Freightliner because: (1) Freightliner dealers are sophisticated business persons; (2) prospective dealers and their advisors have more than adequate time to review the dealer agreement and other information before executing a dealer contract; (3) given their levels of experience and sophistication, prospective dealers will be well-acquainted with the truck industry and all relevant facts about the dealership; and (4) automobile dealer associations have supported, or not opposed, previous exemption petitions.

In August 1979, the staff of the Commission issued an ''informal staff advisory opinion'' under Section 1.1(b) of its Rules of Practice, 16 C.F.R. § 1.1(b), stating the staff's conclusion that ''in accordance with the facts represented by Freightliner in its request for an advisory opinion,'' ''dealerships sold by Freightliner * * * would be exempt from the rule for lack of the required payment mandated by Section 436.2(a)(2) of the Franchise Rule, 16 CFR § 436.2(a)(2).''[1] A staff advisory opinion is not binding on the Commission, but a decision to grant the Petitioner's current request effectively would continue to excuse Freightliner from compliance with the Franchise Rule, albeit by exemption rather than by a determination that the Rule by its terms does not apply.

Freightliner now requests an exemption from the Rule. It argues that recent changes in its business practices, in particular, its current requirement that dealers purchase for operation of their businesses certain computerized software priced over $500.00, have brought the company within the scope of the Rule. *See* Letter to Donald S. Clark, Secretary of the Commission, dated January 18, 1996, from William L. Monts III, counsel to Petitioner. A complete presentation of the arguments submitted by Petitioner appears in the petition as supplemented by the letter to Mr. Clark from Mr. Monts. Both the petition and the supplemental letter may be obtained from the FTC Public Reference Branch, Room 130, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580, during regular business hours.

In assessing the present exemption request, the Commission solicits comments on all issues germane to the proceeding, including the following: (1) Is there any evidence indicating that Petitioner may engage in unfair or deceptive acts or practices in the offer and sale of truck franchises? (2) If not, is it in the public interest to exempt it from coverage under the Franchise Rule?

Interested parties may submit written data, views or arguments on any issues of fact, law or policy that may bear on the requested exemption, whether or not these issues have been raised by the petition or this notice. Comments may be submitted within sixty days of the date of this notice and should be addressed to the Secretary of the Commission, 6th Street and Pennsylvania Avenue, NW., Washington, DC 20580. Comments should be marked ''Freightliner Franchise Rule Exemption Comment,'' and two copies should be submitted.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 96–9275 Filed 4–12–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Bus. Fran. Guide (CCH) ¶ 6389 at 9561 (Aug. 27, 1979). *See also* 16 CFR § 436.2(a)(3)(iii), exempting from consideration as ''required payments'' payments under § 436.2(a)(2) within the first fix months after the commencement of operation of the franchisee's business totalling less than $500.00.

[Docket No. C–3634]

Phillips Petroleum Company, et al.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order requires, among other things, Phillips Petroleum Company, an Oklahoma-based corporation, to modify the acquisition agreement so that 830 specified miles of pipe and related gas gathering assets within the Panhandle counties are not included in the sale of Enron assets to Phillips. The consent order also requires Phillips, for 10 years, to notify the Commission before it acquires more than five miles of gas gathering pipeline located within the Panhandle counties from any one person during any 18-month period; and requires Enron, for 10 years, to notify the Commission before it can sell any of the 830 miles of pipeline assets excluded from the challenged deal to Phillips or to Maxus Energy Corporation.

DATES: Complaint and Order issued December 28, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Ronald Rowe, FTC/S–2602, Washington, DC 20580, (202) 326–2105.

SUPPLEMENTARY INFORMATION: On Tuesday, September 12, 1995, there was published in the Federal Register, 60 FR 47376, a proposed consent agreement with analysis in the Matter of Phillips Petroleum Company, et al., for the purpose of soliciting public comment. Interested parties were given sixty (60) days in which to submit comments, suggestions or objections regarding the proposed form of the order.

Comments were filed and considered by the Commission. The Commission has ordered the issuance of the complaint in the form contemplated by the agreement, made its jurisdictional findings and entered a slightly modified order in disposition of this proceeding.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 7, 38 Stat. 731, as amended; 15 U.S.C. 45, 18)

Donald S. Clark,

Secretary.

[FR Doc. 96–9276 Filed 4–12–96; 8:45 am]

BILLING CODE 6750–01–M

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street and Pennsylvania Avenue NW., Washington, DC 20580.

[Dkt. C–3625]

Port Washington Real Estate Board, Inc.; Prohibited Trade Practices, and Affirmative Corrective Actions

AGENCY: Federal Trade Commission.

ACTION: Consent order.

SUMMARY: In settlement of alleged violations of federal law prohibiting unfair acts and practices and unfair methods of competition, this consent order prohibits, among other things, a New York brokerage service from restricting the use of exclusive agency listings, fixing commission splits between listing and selling brokers, restricting or prohibiting members from holding open houses or using ''For Sale'' signs, restricting brokers from advertising free services to property owners, and excluding from membership brokers who do not operate a full-time office in the territory served by the Board's multiple listing service.

DATES: Complaint and Order issued November 6, 1995.[1]

FOR FURTHER INFORMATION CONTACT: Michael Bloom or Alan Loughnan, New York Regional Office, Federal Trade Commission, 150 William St., 13th Floor, New York, N.Y. 10038. (212) 264–1207.

SUPPLEMENTARY INFORMATION: On Wednesday, July 12, 1995, there was published in the Federal Register, 60 FR 35907, a proposed consent agreement

[1] Copies of the Complaint and the Decision and Order are available from the Commission's Public Reference Branch, H–130, 6th Street & Pennsylvania Avenue, N.W., Washington, D.C. 20580.