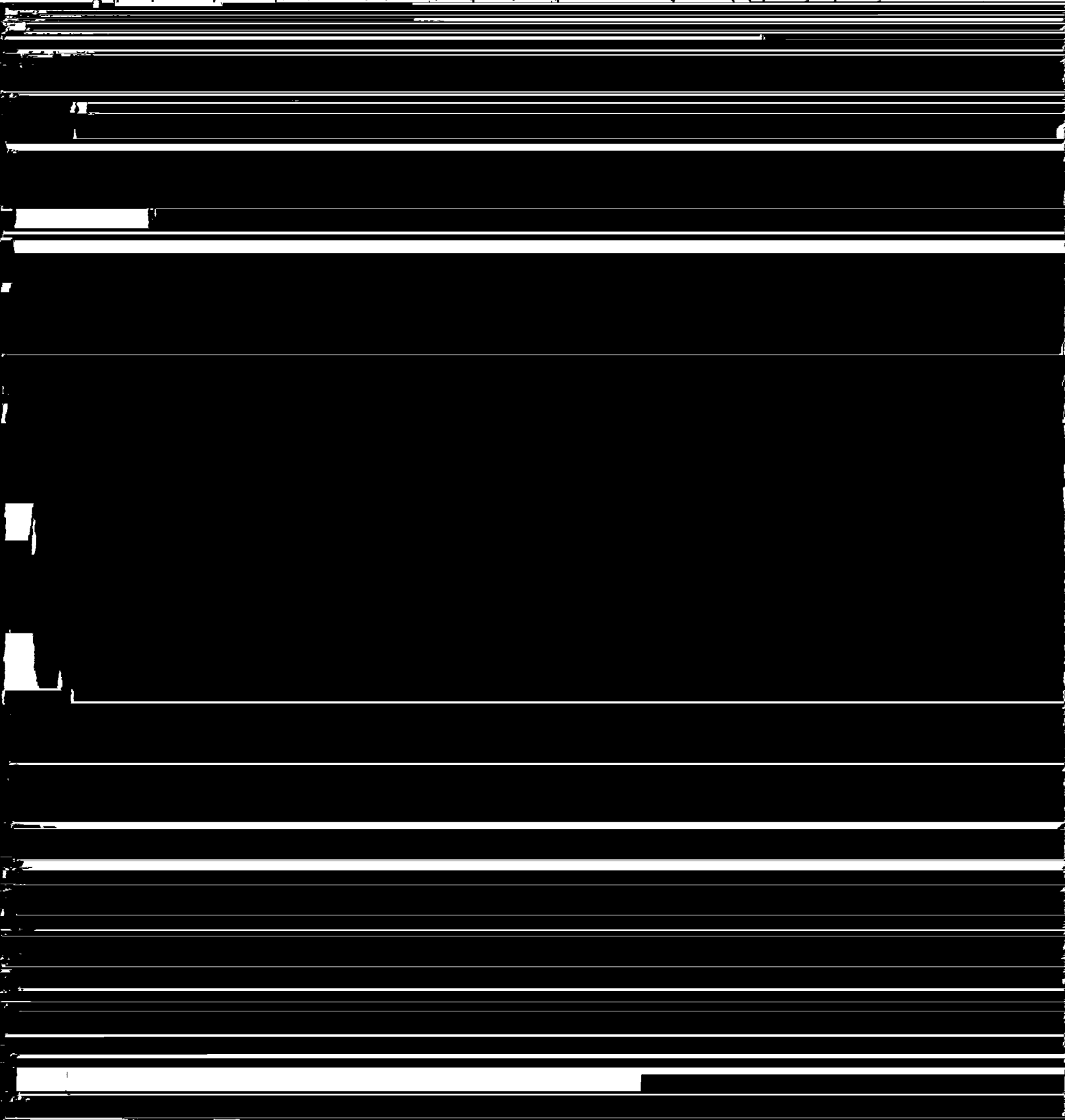
10 **SECTION 13(b) OF THE FTC ACT**

11 7. Section 13(b) of the FTC Act, 15 U.S.C. § 53(b), provides in
12 pertinent part:

13 (b) Whenever the Commission has reason to believe --

14 (1) that any person, partnership or corporation is violating, or
15 is about to violate, any provision of law enforced by the

1 this action under Section 13(b) of the FTC Act to seek a temporary restraining



1 fourth terminal owned by the Hawaii Fuels Facility Consortium is used only for
2 jet fuel and is not available to store gasoline. There are no terminals on any of the
3 other Hawaiian islands that are economically capable of receiving out-of-state
4 gasoline imports.

