

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS: **Deborah Platt Majoras, Chairman**
 Pamela Jones Harbour
 Jon Leibowitz
 William E. Kovacic
 J. Thomas Rosch

In the Matter of)	
)	
Paul L. Foster,)	
an individual,)	
)	
Western Refining, Inc.,)	Docket No. 9323
a corporation,)	
)	
and)	
)	
Giant Industries, Inc.,)	
a corporation.)	

**ORDER RETURNING MATTER TO ADJUDICATION
AND DISMISSING COMPLAINT**

On June 7, 2007, the Secretary issued an Order withdrawing this matter from adjudication pursuant to Rule 3.26(c) of the Commission Rules of Practice, 16 C.F.R. § 3.26(c) (2007) -- and staying all proceedings before the Chief Administrative Law Judge -- in order to permit the Commission to assess the public interest in further litigation, and to allow the Respondents and Complaint Counsel the opportunity to discuss the matter with the Commission. For the reasons discussed in the attached Statement of the Commission, the Commission has now determined to return this matter to adjudication for the sole purpose of dismissing the complaint. Accordingly,

IT IS ORDERED that this matter be, and it hereby is, returned to adjudication; and

IT IS FURTHER ORDERED that the complaint in this matter be, and it hereby is, dismissed.

By the Commission, Commissioner Harbour and Commissioner Rosch dissenting.

SEAL:
ISSUED: October 2, 2007

Donald S. Clark
Secretary