

**STATE OF MINNESOTA
COMMISSIONER OF COMMERCE**

In the Matter of the Gasoline Sales Practices
of Speedway SuperAmerica, LLC

CONSENT ORDER

TO: Mr. David Aafedt
Winthrop & Weinstine
225 South Sixth Street, Suite 3500
Minneapolis, MN 55402-4629

Commissioner of Commerce Glenn Wilson (hereinafter "Commissioner") has determined as follows:

1. The Commissioner has advised Speedway SuperAmerica, LLC (hereinafter "Respondent") that he is prepared to commence formal action pursuant to Minn. Stat. §§ 45.027, subd. 5 (2004) and §325D.71 (2004), against Respondent based on allegations that Respondent, at 9720 Central Avenue NE, Blaine, Minnesota, during the months of September 2004 through April 2005 engaged in the continuing offer and sale of gasoline by way of posted price or indicating meter that was below the minimum allowable price, in violation of Minn. Stat. §325D.04 (2004) even after Respondent was informed by the Weights and Measures Division of the Minnesota Commerce Department that its gasoline prices were below the minimum allowable price.
2. Respondent has cooperated in this matter and agrees to continue to do so in the future.

3. Respondent acknowledges that it has been advised of its rights to a hearing in this matter, to present argument to the Commissioner and to appeal from any adverse determination after a hearing, and Respondent hereby expressly waives those rights. Respondent further acknowledges that it has been represented by legal counsel throughout these proceedings, or has been advised of its right to be represented by legal counsel which right it hereby waives.

4. Respondent has agreed to informal disposition of this matter without a hearing as provided under Minn. Stat. § 14.59 (2004) and Minn. R. 1400.5900 (2000), and without acknowledging that the alleged violations have occurred.

5. The following Order is in the public interest.

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Minn. Stat. § 45.027, subd. 6 (2004) that Respondent shall pay to the State of Minnesota a civil penalty of \$1,000.


This Order shall be effective upon signature on behalf of the Commissioner.

Dated: _____

7/14/06

GLENN WILSON
Commissioner

By: _____


PATRICK L. NELSON
Deputy Commissioner
Market Assurance Division

85 Seventh Place East, Suite 500
Saint Paul, Minnesota 55101
Telephone: (651)296-2488

CONSENT TO ENTRY OF ORDER

The undersigned, acting on behalf of Speedway SuperAmerica, LLC, (hereinafter known as "Respondent") states that Respondent has read the foregoing Consent Order; that Respondent knows and fully understands its contents and effect; that Respondent is authorized to execute this Consent to Entry of Order on behalf of Respondent; that Respondent has been advised of Respondent's right to a hearing; that Respondent has been represented by legal counsel in this matter; or that Respondent has been advised of Respondent's right to be represented by legal counsel and that Respondent has waived this right; and that Respondent consents to entry of this Order by the Commissioner of Commerce. It is further expressly understood that this Order constitutes the entire settlement agreement between the parties hereto, there being no other promises or agreements, either express or implied.

Respondent

By: David J. Kratz
On behalf of Speedway SuperAmerica, LLC

Its: David J. Kratz
(Signature and Title of Authorized Representative)

STATE OF OHIOCOUNTY OF Clark

Director - High Product Marketing

This instrument was acknowledged before me this 2nd day of June, 2004, by

David J. Kratz

(stamp)

Natalie A. Webster
(Signature of notary officer)

My commission expires: _____

NATALIE A. WEBSTER, Notary Public

In and for the State of Ohio

My Commission Expires March 28, 2007