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Description of document: Weekly status reports sent to the Federal Trade Commission (FTC) from:

- Bureau of Competition (BC) Senior Staff Activities, September 1, 2017
- Bureau of Consumer Protection (BCP) Activity, August 24, 2017
- Bureau of Economics (BE) Weekly Update August 31, 2017

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Office of General Counsel  
Federal Trade Commission  
600 Pennsylvania Avenue, NW  
Washington, DC 20580  
Fax: (202) 326-2477  
[FTC FOIA Online Portal](#)

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UNITED STATES OF AMERICA  
FEDERAL TRADE COMMISSION  
WASHINGTON, D.C. 20580

Via email

SEP 29 2017

Re: FOIA-2017-01416  
Weekly Status Report

This is in response to your request dated September 03, 2017, under the Freedom of Information Act seeking access to the most recent weekly status reports sent to the Commission from BE, BC, and BCP. In accordance with the FOIA and agency policy, we have searched our records as of September 05, 2017, the date we received your request in our FOIA office.

We have located 27 pages of responsive records. I am granting partial access to the accessible records. Portions of these pages fall within one or more of the exemptions to the FOIA's disclosure requirements, as explained below.

Some of the records are exempt from disclosure under FOIA Exemption 3, 5 U.S.C. § 552(b)(3), because they are exempt from disclosure by another statute. Specifically, 15 U.S.C. § 18a(h) exempts any information or documentary material that may have been filed pursuant to the Hart-Scott-Rodino pre-merger notification program.

Some responsive records contain staff analyses, opinions, and recommendations. Those portions are deliberative and pre-decisional and are an integral part of the agency's decision-making process. They are exempt from the FOIA's disclosure requirements by FOIA Exemption 5, 5 U.S.C. § 552(b)(5). *See NLRB v. Sears, Roebuck & Co.*, 421 U.S. 132 (1975).

Some records are exempt from disclosure under FOIA Exemption 7(A), 5 U.S.C. § 552(b)(7)(A), because disclosure of that material could reasonably be expected to interfere with the conduct of the Commission's law enforcement activities. *See Robbins Tire & Rubber Co. v. NLRB*, 437 U.S. 214 (1978).

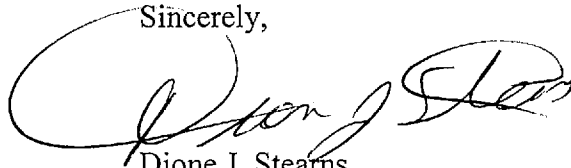
If you are not satisfied with this response to your request, you may appeal by writing to Freedom of Information Act Appeal, Office of the General Counsel, Federal Trade Commission, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580, within 90 days of the date of this letter. Please enclose a copy of your original request and a copy of this response.

You also may seek dispute resolution services from the FTC FOIA Public Liaison Richard Gold via telephone at 202-326-3355 or via e-mail at [rgold@ftc.gov](mailto:rgold@ftc.gov); or from the Office of Government Information Services via email at [ogis@nara.gov](mailto:ogis@nara.gov), via fax at 202-741-5769, or via

mail at Office of Government Information Services (OGIS), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740.

If you have any questions about the way we handled your request or about the FOIA regulations or procedures, please contact Anna Murray at (202) 326-2820.

Sincerely,

A handwritten signature in black ink, appearing to read "Dione J. Stearns". The signature is written in a cursive style with a large, looping initial "D".

Dione J. Stearns  
Assistant General Counsel

Att: 23 pages



UNITED STATES OF AMERICA  
**FEDERAL TRADE COMMISSION**  
WASHINGTON, D.C. 20580

Office of the Director  
Bureau of Competition

**TO:** Acting Chairman Ohlhausen  
Commissioner McSweeney

**CC:** Senior Staff

**FROM:** D. Bruce Hoffman  
Acting Director

**SUBJECT:** Activities for the Week Ending September 1, 2017

The following matters have been forwarded to the Commission recently or may be forwarded in the near future:

(b)(3):HSR,(b)(7)(A)

(b)(3):HSR,(b)(7)(A)

III. Potential second requests:

None.

IV. Significant matters where the parties have delayed filing to work with staff:

None.

