

FLORIDA DEPARTMENT OF AGRICULTURE & CONSUMER SERVICES
Charles H. Bronson, COMMISSIONER OF AGRICULTURE

MOTOR FUEL MARKETING COMPLAINT FORM

DIVISION OF STANDARDS

Administration Building
1325 Conner Boulevard, Suite E
Tallahassee, Florida 32399-1650

Telephone: (850) 487-3600

Fax: (850) 922-8971

SECTION I

Complaint Filed By:

(Corporate Name) (Contact)

(Corporate Address)

(City) (County) (State) (Zip)

() ()
(Telephone) (Fax)

SECTION II

Complaint Filed Against:

(Name of Business)

(Complete Physical Address)

(City) (County) (State) (Zip)

() ()
(Telephone) (Fax)

SECTION III

If different from above, list the business name, physical address, and telephone number of your business in direct competition with the business in which you are complaining: (Must be in the same geographical area of effective competition)

Name of business: _____ Telephone: () _____
Physical Address: _____ City: _____ Zip: _____

SECTION IV

The business this complaint is filed against appears to be in violation of the Motor Fuel Marketing Practices Act (section 526.301 – 526.3135, Florida Statutes) by selling their motor fuel as follows:

- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon
- Grade: _____ Dates Sold: _____ at \$ _____ per gallon

This business is located a distance of _____ from my business location. I understand a copy of this complaint will be provided to the business this complaint is filed against, and the information received in response to this complaint is proprietary, confidential, and will not be provided to me.

(Print or Type Name)

(Signature)

INSTRUCTIONS FOR FILING MOTOR FUEL MARKETING COMPLAINTS

Before filing a complaint for below cost selling of motor fuel, make certain the business you wish to file a complaint against is not meeting an exemption to sell motor fuel below cost as provided in the "Motor Fuel Marketing Practices Act." Those exemptions are:

1. Sales made during a grand opening to introduce a new or remodeled business not to exceed 3 days, which grand opening shall be held within 60 days from the date the new or remodeled business begins operation.
2. A sale made in good faith to meet an equally low price of a competitor selling motor fuel of like grade which can be used in the same motor vehicle. (Must be in the same geographical area of effective competition)
3. A bona fide clearance sale.
4. A final business liquidation sale.
5. A sale of the refiner's motor fuel by a fiduciary or other officer under the order or direction of any court.

Should the business not meet an exemption listed above to sell motor fuel below cost, you may proceed with submitting a complaint. The "Motor Fuel Marketing Complaint Form" is divided into 4 sections and must be completed in its entirety. Information needed in each section is explained below.

Section I

List the name of your corporation and mailing address in this section. Please include your corporate telephone and fax numbers. Also, list a contact person with your business that may be able to answer any questions we may have regarding your complaint.

Section II

List the name of the business, physical address, city and zip code, not post office box or intersecting streets, of the business in which you are filing the complaint against. If possible, please include their telephone number.

Section III

List the name of your retail business in direct competition with the business in which you are filing the complaint against. Your retail business location **must** be in direct competition with the business in which you are complaining.

Section IV

List the grade of motor fuel, the dates in the complaint period, and the retail price for this grade. If your complaint involves different grades, and/or prices of motor fuel, please list accordingly.

Example: Grade: Regular Unleaded Dates Sold: 8/7/2000 - 9/5/2000 at \$ 1.21 per gallon.
Grade: Regular Unleaded Dates Sold: 9/6/2000 - 9/10/2000 at \$ 1.23 per gallon.
Grade: Mid-Grade (Plus) Dates Sold: 8/9/2000 - 8/23/2000 at \$ 1.39 per gallon.

Be sure to include the distance your business is from the business in which the complaint is filed against. Complete the name and signature portion of the form.

You may fax the complaint and attachments to our office at (850) 922-8971; however, we request you mail the original complaint form and attachments to:

Florida Department of Agriculture and Consumer Services
Division of Standards
Motor Fuel Marketing Section
Administration Building, Suite E
3125 Conner Boulevard
Tallahassee, Florida 32399-1650

◆ Important: Daily pricing surveys of your area of competition are to be included with the complaint form. The daily surveys should cover the dates mentioned in your complaint and 7 days prior to the complaint period. All businesses (not just the business the complaint is filed against) in your competitive market area are to be listed on the survey form. Should you have any questions about completing the complaint form, survey form, or filing a complaint, you may telephone the department at (850) 487-3600 or (850) 413-7466.

INSTRUCTIONS FOR COMPLETING THE “DAILY PRICE SURVEY OF COMPETITORS” FORM

This survey form should be completed on a daily basis and kept in your files as part of your regular business practices. Should you file a complaint against a competitor for below cost selling of motor fuel, these survey forms must be submitted with the complaint form covering a period of seven (7) days prior to the complaint period through the end of the complaint period. After our office reviews the complaint and survey forms, there could be a request for you to furnish additional surveys going back further than the seven (7) days prior to the complaint period. If these forms are completed daily, you will have the surveys we request. When completing the survey form, be sure to list the exact time the prices were noted.

All businesses listed on the survey form must be in the same geographical area and in direct competition with your business. Complete a different survey form for each day surveyed. The left side of the form is for your first survey of the day. The right side of the form is for changes in retail prices that occur on that same day. There are spaces for two price changes during the day. The retail prices for motor fuel your business charges must also be listed on the bottom of the form in the appropriate area.

As soon as your competitor makes changes in their retail prices, list the time of the changes and their new retail prices. If you did not see your competitor change their prices, but noticed it later in the day, be sure to list the time you noticed the change and note it accordingly. If you change your prices, you must list the time of your price changes and the new prices you are charging for motor fuel.

Remember, there are exemptions in the Motor Fuel Marketing Practices Act that allows for below cost selling of motor fuel. You should familiarize yourself with these exemptions so you can recognize when a competitor is selling below cost while staying within the boundaries of the statute. Those *exemptions are:*

1. Sales made during a grand opening to introduce a new or remodeled business not to exceed 3 days, which grand opening shall be held within 60 days from the date the new or remodeled business begins operations.
2. A sale made in good faith to meet an equally low price of a competitor selling motor fuel of like grade which can be used in the same motor vehicle. (Must be in the same geographical area of effective competition.)
3. A bona fide clearance sale.
4. A final business sale.
5. A sale of the refiner’s motor fuel by a fiduciary or other officer under the direction of any court.

Be sure to complete the survey form in its entirety. Do not take shortcuts by completing only certain portions of the form. All information requested on the survey form is needed. If any portion of the survey form is incomplete, the survey form and the complaint form may be returned to you to supply the missing information.