

IN THE MATTER OF

PROMODES, S.A., ET AL.

Docket 9228. Interlocutory Order, August 10, 1989

ORDER

By motion dated August 4, 1989, the parties have jointly moved that respondent The Kroger Company ("Kroger") be dismissed from this action. In connection therewith, Kroger, along with Promodes S.A. and Red Food Stores, Inc. (collectively "Red Food"), and complaint counsel agree to the following provisions regarding discovery in this matter:

1. Kroger will respond in a timely manner to reasonable discovery requests, including document requests and interrogatories; and
2. Kroger documents, Kroger interrogatory responses and the sworn testimony of Kroger officials will be admissible to the same extent as if Kroger were a party. Complaint counsel and Red Food will not object to the introduction of Kroger documents, Kroger interrogatory responses or the sworn testimony of Kroger officials on the grounds that Kroger is no longer a party to this litigation.

The motion to dismiss is granted.

IN THE MATTER OF

NEW ENGLAND MOTOR RATE BUREAU, INC.

FINAL ORDER, OPINION, ETC., IN REGARD TO ALLEGED VIOLATION OF
SEC. 5 OF THE FEDERAL TRADE COMMISSION ACT

Docket 9170. Complaint, Oct. 24, 1983—Final Order, Aug. 18, 1989

This final order requires, among other things, the respondent to halt its collective ratemaking activities in certain states and to cancel, within six months, all tariffs it has filed in those states.

Appearances

For the Commission: *Michael E. Antalics, Robert J. Schroeder, Harold F. Moody and John H. Seesel.*

For the respondent: *Bryce Rea, Jr., Rea, Cross & Auchincloss, Washington, D.C. and Curtis Wood, New England Motor Rate Bureau, Inc., Burlington, Ma.*

COMPLAINT

Pursuant to the provisions of the Federal Trade Commission Act, and by virtue of the authority vested in it by said Act, the Federal Trade Commission, having reason to believe that The New England Motor Rate Bureau, Inc., 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 as follows:

For purposes of this complaint the term "*carrier*" means a common carrier of property by motor vehicle.

"*Intrastate transportation*" means the pickup or receipt, transportation and delivery, wholly within any state of the United States, of property for compensation by a carrier authorized by that state to engage therein.

"*Member*" means any carrier or other person which pays dues or belongs to The New England Motor Rate Bureau, Inc., or to any successor corporation.

"*Tariff*" means the publication stating the rates of a carrier for the