Summary of Pending Full-Phase Matters

A. Mergers I

(b)(3):HSR,(b)(7)(A)

6. Mars/VCA:

- a. *Nature of Matter:* Investigation into merger of veterinary clinic operators
- b. *Current Status:* Public comment period

(b)(3):HSR

**D. Mergers IV**

**1. MSHA/Wellmont:**

- a. *Nature of Matter:* Investigation into merger of two healthcare systems
- b. *Current Status:* Request for authorization to provide oral and written comments at Tennessee DOH public hearing approved
- c. *Key Dates:*
  - 8/14/15 – Compulsory process authorized
  - 6/7/16 – Tennessee Department of Health Public Hearing
  - 9/30/16 – Staff submitted public comment to Southwest Virginia Health Authority and Virginia Department of Health
  - 10/3/16 – Southwest Virginia Health Authority Public Hearing
  - 10/26/16 – FTC staff meeting with SWVHA
  - 11/21/16 – Staff submitted public comment to Tennessee DOH
  - 1/6/17 – Staff submitted supplemental public comment to Tennessee DOH
  - 1/13/17 – Staff submitted supplemental public comment to Virginia DOH
  - 1/13/17 – Tennessee DOH granted applicants’ request to withdraw decision deeming application complete; applicants to make additional submissions
  - 5/22/17 – Tennessee DOH accepted COPA application as complete
  - 7/7/17 – Request for authorization to provide oral and written comments forwarded
  - 7/14/17 - Request for authorization to provide oral and written comments approved
  - 7/18/17 – Tennessee DOH public hearing
  - 9/19/17 – Tennessee DOH decision deadline

**2. Sanford Health/Mid Dakota Clinic:**

- a. *Nature of Matter:* Investigation of hospital/physician merger
- b. *Current Status:* Litigation in D.N.D.
- c. *Key Dates PI Litigation:*
  - 6/22/17 – Complaint filed
  - 7/5/17 – Defendants’ Answers filed
  - 8/3/17 – Preliminary fact witness list due
  - 9/15/17 – Close of fact discovery
  - 9/25/17 – Expert reports due
  - 10/2/17 – PI brief due
  - 10/9/17 – Expert rebuttal reports due
  - 10/16/17 – Def’s Opp’n to PI and final witness list due
  - 10/18/17 – Exhibit list and deposition designations due
  - 10/20/17 – Close of expert discovery
  - 10/23/17 – Reply to PI Opp’n, exhibit list objections, and depo counter-designations due
  - 10/31/17 – Hearing begins
  - 11/10/17 – Proposed FF and COL due
- d. *Key Dates Part III Litigation:*
  - 11/28/17 – Part III hearing begins

E. ACP

1. 1-800-Contacts:

- a. *Nature of Matter:* Investigation into litigation settlement agreements between 1-800-Contacts and several of its competitors limiting online search advertising
- b. *Current Status:* Part 3 litigation
- c. *Key Dates:*
  - 8/8/16 – Part 3 complaint issued
  - 4/11/17 – Part 3 hearing begins

2. (b)(7)(A)

3.

4.

5.

6. Louisiana Real Estate Appraisers Board:

- a. *Nature of Matter:* Investigation of state appraisers board restrictions on appraisers' fees
- b. *Current Status:* Part 3 litigation
- c. *Key Dates:*
  - 5/31/17 – Part 3 complaint issued
  - 7/28/17 – 90 day stay of discovery granted (until 10/26/17)
  - 1/30/18 – Part 3 hearing scheduled to begin



7.

(b)(7)(A)

8.

Qualcomm:

- a. *Nature of Matter:* Investigation into whether Qualcomm has monopolized markets for baseband processors used in cellular phones by breaching its FRAND commitments for standard-essential patents
- b. *Current Status:* Ongoing litigation in N.D. California
- c. *Key Dates:*

(b)(5)

- 1/17/17 – Commission vote to authorize 13(b) action in federal court
- 1/17/17 – Complaint filed in N.D. Cal.
- 4/3/17 – Qualcomm response to Complaint due
- 5/12/17 – Opposition to Qualcomm response due
- 6/2/17 – Qualcomm reply due
- 6/27/17 – MTD denied
- 7/10/17 – Answer filed
- 8/9/17 – Informant’s privilege hearing
- 8/24/17 – Informant’s privilege motion denied
- 3/30/18 – Close of fact discovery
- 4/20/18 – FTC’s expert reports due
- 5/25/18 – Defendant’s expert reports due
- 6/22/18 – FTC’s rebuttal expert reports due
- 7/20/18 – Close of expert discovery
- 8/10/18 – Summary judgment and *Daubert* motions due
- 9/10/18 – Summary judgment and *Daubert* oppositions due
- 9/28/18 – Summary judgment and *Daubert* replies due
- 10/18/18 – Dispositive motions hearing
- 12/13/18 – Final pretrial conference
- 1/4/19 – Trial starts