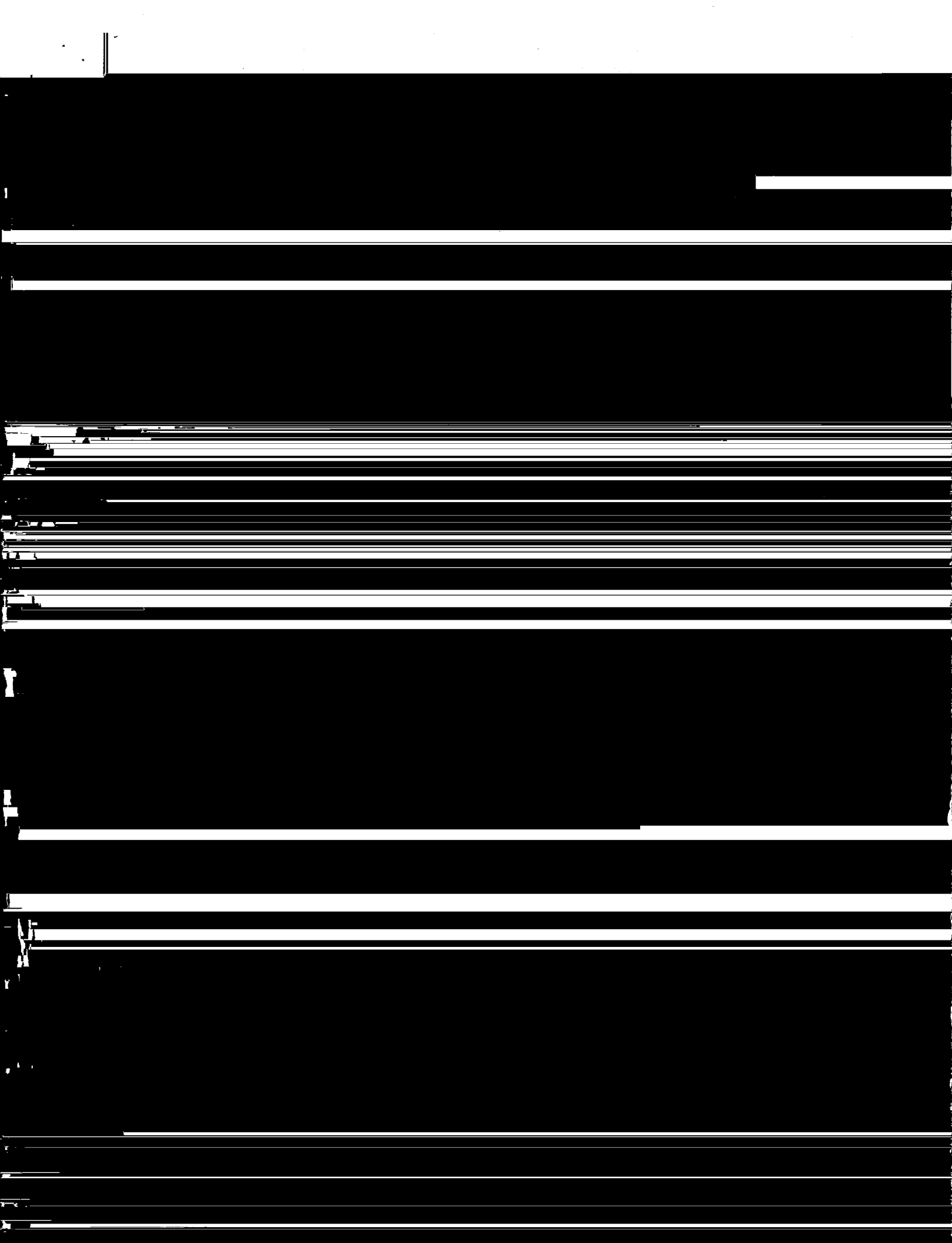
5 15. Both Aloha and Trustreet have the right and ability to use the Barbers
6 Point terminal to import cargoes of gasoline or to store gasoline obtained from the
7 refiners on Oahu. No one else has the right to use the Barbers Point terminal.

