Analysis to Aid Public Comment
In the Matter of Oregon Lithoprint Inc.,
File No. 161-0230

The Federal Trade Commission ("Commission") has accepted, subject to final approval, an agreement containing consent order ("Consent Agreement") from Oregon Lithoprint Inc. ("OLI"). The Commission's Complaint alleges that OLI violated Section 5 of the Federal Trade Commission Act, as amended, 15 U.S.C. § 45, by inviting a competitor in the publication of foreclosure notices to divide clients by geographic market.

Under the terms of the proposed Consent Agreement, OLI is required to cease and desist from communicating with its competitors about the placement of foreclosure notices. It is also barred from entering into, participating in, inviting, or soliciting an agreement with any competitor to divide markets or to allocate customers.

The Consent Agreement has been placed on the public record for 30 days for receipt of comments from interested members of the public. Comments received during this period will become part of the public record. After 30 days, the Commission will review the Consent Agreement again and the comments received, and will decide whether it should withdraw from the Consent Agreement or make final the accompanying Decision and Order ("Proposed Order").

The purpose of this Analysis to Aid Public Comment is to invite and facilitate public comment. It is not intended to constitute an official interpretation of the proposed Consent Agreement and the accompanying Proposed Order or in any way to modify their terms.

I. The Complaint

The allegations of the Complaint are summarized below:

OLI owns the *News-Register*, a twice-weekly community newspaper based in Yamhill, Oregon. Among other things, the *News-Register* charges clients to publish a type of legal notice known as a foreclosure notice. Under Oregon law, parties foreclosing on real property must place a notice of foreclosure in a qualifying newspaper in the county within which the property is located.

The *News-Register*'s only competitor in Yamhill County is ***The Newberg Graphic***, a weekly community newspaper. ***The Newberg Graphic*** also publishes foreclosure notices, and it charges considerably less than the *News-Register* for the service. The *News-Register* has more subscribers and a wider circulation within Yamhill County than ***The Newberg Graphic***.

In August 2016, the publisher of the *News-Register* learned that a client intended to place foreclosure notices only in ***The Newberg Graphic*** from that point on because ***The Newberg Graphic*** was less expensive than the *News-Register*. In response, on August 29, 2016, the publisher emailed a manager at the parent company of ***The Newberg Graphic*** and explained the publisher’s view that, under state law,

presumptively anticompetitive).[5] Accordingly, an invitation to collude can be condemned under Section 5 without a showing that the respondent possesses market power.[6]

Sections III-VI of the Proposed Order impose certain standard reporting and compliance requirements on OLI.

The Proposed Order will expire in 10 years.