**F. Healthcare**

1. Abbott Laboratories (AndroGel Sham):

- a. *Nature of Matter:* Litigation over potential sham litigation filed by Abbott and Besins Healthcare against generics Teva and Perrigo regarding proposed generic versions of Abbott's branded drug AndroGel and potentially designed to delay entry of generic AndroGel
- b. *Current status:* Ongoing litigation in E.D. Pa.
- c. *Key Dates:*
  - 9/4/14 – Commissioner vote to file complaint (3-2)
  - 9/8/14 – Staff filed complaint in E.D. PA
  - 2/6/15 – Defendants filed motion for summary judgment
  - 5/6/15 – District Court issued opinion dismissing Count II of the complaint
  - 7/21/15 – FTC filed motion for reconsideration
  - 7/31/15 – Defendants filed response to motion for reconsideration
  - 8/25/15 – District Court issued opinion denying motion for reconsideration
  - 6/30/16 – Motions to compel due
  - 7/22/16 – Reply briefs due
  - 9/8/16 – Status conference
  - 11/15/16 – Fact depositions complete
  - 12/15/16 – FTC expert reports due
  - 1/31/17 – Defendants expert reports due
  - 3/1/17 – FTC rebuttal reports due
  - 5/1/17 – Expert depositions complete
  - 6/5/17 – Defendants SJ motion due and FTC cross SJ motions due
  - 7/10/17 – Summary judgment response briefs due
  - 7/26/17 – Summary judgment reply briefs due
  - 8/22/17 – Oral argument on summary judgment motions

2. Actavis (AndroGel):

- a. *Nature of Matter:* Pay-for delay investigation related to AndroGel
- b. *Current Status:* Pending at N.D. of Georgia
- c. *Key Dates:*
  - 4/9/09 – Transferred to N.D. of Georgia
  - 5/28/09 – Amended complaint filed
  - 2/22/10 – Motion to dismiss granted
  - 4/25/12 – 11th Circuit affirmed
  - 12/7/12 – Supreme Court granted *certiorari*
  - 6/17/13 – Supreme Court reversed 11<sup>th</sup> Circuit
  - 9/9/13 – 11th Circuit vacated district court decision and remanded to N.D. Ga.
  - 3/13/15 – FTC response to motion to compel production of documents regarding Commission pharmaceutical studies and reports due
  - 5/6/15 – Oral argument on motion to compel FTC to produce documents regarding Commission pharmaceutical studies and reports
  - 6/23/16 – Fact discovery closes
  - 8/19/16 – FTC expert reports due

- 1/31/17 – Status conference for all parties
- 5/8/17 – FTC expert reply reports due
- 7/14/17 – Expert discovery closes
- 8/18/17 – Summary judgment briefs due
- 10/31/17 – Summary judgment oppositions due
- 12/18/17 – Summary judgment replies due
- 4/9/18 – Class certification briefing complete

3. Allergan plc et al.:

- Nature of Matter:* Litigation involving no-AG settlement for Lidoderm
- Current Status:* Litigation in N.D. Ca.
- Key Dates:*
  - 1/19/17 – Complaint filed
  - 2/15/17 – Initial case management statement due
  - 2/21/17 – Status conference
  - 2/28/17 – FTC brief in opposition to proposed stay
  - 3/7/17 – Defendants’ response to FTC brief in opposition to proposed stay
  - 4/5/17 – District Court stays suit pending challenge in E.D. Pa.
  - 4/11/17 – FTC motion for clarification regarding order granting stay filed
  - 4/19/17 – District Court denies FTC motion for clarification

4. Boehringer/Barr:

- Nature of Matter:* Investigation of patent settlements and related agreements with a generic manufacturer concerning two branded drugs
- Current Status:* Privilege issue on appeal in D.C. Cir.
- Key Dates:*

(b)(5)