8 16. The ability to import cargoes of gasoline is necessary to obtain a



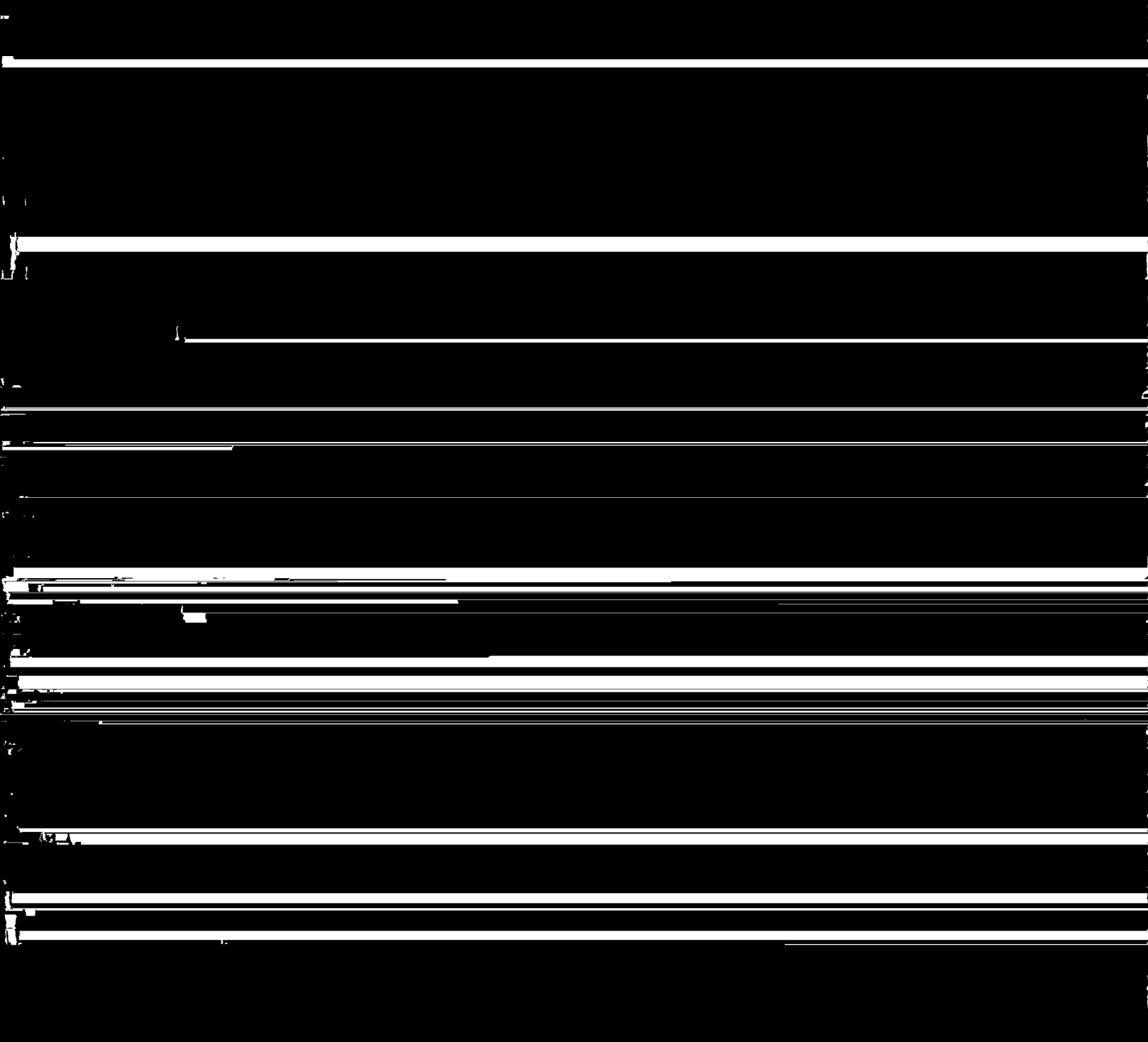
1 does not supply gasoline, directly or otherwise, to any non-Shell branded retail





1 C. Concentration

2 29. The proposed acquisition would substantially increase concentration
3 in retail gasoline markets on Oahu and in geographic subdivisions thereof. Aloha
4 business records note in particular that at some locations Aloha and Mahalo
5 stations competitively constrain one another



1 | sought is in the public interest.

