

IN THE MATTER OF

GREAT LAKES CARBON CORPORATION, ET AL.

MODIFYING ORDER IN REGARD TO ALLEGED VIOLATION OF THE
FEDERAL TRADE COMMISSION ACT*Docket 8805. Final Order, June 5, 1973—Modifying Order, June 4, 1985*

This order reopens the proceeding and modifies the Commission's order issued on June 5, 1973 (82 F.T.C. 1529) to provide that the order, which was scheduled to expire in June of 1993, will terminate immediately upon entry of the modifying order. After considering respondent's petition requesting termination of the 1973 order, together with other relevant information, the Commission determined that the requested modification would serve the public interest. Changes in the market indicated that the order, which among other things required the companies to restrict their contracts for the purchase and sale of industrial quality petroleum coke to terms of three years, was no longer necessary and impeded the ability of respondent companies to compete effectively.

ORDER REOPENING AND MODIFYING ORDER ISSUED JUNE 5, 1973

By a petition filed on January 3, 1985, respondent Great Lakes Carbon Corporation joined by respondents Standard Oil Company (Indiana), Conoco, Inc., Derby Refining Company, Farmland Industries, Inc., Sun Refining and Marketing Company, Texaco, Inc., and Mobil Oil Corporation (by its separate submission filed on January 7, 1985), request that the Commission reopen the proceeding in Docket No. 8805 and modify Paragraph X of the order to provide that the order terminate immediately. Upon consideration of Great Lakes' petition and other relevant information, the Commission now finds that the public interest warrants reopening the proceeding and modifying Paragraph X of the order as requested.

The record describes an industry in which the respondents' use of long-term sales and purchase contracts by and between the respondents and others for industrial quality petroleum coke would not appear likely to have anticompetitive effects during the next eight years. Changes in the market indicate that the order is no longer necessary and the order has accomplished all it is likely to do. At the same time, the order now appears to be limiting respondents' ability to compete effectively for, among other things, participation in cogeneration and waste heat recovery projects, development of new markets, and export sales. As a result, we conclude that it is in the public interest to set aside this order.

Accordingly,

It is ordered, That this matter be and it hereby is reopened, and that

Modifying Order

105 F.T.C.

Paragraph X of the Commission's order issued on June 5, 1973, be modified as follows:

X.

This order shall terminate and cease to be effective immediately upon entry of this order reopening and modifying the order issued on June 5, 1973.

IN THE MATTER OF

THE KORMAN CORPORATION

CONSENT ORDER, ETC., IN REGARD TO ALLEGED VIOLATION OF SEC. 5 OF
THE FEDERAL TRADE COMMISSION ACT*Docket C-3155. Complaint, June 12, 1985—Decision, June 12, 1985*

This consent order requires a Trevoze, Pa. homebuilder, developer and real estate manager, among other things, to cease representing that it will correct any problems due to faulty materials, workmanship or design, unless the firm corrects the problems within a reasonable time after being informed of the defect by the homeowner. The firm is also barred from failing to perform its warranty obligations within a reasonable period of time and remedy non-warranted problems that the company has represented that it will correct. Should a written warranty be offered in connection with the sale of a home, a notice has to be conspicuously displayed in sales offices advising that a free copy of the warranty is available upon request. All limitations on, disclaimers of, or exclusions from coverage under the written warranty would have to be clearly and conspicuously disclosed within both the warranty and each sales contract used by the firm. If homes are covered by a written warranty, the firm has to use a prescribed dispute settlement process to resolve warranty disputes, and provide a written description of that process to each home purchaser. The order additionally requires the company to provide repairs or reimbursements, in accordance with redress procedures set forth in the order, to eligible homeowners who bought their homes since Oct. 1, 1978 and still own those homes; and to maintain specified files for a period of three years.

Appearances

For the Commission: *James K. Leonard.*

For the respondent: *Steven A. Arbittier and Roberta D. Liebenberg, Wolf, Block, Schorr & Solis-Cohen, Philadelphia, Pa.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by such Act, the Federal Trade Commission, having reason to believe that The Korman Corporation, a corporation, hereinafter sometimes referred to as respondent, has violated the provisions of said Act, and it appearing to the Commission that a proceeding by it in respect thereof would be in the public interest, hereby issues its complaint stating its charges in that respect as follows:

PARAGRAPH 1. Respondent The Korman Corporation is a corporation organized, existing and doing business under and by virtue of the