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<sup>1</sup> 16 CFR Part 436.

before the July 1, 2008, final compliance deadline.<sup>6</sup>

Between 2007 and 2011, the annual average value of the Consumer Price Index for all urban consumers and all items increased by 8.49 percent—from an index value of 207.342 to a value of 224.939.<sup>7</sup> Applying the percentage increase to the three monetary thresholds increases the thresholds as follows:

Table with 3 columns: Exemption, Original threshold, Adjusted threshold. Rows include Minimum Payment, Large franchisee, and Large franchisee ...

Because the calculation of these thresholds is purely ministerial in nature and implements the Rule’s mandatory adjustment mechanism, these adjustments are exempt from the rulemaking procedures specified in section 18 of the FTC Act.<sup>9</sup> In addition, the Commission has determined that notice and comment are unnecessary under the Administrative Procedure Act (APA) for the same reason. The Commission, therefore, has omitted notice and comment for good cause as provided by section 553(b)(B) of the APA.<sup>10</sup> For this reason, the requirements of the Regulatory Flexibility Act also do not apply.

Accordingly, the adjusted thresholds will take effect on July 1, 2012.

Advertising, Business and industry, Franchising, Trade practices.

Rule Amendments

For the reasons set out in the preamble of this document, the Federal 436

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6 72 FR 15444 (Mar. 30, 2007).
7 Consumer Price Index, All Urban Consumers (“CPI-U”), ...
8 The Commission has rounded this figure from \$542.45 to \$540 for compliance clarity and simplicity.
9 15 U.S.C. 57a(d)(2)(B); 16 CFR 1.15(b) (providing that non-substantive amendments to trade regulation rules are exempt from the rulemaking procedures of Section 18 of the FTC Act).
10 5 U.S.C. 553(b)(B) (providing that “good cause” exists to forego notice and comment when public comment is unnecessary).
11 5 U.S.C. 603 and 604 (no regulatory flexibility analyses required where the APA does not require public comment).