- 10/14/14 – D.C. Circuit oral argument
- 2/20/15 – D.C. Circuit issued subpoena enforcement opinion affirming in part and vacating and remanding in part to district court
- 4/17/15 – D.C. Circuit issued Order requiring FTC to respond to petition for rehearing en banc
- 6/4/15 – D.C. Circuit denied motions for rehearing en banc
- 8/12/15 – Status conference
- 9/17/15 – Status conference
- 10/3/15 – Boehringer filed cert. petition to the Supreme Court
- 1/19/16 – Supreme Court rejects cert. petition
- 7/12/16 – D.C. District Court issued show cause order re: Boehringer’s apparent waiver of attorney-client privilege
- 7/22/16 – Boehringer brief re: privilege waiver due
- 7/29/16 – FTC response brief re: privilege waiver due
- 9/27/16 – Magistrate issued order requiring Boehringer to produce docs withheld on claims of work-product
- 11/30/16 – Notice of appeal and cross-appeal filed by FTC and Boehringer

- 1/4/17 – Appellant docketing statement due, certificate as to parties due, statement of issues due, underlying decision due, procedural motions due
- 1/19/17 – Appellant dispositive motions due
- 3/15/17 – D.C. District Court denied Boehringer’s motion for stay production of privileged documents pending appeal
- 3/22/17 – Boehringer motion re: stay in D.C. Circuit due
- 5/26/17 – Appellee’s and Cross-Appellant’s brief due
- 7/17/17 – Appellant’s reply and Cross-Appellee’s brief due
- 7/31/17 – Cross-Appellant’s reply brief due
- 8/7/17 – Deferred appendix due
- 8/21/17 – Final briefs due

5. Endo Pharmaceuticals Inc. (Opana ER and Lidoderm):

a. *Nature of Matter:* Investigation of Endo Pharmaceuticals for its course of conduct to prevent generic competition for its branded drug products, Opana ER and Lidoderm, as well as of Impax and Actavis as the respective generic parties to the reverse-payment settlements concerning those drugs

b. *Current Status:* Ongoing litigation

c. *Key Dates:*

(b)(5)

- 3/29/16 – Motion to file 13(b) complaint against Endo, Impax and Actavis approved and settlement with Teikoku approved
- 3/30/16 – Complaint filed in E.D. Pa.
- 4/7/16 – Judge approved stipulated order with Teikoku
- 6/23/16 – Motion to Sever filed
- 7/12/16 – Motions to Dismiss filed (lack of jurisdiction and 12(b)6)
- 7/15/16 – FTC filed Opposition to Motion to Sever
- 8/15/16 – Joint stipulation or proposals due re: protective order
- 9/2/16 – FTC response to Motions to Dismiss due
- 10/20/16 – Defendants’ Motion to Sever granted
- 10/25/16 – FTC voluntarily withdraws
- 10/26/16 – Complaint for Declaratory Judgment filed

(b)(5)

- 1/27/17 – Impax motion for fees and costs
- 3/2/17 – FTC motion to dismiss filed
- 3/10/17 – FTC response to Impax motion for fees and costs due
- 3/16/17 – Plaintiff’s motion to dismiss response due
- 3/23/17 – FTC’s motion to dismiss reply due
- 3/30/17 – Plaintiff’s motion to dismiss sur-reply due

d. *Key Dates in Declaratory Judgment Action:*

- 12/30/16 – FTC motion to dismiss filing due
- 1/13/17 – Plaintiffs’ motion to dismiss response due
- 1/20/17 – FTC motion to dismiss response due

- 1/27/17 – Plaintiffs’ motion to dismiss sur-reply due
- 2/1/17 – Allergan Finance DJ consolidated with other Lidoderm action
- 5/9/17 – Plaintiffs’ motion for entry of declaratory judgment due
- 5/23/17 – FTC’s motion re declaratory judgment due
- 5/31/17 – Plaintiffs’ motion re declaratory judgment response due
- 6/7/17 – FTC’s motion re declaratory judgment sur-reply due

6. Impax Laboratories, Inc.:

- a. *Nature of Matter:* Litigation involving no-AG settlement for Opana
- b. *Current Status:* Part III litigation
- c. *Key Dates:*
  - 1/19/17 – Complaint filed
  - 10/24/17 – Hearing begins at 10 a.m.

7.

(b)(7)(A)

8.

9.

