

## **Antitrust Do's and Don'ts for Meetings Conducted under the Auspices of the Power Transmission Distributors Association**

Revised March 2012

It is PTDA's policy to comply strictly with the letter and spirit of all applicable federal and state antitrust laws. Association officers, directors, members, staff and meeting attendees must have a basic understanding of the federal antitrust laws and how they apply to their activities. If they don't, the possibility of subjecting themselves, their company and the Association to an antitrust investigation and prosecution is increased.

### **Areas of Special Concern**

The following is a list of subjects which should not be discussed or be the subject of any type of agreement, whether formal or informal, express or implied, among members, between members and the association, or solely by the association:

- Prices to be charged to customers or by suppliers
- Methods by which prices are determined
- Division or allocation of markets or customers
- Coordination of bids or requests for bids
- Terms and conditions of sale, including, for example, credit or discount terms, return policies, etc.
- Profit levels
- Production of products and especially the levels or schedules of production
- Distribution methods or channels of distribution
- Hindering the ability of nonmembers to compete

### **REMEMBER: DISCUSSIONS AT DINNER OR THE BAR FOLLOWING A MEETING RELATING TO THESE TOPICS ARE ALSO PROHIBITED!**

The following conduct should not occur or be the subject of an agreement among competitors:

- Any action that could raise, fix or stabilize prices
- Boycott of or refusal to deal with a customer or supplier or allocation of markets or customers
- Compilation of approved lists of customers or suppliers
- Dissemination of information relating to sales policies of specific customers or manufacturers

Criminal violations of the antitrust laws can subject a corporation to a fine of twice the amount of the gain, twice the amount of the loss, or \$10 million, whichever is greater. An individual is subject to a maximum of three years in prison or a \$350,000 fine, or both. In both cases, time and money may be spent in defending antitrust investigations and litigation.

**Complete information is available on these and other subjects from Howe and Hutton, Ltd., PTDA's legal counsel.**