10. ViroPharma (Vancocin):

- a. *Nature of Matter:* Litigation regarding the use of meritless citizen petitions and lawsuits to delay or prevent the entry of generic Vancocin
- b. *Current Status:* Litigation D. Delaware
- c. *Key Dates:*

(b)(5)

(b)(5)

- 2/7/17 – Complaint filed in D. Delaware
- 4/10/17 – Parties motion to dismiss filed
- 5/25/17 – Opposition to motion to dismiss due

**G. Compliance**

(b)(3):HSR,(b)(7)(A)

(b)(7)(A)

(b)(7)(A)

(b)(3):HSR,(b)(7)(A)



## **SPEAKING ENGAGEMENTS**

1. 9/12/17 – D. Bruce Hoffman at Georgetown Global Antitrust Enforcement Symposium, *Merger Enforcement* panel
2. 9/13/17 – D. Bruce Hoffman at Fordham Annual Conference on International Antitrust Law & Policy, *Protectionism & National Interest in Merger Enforcement* and *Perspectives on Digital Markets: Platforms, Parity and Pricing in the United States, Europe, and Beyond* panels
3. 9/28/17 – D. Bruce Hoffman at ABA Antitrust Section Merger Practice Workshop, *Debrief Discussion of Morning Sessions* panel
4. 10/17/17 – D. Bruce Hoffman at Annual Meeting of the Association of Corporate Counsel, *Antitrust/Competition Law in Disruptive Industries and Markets* panel
5. 10/26/17 – D. Bruce Hoffman at Big Data and Competition Law, *Approaches to Enforcement Across Europe and Beyond* panel



United States of America  
**FEDERAL TRADE COMMISSION**  
WASHINGTON, D.C. 20580

Office of the Director  
Bureau of Consumer Protection

**TO:** Acting Chairman Maureen K. Ohlhausen  
Commissioner Terrell McSweeney

**FROM:** Tom Pahl, Acting Director

**SUBJECT:** BCP Activity for August 24 – August 31, 2017

Commission Actions	<u>3 Settlements</u> <ul style="list-style-type: none"><li>• John Fowler – 13(b) settlement (spam and dietary supplements)</li><li>• TaxSlayer LLC – administrative settlement (data security)</li><li>• Telestar Consulting, Inc. – 13(b) settlement (unordered merchandise)</li></ul>
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(b)(7)(A)

## **Enforcement**

**TRO Issued in Phantom Debt Collection Case.** On August 24, the U.S. District Court for the Western District of North Carolina granted the Commission's request for an *ex parte* TRO in *FTC v. Lombardo, Daniels & Moss, LLC, et al.* In addition to injunctive relief halting the defendants' deceptive and abusive collection practices, the Court froze the defendants' assets, appointed a receiver over the corporate defendants, and granted the FTC immediate access to the defendants' business premises. The complaint alleges that defendants operate a pernicious debt collection scheme that uses unlawful threats and deception to harass consumers into paying debts they do not actually owe. DFP is handling the matter.

**PI Granted Against Deceptive Negative Option Marketers.** Judge Gordon in the District of Nevada granted the Commission's motion for a preliminary injunction in the *Revmountain* case, maintaining the asset freeze and receivership. The Commission filed the matter alleging the defendants deceived consumers with hidden negative option offers. The court granted an *ex parte* TRO on July 25, 2017, and allowed the parties to extensively brief both legal and factual issues. The corroborating evidence found during the immediate access significantly bolstered the Commission's positions, and after hearing argument on Tuesday, the Court ruled in the Commission's favor. Enforcement is handling the matter.

## **Outreach**

**Consumer Education for Older Adults.** On August 29 and 30, DCBE exhibited at the Home and Community Based Services (HCBS) Conference in Baltimore, Maryland. They distributed "Pass it on" and identity theft materials to hundreds of advocates for older Americans.

**NWR Warns Against Frauds and Identity Theft.** NWR regional director Chuck Harwood spoke at an AARP-sponsored scam jam in Billings, Montana on August 30 that was attended by over 300 consumers. Also speaking were Montana AG Tim Fox and representatives from Montana state and federal law enforcement, consumer protection, and financial regulatory agencies and organizations. Chuck spoke about identity theft and imposters, and also reminded attendees to give wisely when responding to Hurricane Harvey appeals. Following the scam jam, Chuck spoke at a financial fraud seminar, also in Billings, attended by about 50 Montana law enforcement officers and bank security representatives.

## **Selected Speeches**

**September 7, 2017. Military Consumer Common Ground Conference.** I will discuss fraud targeted at military consumers.

**September 7-8, 2017. Asia Forum on Consumer Policy.** BCP Chief of Staff Kathleen Benway will discuss U.S. consumer protection trends.

**September 12, 2017. Debt Collection Symposium.** Acting Deputy Director Reilly Dolan will discuss debt-collection enforcement.

**September 13, 2017. Food and Drug Law Institute Conference.** DAP Assistant Director Rich Cleland will discuss claim substantiation.

**September 14, 2017. National Cybersecurity Alliance (House Cybersecurity Caucus).** I will discuss cybersecurity.

**September 14, 2017. Call for Action.** I will discuss data security and unwanted calls.

**September 18, 2017. Ibero-American Consumer Forum.** I will discuss consumer protection priorities.

**September 18, 2017. PACE Conference.** DMP Associate Director Lois Greisman will discuss the FTC's telemarketing priorities.

**September 20, 2017. BBB/AARP Scam Jam.** MWR Assistant Director Jason Adler will discuss scams affecting seniors.

**September 21, 2017. Identity Theft and Financial Crimes Summit.** MWR Director Todd Kossow will discuss identity theft and common financial frauds.

**September 26, 2017. National Independent Automobile Dealers Association.** I will discuss the Commission's enforcement priorities.

**September 26, 2017. Food and Drug Law Institute Conference.** DAP Assistant Director Rich Cleland will discuss social media and native advertising.

**October 2, 2017. NY Better Business Bureau.** I will discuss advertising law.

**October 5, 2017. Privacy and Security Forum.** I will discuss privacy and security enforcement.

**October 12, 2017. National Creditors Association.** I will discuss debt-collection enforcement.

**October 16, 2017. Association of Corporate Counsel.** I will discuss ethics, codes of conduct, and internal investigations.

**October 16, 2017. Call Center Week Conference.** SWR Director Dama Brown will discuss about cybersecurity, protecting sensitive consumer data, and brand reputation.

**October 17, 2017. Transatlantic Consumer Dialogue.** I will discuss consumer privacy.

**October 23, 2017. NAAG.** DAP Associate Director Mary Engle will discuss consumer reviews and gag clauses.

**November 8, 2017. Word of Mouth Marketing Association (WOMMA).** I will discuss consumer protection priorities.

**November 14, 2017. ANA Marketing Law Conference.** DAP Associate Director Mary Engle will discuss influencer marketing.

**November 14, 2017. ANA Marketing Law Conference.** I will discuss marketing law.

**November 14, 2017. Dietary Supplements Regulatory Strategy Conference.** DAP Assistant Director Rich Cleland will discuss claim substantiation.

**November 30, 2017. IoT Tech Expo North America 2017.** Deputy Director Daniel Kaufman will discuss privacy and data security.



UNITED STATES OF AMERICA  
Federal Trade Commission  
WASHINGTON, D.C. 20580

Office of the Director  
Bureau of Economics

## MEMORANDUM

August 31, 2017

**To:** Commission  
**CC:** Senior Staff  
**From:** Michael Vita  
Acting Director  
**Subject:** BE Weekly Update

### I. ANTITRUST

#### A. Commission Matters

The following matters have been forwarded to the Commission recently or may be forwarded in the near future:

1. *Matters that require action in the next 5-7 business days:*
2. *Other matters at the Commission include:*
3. *Matters that will be forwarded to the Commission shortly:*

(b)(7)(A)

(b)(7)(A)

**B. Papers, Talks and Conferences**

*Mike Vita*. Panlist on “Current Trends in Merger Enforcement Policy,” Fordham Economics Workshop, September 13.

*Art Buono*, will give an internal presentation on finance/accounting presentation to Mergers II, September 13.

*Tom Koch and Shawn Ulrick* had their working paper “Price Effects of a Merger: Evidence from a Physicians’ Market” accepted for publication in *Social Science Research Network (SSRN)* website.

**C. BE Experts**

(b)(7)(A)

**D. Gas Price Monitoring Project**

The monitoring results show the national average retail gasoline price increased 3 cents per gallon over the past week to \$2.40. The national average diesel price increased 1 cent per gallon to \$2.58 per gallon. The price effects of Hurricane Harvey are just beginning to be reflected in these product prices (see attached graph). Currently, futures prices predict another 10 cent per gallon increase in gasoline prices, while spot prices suggest a somewhat larger effect (20-30 cents). The higher prices will mainly affect the East and Gulf Coasts. Current information on refinery and pipeline outages, as well as inventory levels, suggest that the price effects of Harvey will be significantly less than the effects of Katrina and Rita in 2005.

The price of WTI decreased two dollars a barrel to \$46 per barrel. The price of Brent crude oil was unchanged at \$52 per barrel.

Refining margins, measured by the 3-2-1 Crack Spread, increased over last week for reformulated and conventional gasoline. Both conventional and reformulated gasoline margins are a few cents above the average spring/summer level. (see attached graph)

## **II. CONSUMER PROTECTION**

### **A. Commission Matters**

### **B. Papers, Talks and Conferences**

*Matt Jones.* "Consumer Injury and Time Costs," internal seminar with BCP attorney Katie Worthman, September 12.

## **III. ADVOCACY AND INTERNATIONAL**

### **A. Advocacy**

### **B. International**

*India.* Arindam Ghosh has begun a three-week antitrust technical assistance mission to the Competition Commission of India this week.

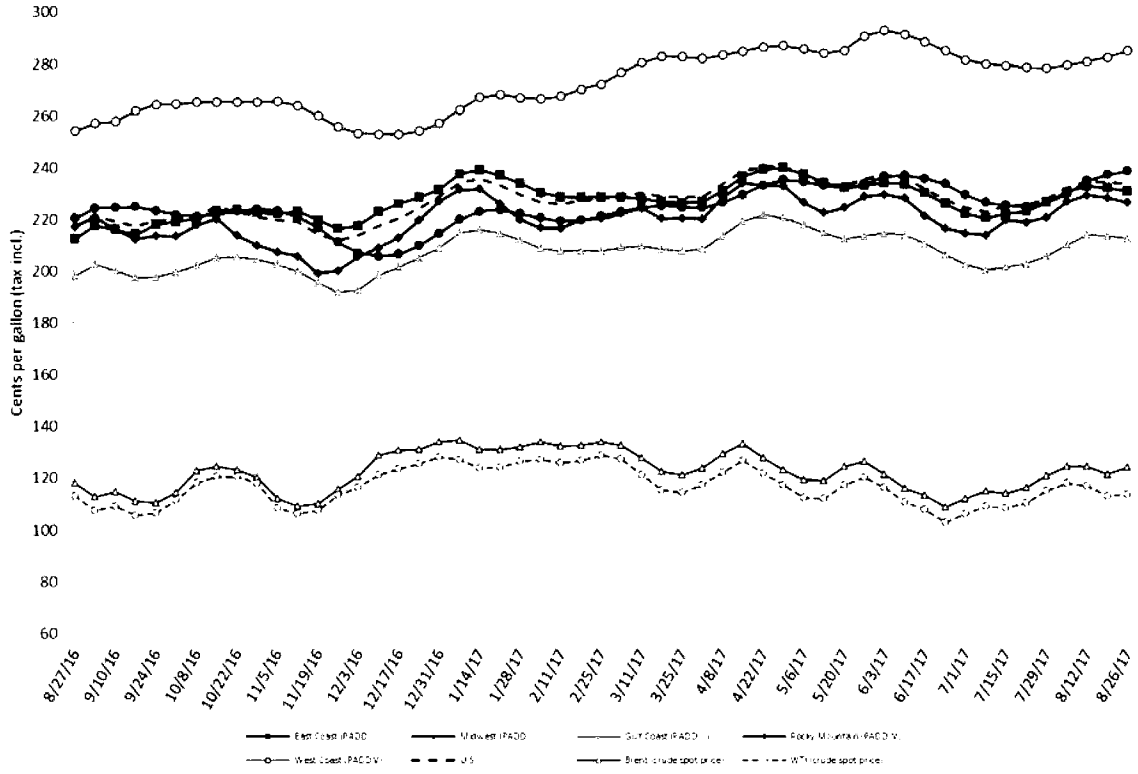
*Philippines.* Joel Schrag is preparing for a competition technical assistance mission to the Philippine Competition Commission, September 4-7.

*Croatia.* Nathan Wilson will participate in a two-day workshop on antitrust enforcement in Eastern Europe, September 11-12.



# Annex

## Retail Gasoline Prices by PADD, and Crude Oil Prices August 26, 2017 (53 Weeks)



# Weekly 3-2-1 Crack Spreads

Gulf Coast Spot Prices minus North Sea Brent Crude Oil Price  
August 26, 2017 (53 Weeks)

